



Report to Strategic Planning Committee

Application Number:	CM/0036/21
Proposal:	Mineral extraction and provision of access to facilitate the development of the Colne Valley Services and associated works proposed under planning application ref (PL/20/4332/OA).
Site Location:	Land Adjacent To M25 Between Junctions 15 & 16 Iver Heath Buckinghamshire
Applicant:	Colne Valley Motorway Service Area Limited
Case Officer:	James Suter
Ward(s) affected:	Iver
Parish-Town Council:	Iver Parish Council
Date valid application received:	06/08/2022
Statutory determination date:	26/11/2022
Recommendation:	<p>That the decision be delegated to the Director of Planning and Environment for APPROVAL subject to:</p> <ul style="list-style-type: none">a) The granting of satisfactory consent by the Secretary of State pursuant to the Green Belt (London and Home Counties) Act 1938 (as amended). The application shall be referred back to the Strategic Sites Committee in the event that:<ul style="list-style-type: none">i. there has been no decision to approve any Green Belt (London and Home Counties) Act 1938 (as amended) consent application within 4 months of the date of this resolution; orii. there has been no confirmation, within 4 months of the date of this resolution, that consent has been sought from the Secretary of State for any necessary alienation of Buckinghamshire Council's interest in the land or for the land to be released from all of the

restrictions contained in the Green Belt (London and Home Counties) Act 1938 (as amended); or

- iii. within 4 months of the date of this resolution, new material considerations are considered to have arisen pursuant to the application for Green Belt (London and Home Counties) Act 1938 (as amended) consent to the Secretary of State, or any decision on the application, or otherwise, that requires reconsideration of the resolution to approve by the Strategic Sites Committee; and
- b) The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing (by way of obligations requiring a further Agreement under s106 Town & Country Planning Act 1990) planning obligations broadly in accordance with the details set out in the main body of the report (and any update sheet); and
- c) The imposition of planning conditions broadly in accordance with the details set out in the report (and any update sheet) as considered appropriate by the Director of Planning and Environment;

Or, if these cannot be achieved, for the application to be refused for such reasons as the Director of Planning and Environment considers appropriate.

In the event of any changes being needed to the wording of this resolution (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Director of Planning and Environment has delegated authority to do so in consultation with the Chairman, provided that the changes do not exceed the substantive nature of the Strategic Sites Committee's resolution.

1. Summary & Recommendation

Introduction

- 1.0 Full planning permission is sought for the extraction of sand and gravel and the provision of access to facilitate the development of the Colne Valley Services and associated works sought under planning application ref: PL/20/4332/OA (CV MSA).
- 1.1 The proposal includes the extraction of approximately 173,000 tonnes of sand and gravel and the establishment of two slip roads for access onto the M25.
- 1.2 For the avoidance of doubt, this report deals with the application made in respect of the extraction of minerals and the documents relating thereto and not any other application. The application includes the access arrangements to the local road network as shown on drawing JNY10850-07 to be used for the initial establishment of the site. Illustrative plans are provided to show the slip road access to the M25 motorway intended to be used for the movement of material that will leave the application site following the establishment period. Detailed drawings are not included of the access to the M25 motorway at this stage but are proposed to be secured by condition.
- 1.3 The applicant advise that the minerals will only be worked as part of the provision of the MSA on the land under the application as made at present and is not a separate or standalone application. Rather, it is a second application made in detail for the mineral removal component of the overall motorway service area delivery project and the CV MSA is to be regarded as a secondary effect.
- 1.4 Officers however recognise that there is a potential, albeit slight chance, that mineral extraction could occur and the motorway service area development not commence. The applicant has therefore provided a “fall back” (no MSA scenario) restoration scheme in response to policy 1 of the Buckinghamshire Minerals and Waste Local Plan which requires that in the event that the non-mineral development is delayed or not implemented that the site is restored to a stable landform and appropriate afteruse.

Reason For Planning Committee Consideration

- 1.5 The application is being brought before committee following the ‘three member call in’ procedure set out in paragraph 3.33 of Constitution for Buckinghamshire Council. The application was requested to be considered by committee by Cllr Matthews, Cllr Sullivan and Cllr Griffin. The councillors objected to the proposal noting amongst other matters impacts on local highways, noise, dust, air quality and HGV disruption.
- 1.6 Members of the Strategic Sites Committee are advised that whilst Buckinghamshire Council has an interest in the land the Council (BC) are the Local Planning Authority

with responsibility for regulating the development of land. Members will be aware of the need to consider planning applications under the legislative framework, (including but not exclusively Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Environmental Impact Assessment) Regulations 2017) in coming to a decision on the proposals, and to only determine the proposals on the basis of the relevant planning issues.

Planning Issues / Summary

- 1.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.8 The application needs to be assessed both in terms of the stand-alone scheme with the “fall back” restoration scheme in place and also as an in combination scheme with the MSA in place as the restoration (secondary effects).
- 1.9 It is considered that the prior extraction of sand and gravel underlying the MSA site is supported by local and national policy. As a standalone scheme, subject to conditions which sufficiently ensure that any forthcoming permission is closely tied to any forthcoming consent for the motorway service area proposed under application ref: PL/20/4332/OA the proposal is considered to meet relevant mineral extraction policies.
- 1.10 As a standalone scheme, the minerals development is regarded as appropriate development in the Green Belt as an individual development. In terms of the secondary effects with the CV MSA in place, the CV MSA report sets out a detailed assessment on the impact of the CV MSA development and is not repeated here. In summary, application ref: PL/20/4332/OA would result in an overall moderate harm to the Green Belt. The CV MSA report concludes “Very Special Circumstances” do exist having regard to the need for an MSA in the stretch of the M25 and other benefits which clearly outweigh the harm to the Green Belt and other harm identified in this report.
- 1.11 As a standalone scheme the proposal would not result in residual harm to designated or non designated heritage assets. With respect to archaeology, it is considered that the proposal would result in harm of a moderate level. In terms of secondary effects, the CV MSA proposal would result in less than substantial harm at the lower end of the spectrum harm to the setting of listed buildings at Mansfield Farmhouse, Barn to the NE of Mansfield Farmhouse, Dovecote and White cottage due to the proposed changes within their setting and low level limited harm to the setting of the non-designated heritage asset and moderate harm non-designated archaeological interest contrary to policy CS8 of the South Bucks District Core Strategy (2011).

- 1.12 As a standalone scheme the proposal would result in moderate negative temporary impacts upon landscape. In terms of secondary effects, the CV MSA proposal would result in localised residual moderate harm to character of the landscape and visual impacts, contrary to Policy CP9 of the South Bucks District Core Strategy (2011), policy EP3 of the South Bucks District Local Plan (1999). Regard has been given to the impact on Colne Valley Regional Park in this landscape assessment. The CV MSA report deals with the Ivers Neighbourhood Plan policy conflict in this regard.
- 1.13 The proposal would result in the loss of a veteran tree and its irreplaceable habitat which would be contrary to BMWLP policy 18 and CS9 of the SBCS in a standalone scenario, however taking into account the need for an MSA as a secondary effect with the MSA in place this loss is clearly outweighed by the benefits and this can be addressed through conditions to sufficiently tie the application to the CV MSA scheme as set out in the report.
- 1.14 The proposal complies with other development plan policies on the main issues in so far as they relate to trees and hedgerows, highways, parking and access, public rights of way, meeting the challenge of climate change , and conserving and enhancing the natural environment (with the exception of landscape in respect of secondary effects with the CV MSA), contamination, air quality, energy, lighting, aviation, and residential amenities. It would pass the flood risk sequential test subject to conditions sufficiently tying the application to the CV MSA scheme as set out in the report and provide for flood mitigation measures.
- 1.15 Overall, on a standalone basis the application accords with the up to date Development Plan. Taking into account the secondary effects with an MSA in place, the CV MSA report concludes that there is a conflict with the Development Plan as a whole and it is therefore necessary to consider whether material considerations indicate a decision otherwise and that report will deal with this issue. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.
- 1.16 The Ivers Neighbourhood Plan 2021 (INP) policies do not form part of the development plan for the purpose of considering this application (Application ref: CM/0036/21) in its own terms (standalone). Nonetheless, to the extent it may be suggested that the INP policies are material considerations, officers consider that there is nothing identified in those policies that would justify reaching a decision otherwise than in accordance with the development plan policies or other policy as assessed in the report relating to the minerals development.
- 1.17 The INP policies form part of the development plan when assessing the related CV MSA development. The detailed assessment of those policies is contained in the CV MSA report and is not repeated here. This is on the basis that the MSA report

considers the secondary effects which appears to include the minerals extraction within them. Since the summary in the CV MSA concludes that there is nothing in those INP policies which would change the conclusion that the wider CV MSA scheme does not accord with the development plan taken as a whole, they have not been considered in detail in this report or in any further detail when assessing the impacts of the minerals scheme in conjunction with the CV MSA.

- 1.18 Turning to other material considerations, there are a number of factors that should be considered.
- 1.19 In considering the secondary effects of the CV MSA in place the proposal would be a prior extraction as part of the overall project to deliver an MSA. The CV MSA report identifies a clear need for an MSA on this part of the M25 and concludes that the proposal would be regarded as an appropriate development to fulfil this need as the preferred site.
- 1.20 The National Planning Policy Framework (NPPF) is a material consideration in determining applications. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining are out-of-date [footnote 8], granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote7]; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 1.21 In considering paragraph 11 of the NPPF, the report identifies where development plan policies are not fully consistent with the NPPF having regard to paragraph 219 of the NPPF. For the reasons set out in the report Core Strategy policies CP8 and CP9 and Local Plan policy GB1 are not fully consistent with the NPPF however moderate weight can still be attached to these policies.
- 1.22 Overall officers consider that the development plan is up to date and paragraph 11d) of the NPPF is not engaged for the reasons given in the overall assessment later in the report.
- 1.23 The report sets out an assessment of the relevant issues against the NPPF having regard to economic, social and environmental objectives in paragraph 8 and the policies set out and is summarised later in this section.
- 1.24 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to trees and hedgerows, parking and access, public rights of way, meeting the challenge of climate change, and conserving and enhancing the natural

environment (with the exception of landscape), contamination, air quality, energy, lighting, aviation, and residential amenities in relation to both the standalone and in combination with the CV MSA. It would pass the flood risk sequential test subject to conditions sufficiently tying the application to the CV MSA scheme as set out in the report, and provide for flood mitigation measures.

- 1.25 In respect of highways, the advice of National Highways and Buckinghamshire Highway Authority is that subject to conditions the proposal does not raise a 'severe' impact on the Strategic Road Network or local roads respectively or unacceptable impact on highway safety having regard to paragraph 111 of the Framework.
- 1.26 As stated above there would be Green Belt harm arising from the secondary effects with the CV MSA in place. The CV MSA report concludes "Very Special Circumstances" do exist having regard to the need for an MSA in the stretch of the M25 and other benefits which clearly outweigh the harm to the Green Belt and other harm identified in this report.
- 1.27 With regards to the historic environment, special regard has been given to the desirability of preserving the setting of nearby listed buildings. Great importance and weight is given to the harm to the heritage assets. In terms of the standalone scenario, the restoration scheme, subject to revisions, would be acceptable to deliver the site back to an appropriate landform in such an eventuality, without residual harm to setting of the designated heritage listed buildings and setting of non-designated heritage assets at Mansfield Lodge. It would result in moderate harm to the non designated archaeological asset to be weighed in the planning balance in accordance with paragraph 203 of the NPPF.
- 1.28 Officers conclude in the CV MSA report that less than substantial harm would result in respect of the secondary effects with the CV MSA in place. In considering paragraphs 202 and 203 of the NPPF in relation to the harm to the setting of designated heritage assets, the CV MSA report concluded that the public benefits arising from the need for an MSA, economic and biodiversity net gain would outweigh this harm to which great weight is given. Low level limited harm to the non designated heritage assets at Mansfield Lodge and moderate harm to the non designated archaeological asset to be weighed in the planning balance in accordance with paragraph 203 of the NPPF.
- 1.29 In relation to irreplaceable habitats, the loss of a veteran tree and its irreplaceable habitat represents harm which fall to be considered under paragraph 180 of the NPPF. The need for an MSA would represent a wholly exceptional reason for this loss in secondary effects and can be the and this can be addressed through conditions to sufficiently tie the application to the CV MSA scheme as set out in the report. Furthermore, the loss would also be mitigated by suitable compensatory tree planting and a biodiversity net gain.

- 1.30 In considering the secondary effects of the CV MSA in place the proposal would be a prior extraction as part of the overall project to deliver an MSA. The CV MSA report considers this and identifies a clear need for an MSA on this part of the M25 and concludes that the proposal would be regarded as an appropriate development to fulfil this need as the preferred site. In terms of benefits, the CV MSA report also identifies a clear need for an MSA on this part of the M25 and economic benefits for employment and creation of jobs, and biodiversity net gain (BNG).

Overall Summary

- 1.31 The overall assessment at the end of the report sets out the harm, the benefits and other material considerations and in considering the overall balance, it is acknowledged that this is a matter of judgement. When taking into account all of the material considerations, having assessed the proposal against the Development Plan, overall, officers consider that the proposal would be in accordance with the up to date Development Plan as a whole and officers consider that there are no material considerations that would indicate a decision otherwise in terms of the standalone scenario.
- 1.32 In terms of the secondary effects with the MSA in place, officers in the CV MSA report conclude that whilst the proposal would conflict with the development plan as a whole having regard to the material considerations it is considered that there are significant material considerations that weigh in favour of the proposal which would indicate a departure from the development plan.
- 1.33 It is proposed to impose conditions to tie the minerals and CV MSA developments as set out in the report.
- 1.34 Even if the INP policies are treated as material to the mineral application individually it is considered that the outcome would be the same when considered alongside other development plan policies and other material considerations such as national policy.
- 1.35 As set out in the report, the resolution recommended acknowledges that a final determination of the CV MSA application will not be made at this stage. It also recognises that in any event as the proposals amount to inappropriate development, exceeding 1000 sqm within the Green Belt, it will be necessary separately to consult the Secretary of State pursuant to the Town and Country Planning (Consultation) (England) Direction 2021, in order to ascertain whether the Secretary of State wishes to call in the proposals for his own determination.

Recommendation

- 1.36 That the decision be delegated to the Director of Planning and Environment for APPROVAL subject to:

a) The granting of satisfactory consent by the Secretary of State pursuant to the Green Belt (London and Home Counties) Act 1938 (as amended). The application shall be referred back to the Strategic Sites Committee in the event that:

- i. there has been no decision to approve any Green Belt (London and Home Counties) Act 1938 (as amended) consent application within 4 months of the date of this resolution; or
- ii. there has been no confirmation, within 4 months of the date of this resolution, that consent has been sought from the Secretary of State for any necessary alienation of Buckinghamshire Council's interest in the land or for the land to be released from all of the restrictions contained in the Green Belt (London and Home Counties) Act 1938 (as amended); or
- iii. within 4 months of the date of this resolution, new material considerations are considered to have arisen pursuant to the application for Green Belt (London and Home Counties) Act 1938 (as amended) consent to the Secretary of State, or any decision on the application, or otherwise, that requires reconsideration of the resolution to approve by the Strategic Sites Committee; and

b) The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing (by way of obligations requiring a further Agreement under s106 Town & Country Planning Act 1990) planning obligations broadly in accordance with the details set out in the main body of the report (and any update sheet); and

c) The imposition of planning conditions broadly in accordance with the details set out in the report (and any update sheet) as considered appropriate by the Director of Planning and Environment;

Or, if these cannot be achieved, for the application to be refused for such reasons as the Director of Planning and Environment considers appropriate.

In the event of any changes being needed to the wording of this resolution (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Director of Planning and Environment has delegated authority to do so in consultation with the Chairman, provided that the changes do not exceed the substantive nature of the Strategic Sites Committee's resolution.

2 Site Location

- 2.0 The site is located north of the Slough Road (A4007) and covers approximately 16.7 ha of primarily agricultural land. The site is located adjacent to the M25 between junctions 15 and 16 and is located within the Metropolitan Green Belt.
- 2.1 The site lies immediately north of the A4007 Slough Road and consists of two main parcels of land either side of the M25. These two parcels are connected by an existing overbridge crossing the M25.
- 2.2 The larger western parcel of the Site (i.e. location of the minerals extraction) is bound by the M25 to the east, the A4007 Slough Road and a small area of ancient woodland lies to the south, greenfield / agricultural land lie to the west, and an area of existing deciduous woodland to the north.
- 2.3 The eastern parcel is bound to the east by Mansfield Farm and a commercial yard and beyond that the Iver Environment Centre and the National Grid Iver Substation. To the south lies a field and thereafter the A4007 Slough Road and to the west lies the M25, to west lies the M25.
- 2.4 The site is approximately 300m east of Iver Heath and 500m west of Uxbridge. The site is within the Colne Valley Regional Park.
- 2.5 The site is located entirely within the mineral safeguarding area as defined by the Buckinghamshire Minerals and Waste Local Plan (BMWLP), the aim of which is to protect minerals of local and national importance from being needlessly sterilised.
- 2.6 The site is not located within any local landscape designations such as Areas of Attractive Landscape or Local Landscape Areas but is within Landscape Character Areas 24.2 (Iver Heath Mixed Use Terrace) and 26.3 (Colne Valley Flood Plain). The site is within two biodiversity opportunity areas (South Bucks Heaths and Parklands and the Colne Valley). The site is within Flood Zone 1 and approximately 800m south of Kingcup Meadows and Oldhouse Wood SSSI. An area of ancient woodland lies to the south of the main extraction area.
- 2.7 Public Bridleway IVE/32/1 runs through the site and across the M25 via the A412 Denham Road bridge. Public footpath IVE/5/1 runs from the proposed temporary site access on Slough Road west towards Iver Heath.
- 2.8 The nearest residential property to the site is the Grade II Listed White Cottage which lies immediately south of the main body of the site on the Slough Road.
- 2.9 No designated heritage assets are located within the site.
- 2.10 The nearest listed historical assets to the site, aside from the White Cottage, are the group of three listed buildings at Mansfield Farm circa 75m east of the site (Barn to the

north-east of Mansfield Farmhouse, Mansfield Farmhouse and Dovecote east of Mansfield Farm House).

- 2.11 A large section of the site lies within an Archaeology Notification Area.
- 2.12 The minerals application area ref: CM/0036/21 differs to that put forward for the CV MSA under application ref: PL/20/4332/OA. The CV MSA application ref: PL/20/4332/OA covers a larger area of approximately 45.85ha which aligns with the blue line indicated on the drawing within Appendix B.

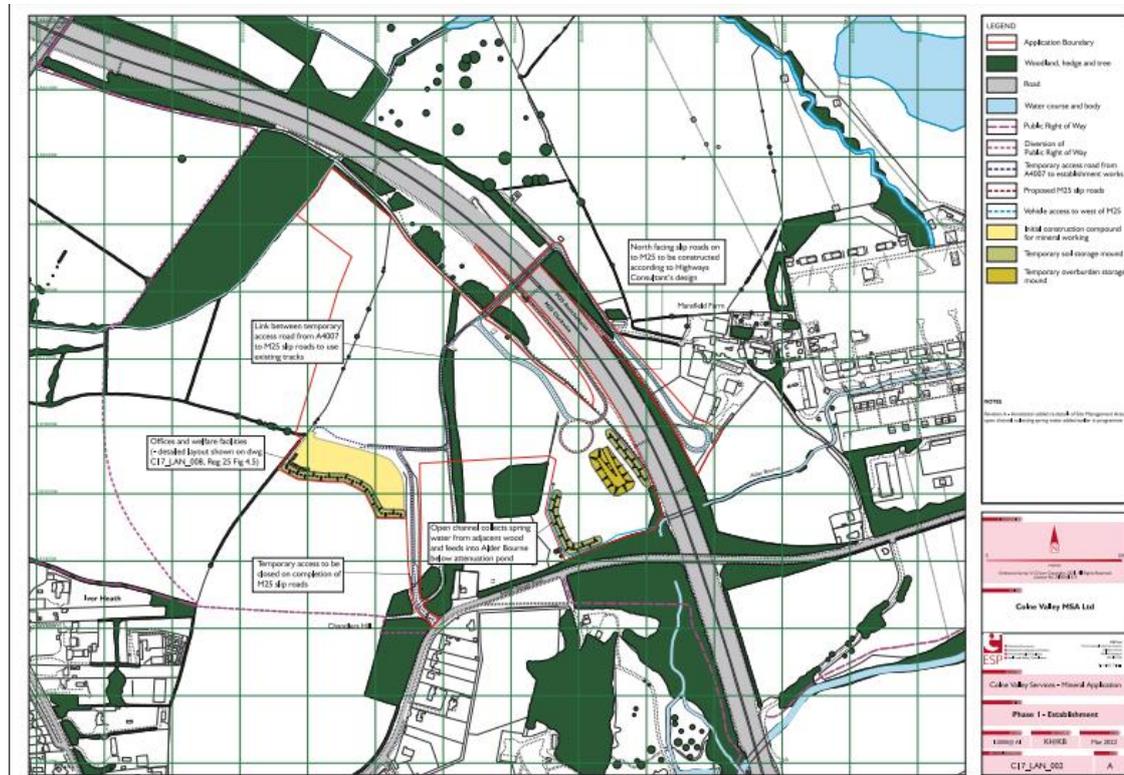
3 Description of Proposed Development

- 3.0 Application ref: CM/0036/21 seeks planning permission for the extraction of mineral and provision of access to facilitate the development of the Colne Valley Services and associated works sought under planning application ref: PL/20/4332/OA.
- 3.1 Planning application ref: PL/20/4332/OA is an outline application seeking permission for a motorway service area (MSA) at the same, albeit larger, site with all matters reserved for future consideration.
- 3.2 Originally, the extraction of minerals was seen and treated as being a precursor part of the development of the land as an MSA. It therefore was intended to fall within the outline application for the CV MSA and shown as such. Following discussions the council advised that a full planning application for mineral extraction would be required as the minerals extraction as proposed could not be permitted by way of an outline permission.
- 3.3 The planning statement states that this minerals application should not be viewed in isolation as a 'standalone' or 'separate' mineral application. It is an application made in detail for the mineral removal component of the main CV MSA scheme. The statement adds that if the main CV scheme (ref: PL/20/4332/OA) is not consented the mineral extraction will not happen irrespective of whether permission for the extraction is granted or not. As the mineral extraction is part of the CV MSA scheme it relies on the mitigation and restoration from the CV MSA scheme.
- 3.4 The separation by application does not alter the fundamental link between the winning of the mineral and the subsequent use of the land to provide for a MSA, but it does permit the two elements to be considered in their own right against relevant planning policy and other material considerations including their relationship with the wider motorway service area construction project.
- 3.5 An Environmental Statement was submitted with the minerals application which has detailed chapters considering a number of topic areas including: Landscape and Visual Impacts, Ecology and Nature Conservation, Noise and Vibration, Air Quality,

Archaeology and Cultural Heritage, Hydrology, Hydrogeology and Flood Risk, Ground Conditions and Contamination, Socio-economic impacts, Traffic and Transport, Fallback Restoration and Secondary Effects. An update to the Environmental Statement was submitted in May 2022. This update included further assessment work and revisions following feedback on the proposal from consultees and the planning authority. This included an additional chapter to the ES assessing the likely significant effects of a 'fall-back' position where the MSA development did not occur and the mineral removal works had taken place. The update also included a chapter assessing the secondary effects of the CV MSA application.

- 3.6 The ES states that the removal of minerals is a direct secondary consequence of developing an MSA on the Application Site, for completeness, and in order that the specific effects attributable to the MSA construction and operation can be understood, the ES provides a self-contained summary of the assessment of likely significant environmental effects. The ES refers to these effects as secondary effects.
- 3.7 The ES advises that though the EIA Regulations do not define cumulative effects a commonly accepted description is 'Impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project'.
- 3.8 The proposed development subject of application ref: CM/0036/21 is comprised of two main phases, the establishment of the site and the extraction of mineral. The phases are not exclusive with some works being carried out at the same time or across phases. The proposed works would effectively deliver a development platform for the main CV MSA scheme whilst also removing the underlying mineral which would otherwise be sterilised contrary to a proper policy approach. The majority of mineral extracted from the site would be exported with some being retained for use in construction of the embankments as part of the CV MSA scheme.
- 3.9 Restoration of the site would effectively be delivered by the main CV MSA scheme, with such restoration being linked to the CV MSA and secured by the imposition of appropriate conditions.
- 3.10 An access is proposed on the A4007 Slough Road at the location of the existing farm track access and bridleway, to the south west of the White Cottage, details of which are provided, including a 2m wide footway to the existing bus stop. The planning statement advises that the establishment phase would begin with a temporary internal access road into the main site area being formed from the A4007 (Slough Road) access. Access from the Slough Road is anticipated to occur for a period of approximately 6 months until the slip roads onto the M25 are constructed with an estimated 20 two-way Heavy Goods Vehicles (HGV) and 60 two-way staff movements per day.

3.11 To the west of the access road a construction compound would be constructed which would include offices, welfare, storage and parking provision. Soils from this area would be stripped prior to the erection of these facilities with the soils being banded on the perimeter of the compound as indicated in yellow on the drawing below (also included within Appendix D). Full details of stripping and storage of soils would be secured by condition.



3.12 Any surplus soils and / or overburden created from establishment and through the mineral extraction phase would be placed in bunds for future use as part of landscaping works for the main CVS scheme, (subsoil and overburden would be stored in bunds of approximately 5m in height and topsoil in 3m high bunds).

3.13 Thereafter, the internal haul road would be extended to link to the existing bridge over the M25 and to the area where the M25 clockwise north facing slip road would be created. The existing farm track to the east of the M25 from the overbridge would be upgraded to provide access to the area where the anticlockwise slip road would be created.

3.14 At this same time soils would be stripped from 'staging area' and again stored in bunds. Further, two surface water management ponds would be created.

3.15 A key element of the establishment phase is the formation of junctions onto the M25, which are shown illustratively. Under this application these would be completed to a level sufficient to enable construction access. The road construction on both sides of the M25 would take the same form, with the equipment needed accessing the

anticlockwise side over the existing overbridge. The initial works for these accesses would comprise soil stripping, a sub-base being constructed, and the tarmac surface laid. These slip roads would be used for access and egress prior to the completion of the permanent M25 junction and slip roads proposed under the CV MSA application ref: PL/20/4332/OA.

- 3.16 The slip roads proposed under the mineral application are smaller in extent than those proposed under the CV MSA application.
- 3.17 Upon the completion of the slip roads enabling access to and from the M25 the access for HGVs from the A4007 would cease with access thereafter being taken via the M25. It is anticipated that HGV movements would peak at 70 two-way movements via the M25 slip roads. It is understood access for staff would continue from the Slough road access with approximately 30 two-way staff movements per day.
- 3.18 Soil stripping and stripping of overburden for the area to be extracted is proposed to commence towards the end of the establishment phase with, where expedient to do so, mineral to be stockpiled for use as part of slip road construction. Mineral extraction would occur from east to west and it is proposed that tracked excavators, articulated dump trucks, wheeled backhoe loaders, scrapers and HGVs would be utilised for the extraction process. This is not however an exhaustive list. There is no processing proposed on the site however and no weighbridge required.
- 3.19 It is estimated that circa 173,000 tonnes of sand and gravel would be extracted from the site with approximately 17,300 tonnes of this to be used in construction of embankments as part of the CVS scheme (PL/20/4332/OA). The rest of the extracted mineral would be exported.
- 3.20 To remove the mineral from the site, the 'staging area' would be utilised as an area for temporary storage of mineral which would be loaded into road going vehicles. Stockpiles would be a maximum of 5m in height and access from the extraction area to the staging area would be along internal access roads constructed using in situ material.
- 3.21 The extraction of the mineral is anticipated to be carried out over the course of approximately 5 months.
- 3.22 Public bridleway IVE/32/1 would be temporarily diverted around the western perimeter of the site during the course of the proposed development. The permanent diversion of this route is proposed under the main CV MSA application.
- 3.23 Lighting would comprise lighting columns or mobile task lighting with some low-level security lighting potentially required.
- 3.24 The application also makes reference to the wider boundaries of the site being fenced off to prevent unauthorised access during construction. This fencing is proposed to be

temporary for this period and would be Heras style or similar. The fencing would likely be provided as part of permitted development.

- 3.25 The hours of operation for the development would be 7am to 7pm Mondays to Fridays and 7am to 1pm on Saturdays. There would be no working on Sundays or Bank Holidays without prior approval of the local planning authority.
- 3.26 To minimise disruption to traffic on the motorway, night-time working may be required in respect of forming the slip roads and tie-ins off the M25.

Standalone - Fallback

- 3.27 The applicants have provided a “fall back” (no MSA scenario) restoration scheme in response to Policy 1 of the BMWLP which defines the Minerals Safeguarded Areas to prevent mineral resources of local and national importance from being needlessly sterilised by non- minerals development, which includes sand and gravel deposits in the southern part of the county. It also requires that in the event that the non-mineral development is delayed or not implemented that the site is restored to a stable landform and appropriate afteruse.
- 3.28 In summary, this fallback scheme consists of the respreading of overburden, subsoil and topsoil with a lower-level restoration achieved. The majority of the site would be seeded and returned to pasture with various planting to be undertaken including reinstatement of hedgerows, occasional hedgerow trees and planting around the surface water ponds. The right of way IVE/32/1 would also be reinstated to a similar route to that existing.
- 3.29 The fallback scheme comprises a proposed deliverable restoration and after-use of the site for the scenario as described in Policy 1 of the BMWLP. The applicant has proposed a condition securing restoration using the fallback scheme which would be secured in two eventualities:
 - a) no material operation comprised within planning permission reference: PL/20/4332/OA (and all subsequently approved reserved matters applications) has occurred within 12 calendar months of the date of commencement for planning permission reference: CM/0036/21
 - or
 - b) the mineral extraction or mineral export has ceased for a period of time greater than 3 consecutive calendar months following the date of commencement of the development hereby permitted and no material operation comprised within planning permission reference: PL/20/4332/OA (and all subsequently approved reserved matters applications) has occurred,

4 Relevant Planning History

- 4.0 There is no relevant recorded planning history for this site related to minerals.
- 4.1 Application ref: PL/20/4332/OA Colne Valley/Iver Heath MSA (referred to in the report as CV MSA) is an outline application also on the agenda for a Motorway Service Area between M25 junctions 15 and 16 near Iver Heath with all matters reserved, comprising vehicular access from the M25 including new overbridge and realignment of the A4007 Slough Road, a controlled vehicular access from the A4007 for emergency vehicles only, including a staff drop off point and associated footway works to Slough Road, facilities buildings, Drive-Thru, fuel filling stations, electric vehicle charging, parking facilities, service yard, vehicle circulation, landscaping, woodland and amenity spaces, Sustainable Drainage Systems, a diverted public bridleway; together with associated mitigation and infrastructure and with earthworks / enabling works including mineral extraction. The applicants have made it clear that this application is dependent upon the CV MSA and vice versa to enable development to commence.

5 Summary of Representations

- 5.0 The application and the Environmental Statement was subject of the relevant consultation, notification and publicity.
- 5.1 At the time of writing this report, a total of 19 objections have been received. In general. A summary of the matters raised are set out in Appendix A of this report.
- 5.2 A summary of representations received from the statutory consultees, non-statutory consultees and other interested groups and organisations are set out in Appendix A of the Committee Report.

6 Policy Considerations and Evaluation

- 6.0 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.1 The key policy documents and guidance for consideration include:
- 6.2 The Development Plan:
- Buckinghamshire Minerals and Waste Local Plan (BMWLP) 2016 – 2036: Policies 1, 2, 3, 5, 6, 16, 17, 18, 19, 20, 21, 23, 24, 25 and 28.

- South Bucks District Local Plan (SBDLP) – Adopted March 1999, Consolidated September 2007 and February 2011: Saved Policies GB1, EP3, EP4, TR5, TR7, TR10 and EP17.
- South Bucks Core Strategy (SBCS) - Adopted February 2011: Policies CP6, CP7, CP8, CP9 and CP13.

- 6.3 Section 38 B of the Planning and Compulsory Purchase Act 2004 makes clear that a Neighbourhood Plan may not include provision about development that is excluded development. The definition of ‘excluded development’ is the same as that given under section 61K of the Town and Country Planning Act 1990 (as amended). Thus, there is no jurisdiction to make policies within a Neighbourhood Plan which relate to the winning and working of minerals. It is therefore considered that the Ivers Neighbourhood Plan 2021 (INP) policies do not form part of the development plan for the purpose of considering this application (Application ref: CM/0036/21) in its own terms.
- 6.4 Nonetheless, to the extent it may be suggested that the INP policies are material considerations, officers consider that there is nothing identified in those policies that would justify reaching a decision otherwise than in accordance with the development plan policies or other policy as assessed in the report relating to the minerals development.
- 6.5 However, the INP is part of the development plan for the purposes of the CV MSA application and will be considered as a material consideration in assessing the secondary effects in delivering the CV MSA as part of this minerals application (Application ref: CM/0036/21).
- 6.6 Other material considerations:
- National Planning Policy Framework 2023 (NPPF)
 - National Planning Practice Guidance (PPG)
 - Buckinghamshire Council Biodiversity Net Gain – Supplementary Planning Document (SPD), July 2022
 - National Policy Statement for National Networks (December 2014)
 - Department for Transport Circular 02/2013 ‘*The Strategic Road Network and the Delivery of Sustainable Development*’ / Department for Transport Circular 01/2022 ‘*Strategic road network and the delivery of sustainable development*’
- 6.7 These are used to inform the planning assessment and guide the considerations discussed below. The application needs to be assessed both in terms of the stand-

alone scheme with the “fall back” restoration scheme in place and also as an in combination scheme with the MSA in place as the restoration (secondary effects).

7 Principle of Development

Policy 1: Safeguarding Mineral Resources (BMWLP)

Policy 2: Spatial Strategy for Minerals Development (BMWLP)

Policy 3: Sand and Gravel Provision (BMWLP)

Policy 5: Development Principles for Mineral Extraction (BMWLP)

Policy 6: Borrow Pits and Extraction as an Ancillary Activity (BMWLP)

Policy 25: Delivering High Quality Restoration and Aftercare (BMWLP)

- 7.0 The application site is within the Mineral Safeguarding Area for the county.
- 7.1 In accordance with national policy, Policy 1 of the BMWLP sets out the Mineral Safeguarding policy stance for the county. Proposals for development within Mineral Safeguarding Areas other than that which constitutes exempt development, must demonstrate that:
- prior extraction of the mineral resource is practicable and environmentally feasible and does not harm the viability of the proposed development; or
 - the mineral concerned is not of any value or potential value; or
 - the proposed development is of a temporary nature and can be completed with the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
 - there is an overriding need for the development.
- 7.2 This policy mirrors paragraph 210 of the NPPF which looks to ensure policies encourage prior extraction of minerals if it is necessary for non-mineral development to take place.
- 7.3 Returning to policy 1 of the BMWLP, in this case this application is not explicitly exempt development as set out in the BMWLP however the policy mainly relates to non-minerals development (ie development other than that which seeks to extract the mineral which is been safeguarded). The application seeks permission for the prior extraction of mineral underlying the CV MSA development in accordance with the first bullet point listed above. In accordance with policy 1 a Mineral Assessment was submitted in support of both applications (ref: PL/20/4332/OA and ref: CM/0036/21). The assessment provided details regarding the resource underlying the development using site specific geological survey data, provided commentary upon the feasibility of

both prior extraction and whether prior extraction could harm the viability of the proposed development and discussed opportunities for use of extracted mineral resource as part of the non-mineral development. The supporting documents for the application provide the detail as to how prior extraction would be achieved.

- 7.4 In summary, the mineral assessment identified that the area west of the M25 underlying the main CV MSA development was practicable and environmentally feasible to extract from and does not harm the viability of the proposed development (put forward under application ref: PL/20/4332/OA). Permission for this mineral extraction development is therefore sought under this application.
- 7.5 Policy 6 of the BMWLP states that permission will be granted for the development of borrow pits and extraction occurring as an ancillary activity subject to at least one of the following criteria being demonstrated.
- The borrow pit is in close proximity to the construction project it is intended to supply, and that extraction of mineral from the borrow pit constitutes the most appropriate supply option with reference to the type and quality of the mineral and proximity to other mineral extraction sites. The estimated size of the resource, and proposed extractive operations, is commensurate to the estimated needs of the associated construction or engineering works.
 - The extraction of the mineral can be clearly demonstrated to be ancillary to the proposed development. The estimated size of the resource, and proposed extractive operations, is proportionate to the primary use.
 - The proposal is for the prior extraction of minerals within a Mineral Safeguarding Area.
- 7.6 In consideration of the above, the proposal is considered to fulfil the requirements of the third bullet point of policy 6 of the BMWLP subject to conditions to sufficiently ensure that any forthcoming permission is closely tied to any forthcoming consent for the motorway service area proposed under application ref: PL/20/4332/OA rendering the extraction an ancillary activity per the above policy.
- 7.7 In addition to the above, policy 6 of the BMWLP states the proposal will need to demonstrate that inert waste arising from the associated works or extraction is used in restoration works where appropriate and that the proposed development is compliant with relevant MWLP policies.
- 7.8 Topsoil and overburden would be retained for use in restoration either to the 'fallback' scheme or to deliver the CV MSA scheme.
- 7.9 Policy 2 of the BMWLP sets out the spatial strategy for minerals development in Buckinghamshire. With relevance to this application, the policy seeks to focus sand and

gravel extraction primarily in the Thames and Colne Valleys but with a secondary focus in the Great Ouse Valley east of Buckingham.

- 7.10 The application is for prior-extraction and therefore the location of the mineral development directly relates to the locational factors of the non-minerals development (CV MSA) alongside the M25. The proposal is situated within the county's Mineral Safeguarding Areas, is in the Colne / Thames Valley area and is considered to fulfil this policy.
- 7.11 Policy 3 of the BMWLP states provision will be made over the plan period for the extraction of 0.81 mtpa of sand and gravel from the Colne and Thames Valleys (primary focus area). The policy adds that the maintenance of a landbank for sand and gravel equivalent to at least 7 years supply will be sought to ensure a steady and adequate supply. The policy concludes stating provision will come from sites with planning permission, extensions to existing sites and from new sites in line with the spatial strategy for mineral extraction.
- 7.12 The most recent published Local Aggregates Assessment (LAA) for the county covers the year of 2018 and was published the following year. This document identified at the time that there was a 10-year landbank (using three-year average sales data) and a 1.06mtpa provision rate.
- 7.13 Whilst the LAA for the year of 2021 has not yet been published officers have previously advised that the landbank would be below the seven-year supply required by policy. However, the provision rate would exceed the level set by policy 3.
- 7.14 The NPPG identifies that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need (Paragraph: 084 Reference ID: 27-084-20140306).
- 7.15 The proposal would provide circa 173,000 tonnes of sand and gravel towards the land bank, with circa 17,300 to be used in the construction of the embankments as part of the CV MSA scheme.
- 7.16 The site is not allocated within BMWLP under policy 4 for sand and gravel provision and would fall to be considered against policies relating to windfall sites.
- 7.17 Policy 5 sets out that proposals for the extraction of minerals from unallocated sites must demonstrate that the development:
- a) is in general compliance with the spatial strategy for minerals development and where relating to sand and gravel; and
 - b) is required to maintain a steady and adequate supply of minerals in accordance with the adopted MWLP provision rates and/or the maintenance of a landbank

with reference made to the findings of the prevailing Local Aggregate Assessment (LLA); and

- c) and is required to provide materials of a specification that cannot reasonably or would not otherwise be met from committed or allocated reserves.
- 7.18 This site is a windfall site coming forward as prior-extraction for the CV MSA scheme. In this case the prevention of sterilisation of mineral is considered to take precedence over policy 5 which sets requirements for extraction of minerals from unallocated sites, subject to conditions which sufficiently ensure that any forthcoming permission is closely tied to any forthcoming consent for the motorway service area proposed under application ref: PL/20/4332/OA.
- 7.19 Paragraph 211 of the NPPF further states that “when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”.
- 7.20 It is considered that the prior extraction is supported by local and national policy subject to consideration of other policies later in the report. It is considered that the application is in accordance with policies 1 which seeks to avoid sterilisation, 2, 3 and 6 of the BMWLP.

Restoration

- 7.21 Policy 25 of the BMWLP sets out the policy requirements concerning the restoration and aftercare of temporary mineral and waste developments.
- 7.22 The policy adds that the restoration of sites for economic development purposes will be supported where fully in accordance with relevant planning policy and a secondary after-use is included that incorporates an ecologically beneficial after-use within the restored function.

Secondary Effects - with MSA in place:

- 7.23 Planning application ref: PL/20/4332/OA contains the details for the proposed restoration of the site through the implementation of the MSA development should permission be granted to that application and implemented. The restoration in that scenario would in fact be the carrying out of a separate development which is subject to separate consideration and determination. The planning merits of that CV MSA proposal is not a matter for consideration in the determination of this minerals application although the proposed Motorway Service Area is clearly a material consideration in terms of justifying the prior extraction of mineral proposed in this application against development plan policy as set out above and secondary effects taken into consideration below.

7.24 It is considered that it would be appropriate to impose a condition to ensure that the mineral application would not commence until any relevant outline permission granted, subsequent reserved matters approved and a contract is let for the Colne Valley MSA development. The conditions give sufficient comfort that mineral extraction in isolation is highly unlikely to happen in addition to the actualities that the minerals extraction is put forward as a precursor to the CV MSA development, the mineral extraction is likely unviable to extract on its own, and the applicant is a MSA developer not a minerals operator. It is therefore appropriate to view the proposal as for prior-extraction of mineral prior to the development of the CV MSA.

Standalone - Fallback:

7.25 The restoration for consideration under this application would be the scenario where the 'fallback scheme' is required (no MSA scenario). As previously mentioned, policy 1 of the BMWLP sets out that in the event that the non-mineral development (in this instance the Colne Valley MSA) is delayed or not implemented the site must be restored to a stable landform and appropriate after-use.

7.26 The applicant has agreed a condition securing restoration using the fallback scheme which would be triggered in two eventualities:

a) no material operation comprised within planning permission reference: PL/20/4332/OA (and all subsequently approved reserved matters applications) has occurred within 12 calendar months of the date of commencement for planning permission reference: CM/0036/21

or

b) the mineral extraction or mineral export has ceased for a period of time greater than 3 consecutive calendar months following the date of commencement of the development hereby permitted and no material operation comprised within planning permission reference: PL/20/4332/OA (and all subsequently approved reserved matters applications) has occurred,

7.27 Policy 25 of the BMWLP similarly requires minerals development of a temporary nature must include a restoration scheme that will result in the site being progressively restored to an acceptable condition and stable landform as soon as is practicable and provide for high quality aftercare arrangements including ongoing management and monitoring where necessary.

7.28 The policy adds that the after-use of a site will be determined in relation to the land-use context and surrounding environmental character and should take into account landowner interests and the requirements of the local community. Schemes should include objectives that will contribute towards: biodiversity gains, enhancement of the

local environment and amenity, climate change mitigation and adaptation, benefits for the local community and economy (as appropriate).

- 7.29 The policy then notes that where relevant, the restoration of the site must accord with a number of environmental requirements which will be dealt with in later sections of the report.
- 7.30 With regards to the criteria detailed within policy 25 of the BMWLP, the Agricultural Land Classification report supporting application ref: PL/20/4332/OA identified the site to be grade 3b which is not defined as the best and most versatile land as per the NPPF.
- 7.31 The eventuality where the fallback restoration would be required has been noted by the applicant to be an 'extraordinarily unlikely scenario'. Regardless of this assertion, the scheme warrants a proportionate consideration against the requirements for restoration schemes set out by policy 25. The consideration of the individual criteria is set out in the respective sections of this report.
- 7.32 In order to allow for the delivery of the fallback restoration scheme without import, 14,000m³ of soils surplus to those required to deliver the landscaping schemes proposed as part of the main CV MSA scheme would be retained on site. This quantity of soil would be retained until the CV MSA application ref: PL/20/4332/OA is commenced for use on site as part of the provision of the MSA.
- 7.33 Overall, it is considered that the restoration of the site to an improved version of the 'fallback scheme' notwithstanding that already submitted (as further discussed in later sections of this report) with an associated aftercare scheme would provide for the site being restored to an acceptable condition with after-use in accordance with policy 25 of the BMWLP. Improvements upon the 'fallback scheme' submitted would include further areas of plantation woodland and amendments to better reinstate key landscape features and structure as advised by relevant consultees.

8 Green Belt

Policy 21: Green Belt (BMWLP)

Policy GB1 - Green Belt; (SBDLP)

Material consideration: The Green Belt (London and Home Counties) Act 1938

- 8.0 The application site lies entirely within the Green Belt. The NPPF highlights that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of the Green Belt being their openness and permanence.
- 8.1 The purposes of the Green Belt are defined by paragraph 138 of the NPPF:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns;
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 8.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, as per paragraph 150 of the NPPF, mineral extraction is not inappropriate in the Green Belt provided it preserves openness and does not conflict with the purpose of the designation. This is reflected by policy 21 of the BMWLP.
- 8.3 Further, the NPPF states local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.4 Policy 21 of the BMWLP states “Other than those required for the winning of mineral, elements of development considered integral to extractive operations include those associated with access and restoration. Other forms of development, including on-site processing, will be supported where compliant with relevant MWLP policies and national policy.”
- 8.5 Policy GB1 of the SBDLP makes similar provision to policy 21 of the BMWLP setting requirements for proposals for mineral working in the Green Belt. Policy GB1 is not entirely consistent with the NPPF, in that although it sets out categories of inappropriate development, some of these do not directly correspond to those exceptions set out in the NPPF. In addition, Local Plan Policy GB1 does not allow for the provision of Very Special Circumstances in circumstances where inappropriate development is proposed. As such, the weight given to Local Plan Policy GB1 is tempered to moderate weight rather than full weight.
- 8.6 In summary, the relevant elements of policy GB1 to this application require the proposal to not adversely affect the character or amenities of the Green Belt, nearby properties or the locality in general, require the proposal to accord with policy EP3 of the SBDLP and require the proposal to accord with all other relevant policies of the SBDLP. The detailed assessment of the proposal’s impacts upon the character of the area, amenity and against policy EP3 of the SBDLP is set out in the relevant sections of this report.

8.7 To assess impacts of a proposal on openness courts have identified a number of matters which may need to be taken into account in making this assessment.

8.8 The Supreme Court in *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 provided the following general analysis of openness:

‘The concept of “openness” in Paragraph 90 of the NPPF [the previous version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance (PPG) 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land’ (Paragraph 22)

8.9 The PPG (Paragraph: 001 Reference ID: 64-001-20190722) also advises generally that:

‘Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.’

8.10 It is an accepted planning principle that minerals can only be worked where they are found, and that mineral working is a temporary use of land. Paragraph 150 of the NPPF and policy 21 of the BMWLP taken together further recognise that some operational development associated with mineral extraction can be appropriate within the Green Belt without harming openness and compromising the objectives of the designation.

Impact on the openness of the Green Belt - standalone/fallback

Green Belt Context

- 8.11 An assessment of Buckinghamshire's Green Belt was commissioned in 2015 by the former County and District Local Authorities. The Green Belt assessment's aim was to evaluate and assess the suitability of land designated in the Green Belt and identify additional land for Green Belt Designation and was used as an aid in the preparation of the since withdrawn Chiltern and South Bucks Local Plan 2036.
- 8.12 The assessment (known as the stage 1 Green Belt Assessment) identified land parcels across the District and scored them against their performance against the purposes of the Green Belt. The application site west of the M25 falls within land parcel 82 and would include the primary elements of the proposal. The application site east of the M25 falls within land parcel 79 and would include the slip road facilitating the access to the motorway.
- 8.13 Land parcel 82 (west) in the stage 1 Green Belt Assessment is assessed as a strong performing land parcel, against Green Belt purposes. The land parcel does not meet Purpose a, to check the unrestricted sprawl of large built-up areas or Purpose d, to preserve the setting and special character of historic towns. The land parcel does perform moderately against Purpose b, to prevent neighbouring towns from merging (Iver Heath and Uxbridge), and specifically the threat of ribbon development along the A4007 Slough Road. Although land parcel 82 is noted for the northern section being less important for preventing coalescence. The land parcel maintains a largely rural open character, scoring strongly against Purpose c, to assist in safeguarding the countryside against encroachment. It is important to note that the application only forms a small part of the wider land parcel, with the minerals development located towards the north east quadrant
- 8.14 Land Parcel 79 in the stage 1 Green Belt Assessment is assessed as a medium performing land parcel in the Green Belt, against Green Belt Purposes. The land parcel performs moderately against Purpose a, to check the unrestricted sprawl of large built-up areas, Purpose b, to prevent neighbouring towns from merging (Iver Heath, New Denham and Uxbridge). The land parcel maintains a largely rural open character, scoring moderately against Purpose c, to assist in safeguarding the countryside against encroachment. The land parcel does not meet Purpose d, to preserve the setting and special character of historic towns. Only a small portion of the site (c1.25ha) in the vicinity of the slip roads and bridge over the M25 lies within this parcel.

Spatial Impacts

- 8.15 The proposed development would be carried out on an area covering approximately 16.7 ha straddling both sides of the M25 though most of the development is located west of the M25.

8.16 As set out within section 3 of this report, the proposal would include the erection of bunding, stockpiling of mineral, operation of machinery, creation of slip roads for access onto the M25, establishment of a construction compound and a mineral extraction cell. The proposal would not cause harm to the spatial aspect of openness arising from the mineral works before the MSA is built and would be of a temporary nature for a 12-month period.

Visual Impacts

8.17 The site comprises of visually open and undeveloped land which lies to the east of the built-up settlement of Iver Heath. Notably, there is the presence of the M25 motorway in close proximity.

8.18 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which is a tool used to identify and assess the nature and significance of the effects of a proposed development upon the landscape and upon views and visual amenity. Whilst landscape impacts will be further assessed within this report, the LVIA identifies a number of key visual receptors or view-points. It is from these view-points where impacts in loss of openness within the Green Belt may be experienced.

8.19 Key visual receptors where visual effects as a result of the proposed development would occur, as adjudged by the LVIA, are as follows:

- Bangors Road North (Viewpoint 3), minor adverse effects.
- Footpath off Bangors Road North (Viewpoint 4) minor adverse effects.
- Footpath edge of Iver Heath (Viewpoint 5) significant effects for duration of development.
- Field of White Cottage (Viewpoint 6) significant effects for duration of development.
- Junction of footpath with Slough Road (Viewpoint 9) moderate adverse effect during extraction.
- Mansfield Farm Access (Viewpoint 10) minor adverse effect during establishment.

8.20 Officers concur with the LVIA findings and whilst there would be some perception of visual change, it is considered that this would not result in harm to the visual aspects of openness.

Degree of Activity

8.21 Over the course of the development there would be the associated vehicle and heavy goods vehicle movements. Notably, there would be no processing on site with mineral being exported 'as dug'.

Duration of development /remediability

- 8.22 The impacts of the proposal are, however, temporary in nature. The proposal is projected to be carried out over the course of approximately 12 months with “restoration” to a motorway service station to be undertaken thereafter as set out under application ref: PL/20/4332/OA. Although restoration in the normal sense is not proposed (save for the fallback) the minerals development will be superseded after a short period of time by MSA development which is considered separately. Whether that proposed development is in accordance with Green Belt policy is a matter for consideration in the determination of that application. This report acknowledges that there would be significant harm to spatial dimensions and moderate harm to visual impact on a localised basis.
- 8.23 As set out in previous sections, were the motorway service area put forward under the above referenced application delayed or not implemented the site would be required by condition to be restored to a scheme based upon the ‘fallback scheme’ detailed in drawing ref: Figure 14.1. This scheme would see the site restored to a similar state to which it would be prior to development. This would be a condition which is fully in accordance with the aims of Green Belt policy delivered in what is estimated by the applicant to be a few months dependant on weather conditions for soil spreading.

Purposes

- 8.24 Turning to the purposes of the Green Belt, the proposed development would not hinder the objectives of preventing unrestricted urban sprawl, preventing neighbouring towns merging into one another or preserving the setting and character of historic towns. It is not considered that the development is of a type or scale to conflict with the purpose of safeguarding the countryside from encroachment.

Green Belt – Secondary and Cumulative Impacts with MSA

- 8.25 It should be noted that the minerals application is regarded as part of the overall CV MSA project. As set out in the report prepared for the CV MSA application ref: PL/20/4332/OA, the applicants desired restoration of the site to a motorway service area in accordance with the application ref: PL/20/4332/OA would conflict with three out of the five purposes of the Green Belt as referred to in paragraph 38 of the NPPF of which a) and b) is limited harm and c) is moderate harm. In terms of openness, it would result in significant harm to spatial dimensions and moderate harm to visual impact given it is a localised and not a wider impact on the Green Belt
- 8.26 In secondary terms, whilst the development proposed under application ref: PL/20/4332/OA is considered to be inappropriate development within the Green Belt, the assessment of the mineral part of the overall project i.e. the development proposed under application ref: CM/0036/21 would remain as set out within this section.

Summary

- 8.27 In view of the above, the development put forward under this application is directly related to and/or integral to mineral extraction which is not inappropriate within the Green Belt as set out in both local and national policy subject to the development not harming openness and compromising the objectives of the designation. It is the case that under this application there would be no permanent harm to openness or any encroachment on the Green Belt would result under this application as an individual development. Officers consider that whilst there may be impacts resulting from the proposal upon the Green Belt for its operational duration, the proposal would not harm the openness of the Green Belt and would not conflict with the purposes of the designation. It would therefore not conflict with local policies GB1 of the SBDLP and Policy 21 of the BMWLP. Detailed assessment of the mineral application's (Ref: CM/0036/21) impacts upon the character of the area, amenity and against policy EP3 of the SBDLP is set out in the relevant sections of this report. Overall, it is considered that the proposal would not adversely affect the character or amenities of the Green Belt in accordance with policy GB1 and EP3 of the SBDLP.
- 8.28 The applicant's desired restoration of the site is to a motorway service area in accordance with the application ref: PL/20/4332/OA. Assessment of this scheme and Green Belt policy is set out in the respective report. In the light of the conclusions in the CV MSA report, officers consider that the Green Belt analysis applied to the CV MSA application is not materially different when the impacts (and benefits) with MSA scheme are considered as the restoration of the site with this minerals application. The Green Belt analysis for the CV MSA scheme is relevant to the consideration of this scheme as a condition is recommended to be imposed which ties these applications together.

9 Transport matters and parking

CP7 - Accessibility and Transport (SBCS)

TR5 - Accesses, Highway Works and Traffic Generation (SBDLP)

TR7 - Parking Provision (SBDLP)

TR10 - Heavy Goods Vehicles (SBDLP)

Policy 17: Sustainable Transport (BMWLP)

Policy 24: Environmental Enhancement (BMWLP)

CP6 Local Infrastructure Needs (SBCS)

- 9.0 Policy 17 of the BMWLP requires minerals and waste development to provide a Transport Statement or Assessment. This policy identifies areas to be included within a statement or assessment for mineral development including a travel plan (where

applicable). Topics include: likely traffic flows and throughput per day, identification of market base, capacity of highway network to accommodate movements generated, identifications of any improvements deemed necessary to minimise impacts, identification of potentially adverse impacts arising from transport of minerals on the community and environment and mitigation measures, and emission control and reduction measures. The application is supported by a Transport Assessment which will be considered below.

- 9.1 Core Policy 7 of the SBCS seeks to improve accessibility to services and ensure a safe and sustainable transport network by supporting the rebalancing of the transport system in favour of more sustainable modes of transport, including by encouraging safe and attractive improvements to pedestrian and cyclist routes and facilities.
- 9.2 Policy TR5 of the SBDLP addresses the effect of development on safety, congestion and the environment. The policy requires development: to be accordance with the standards of the Highways Authority, would not cause the operational capacity of the highway to be exceeded nor exacerbate the situation on a highway where the capacity is already exceeded and that traffic movements or the provision of transport infrastructure would not have an adverse effect on the amenities of nearby properties on the use, quality or character of the locality in general, including rural lanes.
- 9.3 The policy also states that where off-site improvements to the highway are required to serve a development, permission will not be granted unless the applicant enters into a planning obligation to secure the implementation of those works.
- 9.4 Finally the policy states that proposals which involve the construction of a new access or a material increase in the use of an existing access, directly onto the strategic highway network will not be acceptable if they would be likely to result in the encouragement of the use of the network for short local trips or compromise the safe movement and free flow of traffic on the network or the safe use of the road by others.
- 9.5 Policy TR7 sets the parking requirements for development.
- 9.6 Policy TR10 of the SBDLP states that development likely to generate HGV movements will only be permitted where it would not adversely affect the character or amenities of nearby properties or the locality in general, for example through noise, vibration, disturbance or visual intrusion in line with Policy EP3 of the SBDLP. It adds that in the case of a proposal likely to generate a significant number of heavy goods vehicle trips permission will only be granted where the access would not be onto a residential road, rural lane or other road which is not suitable in principle for such traffic, and that vehicles would be able to conveniently access the strategic highway network without using such roads.

- 9.7 Policy 24 of the BMWLP states proposals for new minerals and waste development must incorporate measures to enhance Buckinghamshire's environmental assets and green infrastructure networks, including: opportunities for biodiversity net gain and the positive integration of the site with the wider landscape taking into account the Colne Valley Regional Park and other designations. The policy also seeks consistency with the Buckinghamshire Green Infrastructure Strategy and seeks the retention of existing ROW or where this is not possible their diversion or replacement to an equal or greater standard in terms of recreational, social and economic value to site users and local communities, including linking with wider transport and strategic rights of way networks. In addition, consideration should be given to the opportunity for providing new routes, taking into account the potential value to site users and to local communities. Proposals will be required to be consistent with the Buckinghamshire Rights of Way Improvement Plan.
- 9.8 Policy CP6 of the SBCS states that existing physical, social and Green Infrastructure will be protected (unless it is clear that it is no longer needed, or alternative appropriate provision is made elsewhere).
- 9.9 Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Paragraph 113 states that "All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."
- 9.10 The ES, ES addendum and Transport Assessment accompanying the application assesses a number of matters concerning traffic and transportation. Assessment of effects has been informed by guidelines published by the Institute of Environmental Assessment (IEMA), which has published guidelines for the Environmental Assessment of Road Traffic and the Design Manual for Roads and Bridges published by National Highways. A transport assessment was produced to support the application.
- 9.11 Due to COVID-19 manual traffic counts were not undertaken for this application but instead survey information from other planning applications local to the site have been used. Information on the M25 was obtained from National Highways' website (WebTRIS) and used to establish baseline conditions.
- 9.12 The extent of the study was guided by scoping discussions held with National Highways and the Highway Authority for application ref: PL/20/4332/OA. For local roads, it was agreed that traffic flows could be extracted from the planning application for the Pinewood Studios site and Iver Traffic Study.

- 9.13 Baseline information collated from 2019 has been extrapolated for 2023 (when the mineral extraction development was intended to commence were permission to be granted). This 2023 baseline is then compared against 2023 baseline with the proposed development.
- 9.14 As mentioned, the ES, ES addendum and Transport Assessment is informed by IEMA guidelines. Accordingly, the ES contains consideration of severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety. The following paragraph briefly summarises the conclusions of the ES with respect to these matters.
- 9.15 The proposed development put forward under application ref: CM/0036/21 is not considered to lead to significant severance. With regards to driver delay, it is considered there would not be a significant change. With regards to pedestrians, the ES recognises difficulty experienced by pedestrians crossing the A4007 which will remain with the proposed development. With regards to pedestrian amenity, IEMA guidelines indicate that a halving or doubling of traffic (or HGV movements) is the threshold for judging significance of changes on pedestrian amenity. The proposal would not lead to a doubling and so is in line with guidance. With regards to fear and intimidation, it is not considered there would be a significant change to levels of fear and intimidation pedestrians face within the study area. As mentioned, the bridleway running across the site is proposed to be diverted to mitigate impacts. Finally, with respect to accidents and safety there are not considered to be any accident issues that need to be addressed as a consequence of the proposed development.
- 9.16 The ES concludes that the residual impacts upon road traffic and transportation would be minor, short in duration and not significant in EIA terms.

Impact on the Strategic Road Network (National Highways)

- 9.17 Upon the completion of the slip roads enabling accessing to and from the M25 the access for HGVs from the A4007 would cease with access thereafter being taken via the M25. It is anticipated that HGV movements would peak at 70 two-way movements and 30 two-way staff movements per day. It is understood access for staff would continue from the Slough road access. These matters can be secured by conditions.
- 9.18 National Highways as the Strategic Highway Authority were consulted on the proposal, they are the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). They hold no objection on highway impact or safety and recommend conditions that should be attached to any planning permission that may be granted.
- 9.19 National Highways work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. The Secretary of State for

Transport (SoS) has considered whether there is a case for a departure from Government policy based on the fact that the proposal involves an application (reference CM/0036/21) to extract mineral-grade sand and gravel present at the site. Paragraph 20 of DfT Circular 1/22 prohibits new motorway accesses unless one of a limited range of exceptions is met, including access to signed roadside facilities. The Secretary of State for Transport determined that as the application to extract minerals will create an access to the M25 which does not fall under one of the exceptions at paragraph 20 of the Circular, the case for a departure must be made. This access will then be used for the motorway service area, which is applied for under a separate application. The SoS has approved the departure from policy subject to the following:

- a. that the mineral extraction cannot occur separately from the construction of the motorway service area in line with the intention of paragraph 20 in the Circular.
- b. that access to the motorway service area is achieved in accordance with the Design Manual for Roads and Bridges and the Circular.

- 9.20 The two conditions National Highways recommend relate to (i) a CEMP covering a number of matters ranging from noise mitigation measures to traffic management plans and (ii) a condition preventing both the commencement of the minerals application ref: CM/0036/21 and facilitatory works until such a time when the CV MSA application ref: PL/20/4332/OA has been granted and all subsequent reserved matters pursuant to that permission have been approved and a contract has been let for the works permitted under that planning permission.
- 9.21 Mindful of the above recommendation from National Highways it is considered that the impact upon the strategic highway network can be satisfactorily managed subject to conditions in accordance with policy 17 of the BMWLP and policies TR5 and TR10 of the SBDLP.

Impacts on Local Highway Network

- 9.22 As previously mentioned, access to the site would initially be taken onto the site via an upgraded access off the Slough Road for an estimated period of 6 months until the accesses onto the M25 were constructed. During this period it is estimated there would be 20 two-way Heavy Goods Vehicles (HGV) and 60 two-way staff movements per day. Once the M25 slip roads are constructed the access via Slough Road would cease.
- 9.23 The Local Highway Authority were also consulted on the application. The highway officer noted that the largest percentage increase in all vehicles is expected along Slough Road to the east of Bangors Road junction (1.2%) and the largest percentage increase in HGVs is expected along Slough Road close to the site access (2.8%) and along Slough Road between the junction of the A412 and Bangors Road (0.8%). The officer concludes that whilst there is shown to be an increase in both all vehicles and

HGVs, the amount is considered to remain negligible over a temporary period of 6 months.

- 9.24 BC Highways have no objection subject to conditions securing details concerning the improved construction access to the Slough Road, the direction of HGVs via the slip roads following their construction and the submission of a Construction Traffic Management Plan, to include details of vehicle routing.
- 9.25 It is considered that the proposal would not adversely impact the operation and safety of the highway and would not result in severe cumulative impacts.
- 9.26 With regards to sustainable transport, it is anticipated that the majority of staff would access the site by road going vehicles however there is provision for pedestrian and cycle access via the A4007 access.
- 9.27 Whilst the application would result in a temporary increase in vehicle movements on the Slough Road during the establishment phase it is not considered that this would have an adverse effect on the amenities of nearby properties on the use, quality or character of the locality in general, including rural lanes.
- 9.28 As previously stated, upon the completion of the slip roads enabling accessing from the M25 the access for HGVs from the A4007 would cease with access thereafter being taken via the M25. It is understood access for staff would continue from the Slough Road access during this period. Conditions would be required securing this detail.
- 9.29 In consideration of policy TR10 of the SBDLP, the impacts upon locality via noise and vibration are covered in the amenity section of this report, the proposal would also not take access onto an unsuitable road.
- 9.30 With regards to required improvements, the council's Highways Officer has sought conditions securing improvement of the construction access (A4007 access). With regards to mitigation measures the applicant is offering a Lorry Routing plan to be agreed alongside hours of operation on site. Conditions would be imposed requiring a submission of Construction Traffic Management Plan which would include the routing of vehicles off of the site.
- 9.31 Slough Borough Council request that the construction traffic management plan routes construction traffic along the M25 and M40 and then A412 Denham Road or A4020 Oxford Road to reach the site. Further to this, no HGVs should be routed along Slough's Local Highway Network as it would potentially impact upon Air Quality, Congestion and possibly Road Safety.
- 9.32 As conditions can be placed requiring HGV vehicles associated with mineral export to access and egress the site via the slip roads onto the M25 only, after the initial establishment period, and in view of the volume of and duration of HGV movements along the local highway network it is considered that this can be dealt with through

condition and a separate routing agreement would not pass the tests for a planning obligation.

- 9.33 The proposals would accord with policy 17 of the BMWLP, CP7 of the SBCS and policies TR5 and TR10 of the SBDLP which taken together seek to ensure new development has safe and appropriate access, upholds highway safety standards, retains and where possible improves public access and retains the freeflow of traffic on the highway network.

Parking

- 9.34 Parking for staff would be provided within the construction compound. There would be room within the compound for at least 50 spaces. Within policy TR7, no specific provision is made for mineral extraction developments. It is considered there would not be an increase in non-residential on-street parking in residential areas. It would also not reduce the level of parking provision serving other development.

Rights of Way

- 9.35 The proposal would temporarily divert Bridleway IVE/33/1 to the west of the site for the duration of the proposed development under application ref: CM/0036/21. This can be achieved under S261 of the Planning Act 1990. The council's Rights of Way Team have no objection but recommend the inclusion of two informatives. One would advise that a temporary diversion is applied for during the construction period and the other that a permanent diversion is sought in the event where the 'fallback' restoration is implemented.
- 9.36 As set out in a number of sections of this report, the impacts of the proposed development under application CM/0036/21 on a number of matters are typically limited by virtue of the temporary nature of the proposal. As previously stated, the proposal is projected to be carried out over the course of approximately 12 months with restoration to a motorway service station to be undertaken thereafter as set out under application ref: PL/20/4332/OA.
- 9.37 It is considered that the application would sufficiently protect the existing public access routes and avoid adverse impacts on users in accordance with policy 24 of the BMWLP and policies CP6 and CP7 of the SBCS.

Cumulative and Secondary Effects with MSA

- 9.38 The ES considered cumulative impacts in terms of traffic and transport effects. In relation to other nearby major developments development at Pinewood Studios has been identified. The ES has concluded that there would be no significant cumulative effects.

- 9.39 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA), which includes: a dedicated MSA junction and slip roads, which includes a rebuilt and re-aligned overbridge for the A4007 Slough Road; a controlled access from the Slough Road to the south of the site providing vehicular access for emergency vehicles only; an off-site pick and drop off point for staff access only; footpath enhancements and a pedestrian crossing on the Slough Road.
- 9.40 As previously set out, the applications have a very close relationship with the mineral extraction development being required prior to the development of the CV MSA scheme could occur.
- 9.41 The assessment finds that the residual impact on road traffic and transportation as a result of the CV MSA scheme during construction and operation would be minor with the exception of 'accidents and safety' which would have a major beneficial effect during the operational phase.
- 9.42 With regards to policies relating to rights of way and access, in terms of the cumulative impact, members should note that, under application ref: PL/20/4332/OA it is proposed to permanently divert the existing bridleway around the western perimeter of the proposed motorway service area development before rejoining the existing alignment to the southwest of the M25. A public rights of way strategy would be secured in any MSA S106 agreement. Enhancement works include a new pedestrian footway to the bus stop and pedestrian crossing.
- 9.43 The minerals development (application ref: CM/0036/21) is primarily intended to come forward only as part of the wider MSA development (albeit that the fall-back position is acknowledged as a possibility). The MSA report sets out a detailed assessment on the impact of the CV MSA development.

Standalone - Fallback

- 9.44 The ES considered the impacts upon traffic and transport from delivering the 'fallback' (no MSA scenario) scheme.
- 9.45 The ES confirms that the work to return the soils and overburden to the mineral extraction area, and to re-instate other parts of the site would not involve any movement of materials on the highway. The ES adds that removal of the temporary slip roads may require some materials used in their construction (such as aggregates) to be removed for recycling.
- 9.46 Once the site has been restored to agricultural use the traffic and transport impacts would return to the pre-development levels.
- 9.47 With regards to public rights of way, in the eventuality where the motorway service area put forward under the above referenced application was delayed or not

implemented the site would be required condition to be restored to a scheme based upon the 'fallback scheme' detailed in drawing ref: Figure 14.1.

9.48 Under the proposed fallback scheme, the public right of way would be put back along an alignment similar to that already existing, albeit more circuitous than that already in place. Officers consider this to have a neutral affect and it is considered that the application would sufficiently protect the existing public access routes and avoid adverse impacts on users in accordance with policy 24 of the BMWLP and policies CP6 and CP7 of the SBCS.

9.49 The ES stated that there would be no likelihood of a significant negative impact relating to traffic and transport.

Conclusion

9.50 There is no objection raised by either the National Highways (responsible for the strategic highway network) nor the Local Highway Authority on the impact on the road network or highway safety, subject to conditions. Overall, it is considered that subject to the above-mentioned conditions the proposal would be acceptable individually, secondary and cumulatively in terms of access, highway safety, public access and parking. It is considered that the application is in accordance with policy 17 of the BMWLP, policies TR5, TR7 and TR10 of the SBDLP and policy CP6 of the SBCS.

10 Amenity and Environmental Issues

Policy 16: Managing Impacts on Amenity and Natural Resources (BMWLP)

Policy EP3 - The Use, Design and Layout of Development (SBDLP)

Policy TR10 – Heavy Goods Vehicles (SBDLP)

CP13 Environmental and Resource Management (SBCS)

10.0 Policy 16 of the BMWLP seeks to manage impact upon amenity and natural resources. The policy requires minerals and waste development to demonstrate the development is environmentally feasible, secures a good standard of amenity and would not give rise to unacceptable adverse impacts on a number of matters including Human Health and wellbeing and amenity to communities, Air Emissions (including dust), noise, vibration, cumulative impacts, light and visual impacts and/or intrusion.

10.1 Policy EP3 of the SBDLP makes similar provision to protect the amenities of neighbouring properties and the locality in general.

10.2 Core Policy 13 of the SBCS DPD seeks to ensure prudent and sustainable management of the district's environmental resources by, amongst other things, seeking improvements in air quality especially in AQMAs and close to Burnham Beeches SAC. It

also highlights that new development will be directed away from existing sources of noise and air pollution to avoid adverse impacts on local communities.

- 10.3 Policy TR10 of the SBDLP states that development likely to generate HGV movements will only be permitted where it would not adversely affect the character or amenities of nearby properties or the locality in general, for example through noise, vibration, disturbance or visual intrusion in line with Policy EP3 of the SBDLP. It adds that in the case of a proposal likely to generate a significant number of heavy goods vehicle trips permission will only be granted where the access would not be onto a residential road, rural lane or other road which is not suitable in principle for such traffic, and that vehicles would be able to conveniently access the strategic highway network without using such roads.
- 10.4 Paragraph 185 of the NPPF advises that planning decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should:
- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and,
 - identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
 - limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- 10.5 Paragraph 186 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 10.6 Regard should be had to the National Policy Statement for England (NPSE) which defines categories for observing any adverse effects The Planning Practice Guidance (PPG) provides further detail about how the effect of noise levels can be recognised.

Noise

- 10.7 To assess noise impacts, baseline sound levels at the nearest receptors have been taken. Following the baseline survey, a noise assessment was carried out to provide predictions of noise levels at receptors. The assessment carried out relates to a scope of work wider than just the proposed development and includes elements of the wider construction works to establish the main MSA development. It is however noted within the ES that the construction works which make up the proposed development under application ref: CM/0036/21, along with piling for the CV MSA MSA scheme, have the potential for the highest impacts with regards to noise. The proposed development would include the operation of excavators, dump trucks, haulage lorries and diggers. The noisiest activities are anticipated to arise during soil movement or mineral extraction.
- 10.8 Based on distance from the proposed mineral extraction area, the nearest residential properties are located at Mansfield Farm and White Cottage and the Iver Environment Centre off Mansfield Farm Road.
- 10.9 The below 'Table 7.18: Noise Predictions for Highest Likely Noise for existing NSRs (daytime activities)' extracted from the ES sets out predicted noise levels at the noise sensitive receptors.

Position	Approximate Distance to Receptor (m)	Activity	Predicted Noise Level, LAeq dB _{thr}	Typical Residual Noise LAeq dB	BS5228 Threshold Value LAeq dB (daytime)
A) Mansfield Farm)	80-730 80-500	Site establishment Groundworks	45-66 51-55	66 66	70 70
B) Properties off Mansfield Farm Road	230-500 200-270	Site establishment Groundworks	44-56 45-48	67 67	70 70
C) White Cottage	60-500 230-450	Site establishment Groundworks	47-60 45-51	61 61	65 65
D) Ensby's	300-800 420-780	Site establishment Groundworks	37-52 40-44	59 59	65 65
E) Iver Heath	300-650 300-650	Site establishment Groundworks	35-39 38-45	51 51	65 65
F) Properties to north of Site	270-950 420-930	Site establishment Groundworks	40-52 40-45	59 59	65 65
G) Pinewood Studios	1300-1800 1380-2070	Site establishment Groundworks	31-43 23-32	66* 66	70 70
H) Property to south	150-650 190-240	Site establishment Groundworks	48-53 46-54	66** 66	70 70
*Note: Typical residual noise level taken from planning submission by Pinewood Studios development in 2012. Receptor C) has an existing boundary fence which is taken into account. **Similar to Receptor A) & B).					

10.10 The below 'Table 7.19: Noise Predictions for Highest Likely Bridge Construction and Demolition Noise for Existing NSRs (night-time periods)' sets out predicted noise levels at the noise sensitive receptors. As mentioned previously, night-time working may be required to form the slip-roads off the M25. The impacts of this activity are assessed within the ES and are noted to be less than the impacts of bridge construction / demolition (which is proposed under application PL/20/4332/OA) for which extensive noise predictions at noise sensitive receptors are set out. No specific calculations for the night-time works under application ref: CM/0036/21 have been submitted. Therefore, the predicted noise levels set out in the below form a worst-case scenario for the operations comprised within the mineral application.

Position	Approximate Distance to Receptor (m)	Activity ¹	Predicted Noise Level, LAeq _{1hr} dB	Typical Residual Noise LAeq dB	Threshold Value LAeq dB (night-time)
A) Mansfield Farm	250-280	Bridge constr'n /demolition	49-55	50	55
B) Properties off Mansfield Farm Rd	180-250	Bridge constr'n /demolition	50-59	61	55
C) White Cottage	230-450	Bridge constr'n /demolition	42-52	56	55
D) Ensby's	420-780	Bridge constr'n/ demolition	40-51	54	55
E) Iver Heath	750-850	Bridge constr'n/ demolition	39-45	39*	45
F) Properties to north	420-930	Bridge constr'n/ demolition	38-51	50**	55
G) Pinewood Studios	1380-2070	Bridge constr'n/ demolition	31-40	52*	55
H) Property to south	170-240	Bridge constr'n/ demolition	50-59	50**	55

Note ¹: The new bridge construction activity noise would be similar in magnitude to the existing bridge demolition.
*Note: Typical residual noise level taken from planning submission by Pinewood Studios development in 2012.
**Similar to A) & B) relative to M25.

10.11 Nevertheless, a number of mitigation methods and methods of best practice can be employed to reduce impacts. This may include using equipment that is in accordance with manufacturers' specifications, equipment equipped with silencers, restriction of working hours, routing of plant within the site and the use of broadband noise reverse alarms.

10.12 The ES found that the increase in noise at the site from the proposed development during daytime periods is likely to result in an impact magnitude classification of negligible to slight at receptors and a neutral to minor impact significance. For night-time works the ES again includes works put forward under the Colne Valley MSA application ref: PL/20/4332/OA (impacts of bridge construction / demolition), the impact magnitude is considered to be negligible to moderate resulting in a neutral to moderate effect. This approach is accepted by officers.

10.13 The ES concludes there are no likely significant effects in relation to noise and that with the implementation of best practice measures there would be a neutral to minor effect at all receptors.

10.14 The council's environmental health officer (EHO) has concurred with the summary and conclusions of the ES. The EHO remarks on the noise climate of the area being dominated by the M25 and has advised against the imposing conditions requiring setting of noise levels because of this. The EHO advised that subject to the application of best practicable measures in accordance with the relevant British Standard, and appropriate conditions mitigating noise impacts (such as a CEMP) impacts would be satisfactorily managed.

- 10.15 It is considered appropriate to attach a condition which would require the submission of a noise management plan prior to commencement.

HGVDisturbance

- 10.16 For traffic related noise and vibration associated with traffic for the proposed development the ES shows a negligible impact magnitude and neutral impact significance. The council's environmental health officer noted that the sooner the temporary construction access from the Slough Road is closed and access is taken from the M25 slip roads instead it would be beneficial for the locality. As referenced in other sections of this report, conditions ensuring that upon completion of the slip road all HGVs access from that access and also that minerals and soils exported from those accesses are recommended to be attached to any decision.

Vibration

- 10.17 The ES concludes that for the construction period in terms of vibration there would be a negligible impact and neutral impact significance at noise sensitive receptors and levels would be within guidance limits for nuisance and cosmetic damage. The ES concludes there are no likely significant effects. This conclusion is not disputed by officers.

Cumulative and Secondary Effects with MSA - Noise and Vibration

- 10.18 The ES considered cumulative impacts in terms of noise and vibration. In relation to other nearby major developments development at Pinewood Studios has been identified (application ref: PL/20/3280/OA). The ES has concluded that there would be no significant cumulative effects.
- 10.19 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA).
- 10.20 The ES finds that no significant effects relating to the secondary effects with the CV MSA scheme with regards to construction or operational noise and vibration. Conditions could be imposed to secure mitigation measures.
- 10.21 This conclusion is not disputed by officers.
- 10.22 Whilst the application should of course be considered on its own merits application ref: PL/20/4332/OA is nevertheless a material consideration alongside any cumulative effects. The MSA report sets out a detailed assessment on the impact of the CV MSA development.

Summary - Noise and Vibration:

- 10.23 In summary it is anticipated that some disruption is likely to occur individually, secondary and cumulatively, however conditions can be attached to ensure residential

and other amenities are maintained. The proposal is considered to be in accordance with policy 16 of the BMWLP, policy EP3 and policy TR10.

Lighting

- 10.24 As previously mentioned, lighting would be required for health and safety during poor lighting conditions. This is likely during winter months when the days are shorter. This may require some fixed lighting columns or mobile lighting. Some low-level lighting of the construction compound may also be required for winter working.
- 10.25 It is considered that subject to a condition securing a lighting scheme there would not be any unacceptable impacts contrary to policy 16 of the BMWLP, policy EP3 of the SBDLP and Core Policy 13 of the SBCS. .

Air Quality / Dust

- 10.26 The South Bucks Area is subject to two AQMA's. These have both been declared due to levels of nitrogen dioxide (NO²) exceeding the UK Air Quality Objective (AQO) of 40µg/m³. SBDC AQMA No. 1 was declared in 2004 and includes the M4, M25, M40 and the adjacent land. SBDC AQMA no. 2 was declared in 2018 following exceedance of NO² for the whole of the Iver Parish due to the large influx of HGVs expected for national infrastructure projects as well as local development.
- 10.27 It is also noted that the London Borough of Hillingdon has declared an AQMA in the south of the borough owing to exceedance in NO² levels on local roads. The boundary between Buckinghamshire and Hillingdon is located to the east of the application site.
- 10.28 There is currently an Air Quality Action Plan (AQAP) in place for the South Bucks Area (dated June 2020) which focuses on tackling air pollution and reducing HGVs along Iver High Street and Thorney Lane North and South.
- 10.29 The nearest residential properties to the development proposed to the west of the M25 comprises of a series of properties on A4007 Slough Road. These include White Cottage on the north side of Slough Road, Chandlers and the Summerhouse located on the eastern side of Slough Road (opposite White Cottage).
- 10.30 The nearest residential properties to the development proposed to the east of the M25 (slip road access) includes Mansfield Lodge and New Cottage to the south east and Mansfield Farm to the north east.
- 10.31 Further residential development within the settlement of Iver Heath lies approx. 300m to the west and 500m to the east within Uxbridge.
- 10.32 An Air Quality Assessment was prepared in Chapter 8 of the ES. The assessment considers the potential impacts at receptors associated with fugitive dust and vehicle exhaust emissions.

- 10.33 The closest nationally designated ecological receptors to the site include Kingcup Meadows and Black Park. These are national designated sites (SSSI & LNR) within 1km of the application site. Burnham Beeches SAC is located over 5.6km from the application site.
- 10.34 The ES assesses air quality impacts due to the generation and dispersion of dust and PM₁₀. It considers that there is up to a low risk of dust soiling impacts and low risk of human health impacts arising due to earthworks and mineral extraction and track-out along the roads to be used by HGVs during the establishment/enabling phase with the implementation of best practice. It is however noted that this is only observed for the short period when traffic accesses the Site via the A4007 Slough Road. Thereafter the risk reduces to negligible as there are no receptors within 500m of the Site exit onto the motorway. The slip-roads would also be provided with paved surfacing reducing the potential for track-out onto the motorway.
- 10.35 There is a low risk of ecological impacts due to fugitive dust during earthworks and construction, due to the proximity of the area of Ancient Woodland ('woodland north of A4007') to the southern Site boundary.
- 10.36 Through the incorporation of best practice dust mitigation measures during the proposed development (such as: the setting of an appropriate on-site speed limit, regular spraying down of dust and minimisation of drop heights) overall no significant effects on human health, amenity or ecological receptors have been identified. It is considered that a Dust Management Plan which would include measures to deal with dust could be secured by planning condition. Similarly, a CEMP would be secured by planning condition to mitigate any potential impacts on ecological receptors.
- 10.37 The ES assessed potential impacts from additional vehicle emissions. Negligible, non-significant effects are predicted from construction vehicle movements on either human health or ecological receptors.
- 10.38 The ES concludes that with regards to air quality there would be no significant adverse effects.
- 10.39 The council's Environmental Health Officer (Air Quality) notes that during Phase 1, HGVs during this period would travel through either the SBDC AQMA No 2 or the HBDC AQMA depending on direction of travel on the A4007 Slough Road. The applicant has screened out the requirement for an assessment as the AADT for both LGV and HGV are below the assessment. EHO recommend a condition to restrict the number of HGV movements in Phase 1 to 40 (20 in and 20 out). During mineral extraction access to the Site is to be provided via the M25 the vehicle movements during this period would therefore be through the SBDC AQMA No 1 only. In this the case the AADT for both LGVs and HDVs are above the screening threshold. However, as the access to site will only be on newly formed slips from the M25, the applicant has been able to screen out

the need for an assessment based on distance from the nearest receptor. Environmental Health do not raise an objection and recommend a condition limiting HGV movements throughout the development lifetime, a condition securing a dust management plan and financial contributions to be made towards the mitigation measures identified within Buckinghamshire Council's most recent Air Quality Action Plan for the area to be secured in a S106 agreement. The contribution would be put towards the funding initiatives to improve air quality in the area such as car sharing, public realm improvements, speed restrictions and local campaigns i.e. promotion of Electric Vehicles (EV). The contribution amount was calculated using DEFRA's toolkit for Air Quality Damage Costs and was deemed to be £1644. It is considered the requirement of this contribution would meet the CIL tests for planning obligations. Therefore, in accordance with IAQM guidance air quality effect of the proposed development is considered to be not significant on relevant sensitive human receptors.

Cumulative and Secondary Effects with MSA – Air Quality / Dust

- 10.40 The ES considered cumulative impacts in terms of air quality effects. In relation to other nearby major developments development at Pinewood Studios has been identified The ES has concluded that there would be no significant cumulative effects.
- 10.41 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA).
- 10.42 The ES found that the CV MSA scheme would not result in any significant adverse effects relating to air quality during both the construction and operational phases.
- 10.43 Taking into account mitigation through the financial contribution secured towards Air Quality Action Plan objectives, it is considered that potential cumulative adverse air pollution effect during mineral extraction would give rise to limited harm which would be mitigated through a financial contribution to temper this to a neutral effect and this is carried forward to the overall planning balance.
- 10.44 The CV MSA would contribute to the Air Quality Management Plan and through initiatives via the framework travel plan. In addition, the Air Quality Assessment submitted with the application demonstrates that there would be no exceedance for key pollutants on key human receptors. In terms of the MSA facility this would benefit from 100 Electric charging points in line with the aims of the policy.
- 10.45 The minerals development (application ref: CM/0036/21) is primarily intended to come forward only as part of the wider MSA development (albeit that the fall-back position is acknowledged as a possibility). It is therefore the case that application ref: PL/20/4332/OA is a material consideration alongside any cumulative effects. The MSA report sets out a detailed assessment on the impact of the CV MSA development.

Contamination

- 10.46 A preliminary assessment of ground conditions and contamination risk at the site was undertaken (site visit and desk-based research). This assessment found there is potential for contamination to be present as a result of historical activities at the site and the surrounding area. This may be from proximal historical landfill sites, construction of the adjacent substation and made ground from the construction of the M25. The ES recommends that an intrusive ground investigation will need to be undertaken prior to commencement. Where necessary, additional remediation measures would be proposed within a Remediation Strategy, which would be prepared prior to the commencement of works. With mitigation work implemented as identified within the ES the proposal would result in slight adverse to no effects, which are considered to not be significant. Mitigation measures include the conducting of the investigation, storage of fuels within double skin tanks (or single skin tanks with suitable sized bunds) and the storage of any contaminated material on impermeable liner to prevent runoff.
- 10.47 The council's environmental health officer was consulted on the proposal and concurred with the recommendation within the ES that a ground investigation should be undertaken prior to commencement to ensure that the site is fully characterised. A number of conditions can be imposed which in summary secure: the carrying out of a site investigation, a remediation strategy based upon the investigation, a verification report demonstrating the remediation strategy has been completed and a programme for dealing with previously unidentified contamination.
- 10.48 Subject to the aforementioned conditions, it is considered the proposal would accord with policy 16 of the BMWLP.

Cumulative and Secondary Effects with MSA- Contamination

- 10.49 The ES considered cumulative impacts in terms of ground conditions. In relation to other nearby major developments development at Pinewood Studios has been identified (application ref: PL/20/3280/OA). The ES has concluded that there would be no significant cumulative effects.
- 10.50 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA).
- 10.51 The ES found that following the completion of mitigation work identified within the ES there would not be any significant adverse effects on ground conditions which would arise as a result of the CV MSA scheme. The council's environmental health officer concurs with the recommendation within the ES that a ground investigation should be undertaken prior to commencement to ensure that the site is fully characterised.
- 10.52 The minerals development (application ref: CM/0036/21) is primarily intended to come forward only as part of the wider MSA development (albeit that the fall-back position is acknowledged as a possibility). It is therefore the case that application ref:

PL/20/4332/OA is a material consideration alongside any cumulative effects. The MSA report sets out a detailed assessment on the impact of the CV MSA development.

Standalone - Fallback

10.53 The impacts of delivering the fallback scheme were also assessed within the ES. It found that works would effectively be the reversal of aspects considered for the extraction operations. Therefore, officers consider that there would be no unacceptable impacts with respect to noise. With respect to air quality, again similar methodologies to the extraction operations would be employed. Officers consider that with respect to dust there would be no significant effects on human health, amenity or ecological receptors.

Conclusion

10.54 It is considered that subject to the above identified mitigation / conditions that the application would not result in unacceptable impacts individually, secondary and cumulatively and would be in accordance with the aims of policy 16 of the BMWLP which seeks to manage impacts upon amenity and natural resources to acceptable levels, policy EP3 which seeks to protect amenities of neighbouring properties and the locality, policy TR10 of the SBDLP which seeks to avoid adverse impacts from HGV movements and core policy 13 of the SBCS which seeks to ensure prudent and sustainable management of the district's environmental resources.

11 Landscape and visual Impact

Policy 20: Landscape Character (BMWLP)

Policy 24: Environmental Enhancement (BMWLP)

Policy EP3 - The Use, Design and Layout of Development (SBDLP)

Policy EP4 – Landscaping (SBDLP)

CP9 - Natural Environment (SBCS)

Policy 16: Managing Impacts on Amenity and Natural Resources (BMWLP)

Policy 18: Natural Environment (BMWLP)

Policy 24: Environmental Enhancement (BMWLP)

Policy 25: Delivering High Quality Restoration and Aftercare (BMWLP)

11.0 Policy CP9 of the SBCS states that the landscape characteristics will be conserved and enhanced by "Not permitting development that would harm landscape character or nature conservation interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be

located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, resulting in a net gain in biodiversity". Further the policy states landscape characteristics and biodiversity resources will be conserved and enhanced by, among other things, improving the rural/urban fringe by supporting and implementing initiatives in the Colne Valley Park Action Plan. Policy CP9 is not fully in accordance with the NPPF in that it has requirement to consider for an alternative site, which is not reflective in the NPPF. and as such the weight given to policy CP9 is moderate.

- 11.1 Policy EP3 of the SBDLP states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general.
- 11.2 Policy EP4 of the SBDLP requires development to incorporate appropriate hard and soft landscaping into any proposal, take account of, and retain, existing planting and landscape features, which are or may become important elements in the character and appearance of the site and wider area, where appropriate provide for additional planting of native species and provide for the maintenance of existing and proposed planting.
- 11.3 Policy 20 of the BMWLP states that proposals for minerals and waste development should protect and enhance valued landscape in a manner commensurate with their status recognising their importance and contribution to wider networks.
- 11.4 Policy 24 of the BMWLP states proposals for new minerals and waste development must incorporate measures to enhance Buckinghamshire's environmental assets and green infrastructure networks, including the positive integration of the site with the wider landscape taking into account the Colne Valley Regional Park and other designations.
- 11.5 Policy 25 of the BMWLP states restoration of a site must, when within the Colne Valley Regional Park, seek to enhance the characteristics and qualities for which the area was designated giving consideration to the provision of green infrastructure and opportunities for access and recreation.
- 11.6 Policy 16 of the BMWLP seeks to ensure waste development does not give rise to unacceptable impacts including visual impacts and intrusion.
- 11.7 The ES accompanying the application considers landscape and visual impacts. The ES is supported by a number of technical appendices including a Landscape and Visual Impact Assessment (LVIA) and Zone of Theoretical Visibility models. The majority of information provided is the same as that included within the submissions for the application ref: PL/20/4332/OA with a number of documents changed to specifically relate to the proposed development.

Landscape Character

- 11.8 In terms of landscape designations, the site is not located in a protected landscape (i.e. within a National Park or Area of Outstanding Natural Beauty (AONB)). The site is located within the National Character Area (NCA) area NCA 115 Thames Valley. This NCA covers an extensive area, predominately to the western edge of greater London. The key characteristics of NC115 are as follows:
- Pockets of tranquillity within woodland and open spaces of a variety of habitats within a densely populated area.
 - Natural character of the area is overtaken by urban influences: a dense network of roads (including the M25 corridor), Heathrow Airport, railway lines, golf course, pylons, reservoirs, extensive mineral extraction and numerous flooded gravel pits
 - Area has an urban character, and there are very few villages of more traditional character, although almost half of the area is in Green Belt land
 - The area is important for recreation, both for residents and visitors.
- 11.9 In addition to the above, the South Bucks District Landscape Character Assessment (2011) identifies a series of landscape character areas (LCAs) across the South Bucks area. The application site lies across two of the identified LCAs, these being LCA22.4 Iver Heath Mixed Use Terrace (which covers the western portion of the site) and LCA26.3 Colne Valley Floodplain (which covers the eastern portion of the site). The applicant identifies these two character areas as those most likely to receive change in character from either direct physical changes or views of the proposed development.
- 11.10 The key characteristics of the Iver Heath Mixed Use Terrace are as follows:
- Mixed land cover, including arable land influenced by development and dominated by settlement such as the villages of Iver and Iver Heath
 - Landscape is cut by roads including the M25 creating local audible and visual impacts with a strong sense of movement with some industrial and business areas located to the south
- 11.11 Sensitivities identified for the Iver Heath Mixed Use Terrace include the hedgerow networks, long views across arable fields and undeveloped spaces between built up areas.
- 11.12 The key characteristics of the Colne Valley Floodplain are as follows:
- Transport corridors cut through the landscape including the M25 and M40, which have a strong visual and audible influence. Screening earthworks are associated with these places. Two railway lines also cross the area.
 - The area lies within the Colne Valley Regional Park and a well-established network of public rights of way exist with intermittent long across the Colne Valley – with these views often interrupted by roads.

- Roads and pylons fragment an otherwise simple landscape, and generate a discordant and busy character. Away from these areas pockets of tranquillity remain associated with water and woodland.

11.13 Sensitivities identified for the Colne Valley Floodplain include occasional long views across lakes from Hillingdon District, hedgerow boundaries, flat landscapes accentuating the visual sensitivity of the landscape and public rights of way accesses.

11.14 The site also lies within the Colne Valley Regional Park (CVRP), a leisure, recreation and conservation resource that was established in 1967 to preserve areas suitable for these uses. The aims and objectives of the CVRP include safeguarding the countryside, maintaining the historic landscape, conserve and enhance biodiversity, provide opportunities for countryside recreation, supporting a sustainable and rural economy and encouraging community participation.

11.15 The CVRP have produced a landscape character document entitled Colne Valley Landscape Character Assessment (2017) (CVLCA). The applicant identifies these two character areas as those most likely to receive change in character from either direct physical changes or views of the proposed development and these include:

A412 to Iver Colne Valley Character Area (CVCA), with characteristics including:

- Mixed broadleaf woodland on valley sides with long views east and northwards
- M25 audible but well concealed by vegetation and lines of pylons on valley floor

Iver Heath Terrace Colne Valley Character Area (CVCA), with characteristics including;

- Mixed land uses of 20th century development dominated by extensions and busy roads to populated character of Iver Heath and Iver Village
- Pastures and paddocks divided by a network of hedgerows and hedgerow trees

11.16 The site primarily lies within the 'A412 to Iver' area.

11.17 As highlighted previously the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which has been included as part of the ES. The landscape chapter in the ES includes an assessment of the main landscape and visual impact issues.

11.18 A total of 11 viewpoints were selected to represent views from a selection of viewpoints (mixture of public and private view points) for key visual receptors and identify the impact of the proposed development.

11.19 The study area for the LVIA extends approximately 1.5km from the site. This extent has been devised in view of the type of development proposed under this application and the surrounding landscape context.

- 11.20 In terms of the impact of the proposed development on the existing landscape, it is important to note the existing site circumstances. The application site straddles the M25 which, in this location, is largely contained within a cutting. The land to the west of the M25 largely comprises of pastureland with hedgerows, with some containing mature trees, this area is relatively tranquil in nature though naturally disturbed by the M25. There are two notable small woodland areas, one to the north of the site and one outside the site boundary to the south. Land levels rise from the M25 westwards and then drop gradually to the west, north and south. There are two of public rights of way of which allow views of the area of the site west of the M25, these being:
- Footpath IVE/5/1 which runs east to west between Bangors Road North and Slough Road
 - Bridleway IVE/32/1 which runs from the north side of Slough Road currently runs through the application site joining the A412 Denham Road to the north.
- 11.21 The land east of the M25 is generally flatter than that of the west and contains a mixture of uses, predominately pasture land associated with Mansfield Farm, which also contains a number of buildings. The eastern edge of the site is dominated by the Iver National Grid Sub-Station, further to the east is the urban edge of Uxbridge. Views across to the eastern limit of the M25 are obtainable by users of the access track which serve Mansfield Farm and Iver Environment Centre.
- 11.22 The proposed development would involve a number of elements which would be disruptive to the landscape. The development would involve the loss of arable and pasture land, hedgerows and tree cover. Impacts upon the landscape fabric are adjudged by the applicant to be moderate adverse and not significant in EIA terms.
- 11.23 The ES considers the impact of the proposed development upon the abovementioned character areas including those described in the CVLCA Assessment (which is partly informed by and overlaps with the South Bucks District Landscape Character Assessment).
- 11.24 As aforementioned the majority of the proposal is set within the A412 to Iver CVCA with the construction compound and the Slough road access being within the Iver Heath Terrace CVCA. During the development a number of uncharacteristic features would be introduced to the landscape, tree loss would occur, including removal of a small area of woodland west of the M25, some loss along the eastern side of the M25 and approximately 6% of the tree belt north of the A4007 (west of the M25) and tree belt through the site, excavation would occur and storage mounds created. A temporary compound would be located and when removed planted with native woodland as part of the overall landscape mitigation for the wider MSA site. The landform of the site itself would change as a result of the development as the pasture

grassland would be lost to minerals extraction and associated mounds and ponds created.

11.25 The ES considers that effects upon the A412 to Iver CVCA during both phases (construction / site establishment and mineral extraction) would be moderate adverse. Within the Iver Heath Terrace CVCA the effects are deemed to be localised and minor to moderate adverse and not significant in EIA terms. Due to the limited duration of the development (estimated to be 12 months) the effects are not deemed to be significant. Overall it is considered that there would be moderate harm to landscape character.

Visual Effects

11.26 The ES also considers the visual effects of the proposal. The ES notes that mineral extraction operations feature distinctive elements likely to draw attention such as: temporary fencing, site operatives (in Hi-Viz), vehicles and plants. However, the applicant notes these features are relatively low in height and again refers to the fact the majority of works would take place at or below existing ground levels which increases the screening offered by nearby features.

11.27 In terms of the eleven viewpoints identified within the LVIA a detailed assessment is set out in appendix 5-4 of the ES (Map of Viewpoints is available in Appendix C of this report). At viewpoints 1,2,7,8 and 11 the proposed development would not be visible and as such there is no anticipated visual effect at these viewpoints. A summary table of effects on viewpoints extracted from the ES is set out below. As per the below table effects are considered for two phases, the enabling works / construction phase and the mineral extraction phase.

Table 5.2 Summary of Visual Effects

Phase	Viewpoint										
	1	2	3	4	5	6	7	8	9	10	11
Enabling works/ construction (months 1-6)			Yellow	Yellow	Red	Red				Yellow	
Minerals Extraction Operations (months 6-10)			Yellow	Yellow	Red	Red			Yellow		
<i>Red shading indicates a significant visual effect</i>			<i>Yellow shading indicates a non-significant visual effect</i>			<i>No shading indicates no visual effect</i>					

- 11.28 It is identified in the ES that the principal receptors that would be affected would be the users of the public footpath IVE/5/1 which runs south of the site (Viewpoint 5). It is noted that the construction compound would be visible at short range as well as the temporary access from the Slough Road. The presence of this feature is deemed to result in a significant effect for the duration of the development. Other elements of the proposed development are stated to largely be screened by this compound though the removal of the tree belt within the site would be visible.
- 11.29 Viewpoint 6 (which is located approximately 100m north of White Cottage), is also considered to experience significant effect from the new slip road access from the M25 and mineral extraction.
- 11.30 From viewpoints 3 and 4 (located on Bangors Road North and the footpath off Bangors Road North) during the establishment phase are expected to receive a minor adverse effect with prominent elements of plant likely to be visible. During mineral extraction, again a minor adverse effect would occur with some new development such as plant being visible.
- 11.31 From viewpoint 9 (located at junction of footpath IVE/33/4 with Slough Road) a moderate adverse effect is anticipated to occur during the mineral extraction phase. The tree belt north of the viewpoint is to be removed (under works for application ref: PL/20/4332/OA) which would open up views of the site and there would be views of storage mound and movement of plant / vehicles. During the establishment phase views would be screened by this tree belt resulting in no visual effects.
- 11.32 At viewpoint 10 (Mansfield Farm Access), during the establishment phase a minor adverse effect is anticipated. The tree loss associated with the construction of the slip roads would be evident. During mineral extraction views would be screened by vegetation across both sides of the M25 and thus no visual effect.
- 11.33 In terms of the Colne Valley Regional Park the LVIA identifies that there would be localised significant visual effects.
- 11.34 The CVRP object as the proposal would conflict with the aims of the Regional Park, and may cause actual harm. Officers consider that the impacts of the proposed minerals development are considered limited by virtue of the temporary nature of the proposal with restoration to a motorway service station to be undertaken thereafter as set out and to be considered under the CV MSA application and are localised.
- 11.35 In summary, there would be significant adverse short term visual effects, mainly to users of public footpaths running close to the site and from the viewpoint 100m north of white cottage. As stated previously, these would be localised views.

Night Time Effects

- 11.36 As set out in previous sections, the proposed operations would primarily be carried out in the day-time however lighting would be required in poor light conditions particularly in winter months. A condition securing details of the lighting use on site could be attached to any planning permission that may be granted.
- 11.37 The ES deems the night-time landscape and visual effects to be not significant in EIA terms.
- 11.38 Officers consider that subject to the aforementioned condition that night-time effects would not result in any conflict with local plan policies.

Cumulative and Secondary Effects with MSA

- 11.39 The ES considered cumulative impacts in terms of landscape and visual effects. In relation to other nearby major developments development at Pinewood Studios has been identified (application ref: PL/20/3280/OA). The ES has concluded that there would be no significant cumulative effects.
- 11.40 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA). A detailed assessment of landscape and visual effects has been carried out for construction through operation.
- 11.41 The ES found that localised significant adverse effects upon landscape character would be experienced within the site and its immediate surroundings towards the end of construction. Intermittent significant adverse visual effects would be experienced at five viewpoints, and these would occur chiefly towards the end of construction, with some very localised significant adverse effects also arising from enabling works and minerals extraction early in the construction stage.
- 11.42 With regards to operational effects it is found that the direct physical effects on the landscape would not be significant. The loss of grassland and woodland to allow for the CV MSA scheme is considered to be outweighed by the creation of new woodland as part of landscape proposals. Effects on landscape character within the site and its immediate surroundings, including the Colne Valley Regional Park, are adjudged to be significant and adverse in the short term. However, due to the existing landform and vegetation cover the effects on landscape character of the study area as a whole were judged to not be significant. Significant visual effects were found to occur at four viewpoints in the short term but would reduce to not significant levels in the medium term (10 years).
- 11.43 Assessment of the effect of the CV MSA scheme on topography was also carried out. Officers agree that effects would be locally significant and adverse within the area east of the M25 where the new slip road embankments are proposed. West of the M25 the changes in topography are not considered to be significant.

11.44 The minerals development (application ref: CM/0036/21) is primarily intended to come forward only as part of the wider MSA development (albeit that the fall-back position is acknowledged as a possibility). The MSA report sets out a detailed assessment on the impact of the CV MSA development.

Standalone - Fallback

11.45 In the eventuality where the motorway service area put forward under the above referenced application was delayed, or not implemented the site would be required by condition to be restored to a scheme based upon the 'fallback scheme' (non MSA scenario) detailed in drawing ref: Figure 14.1.

11.46 The ES states that the restoration would revert the site to a similar state to that prior to development. The effects on the physical fabric of the site and the character of the surrounding landscape is considered to be negligible. Similarly visual impacts would be negligible following completion of restoration.

11.47 The council's landscape advisor advises that conditions are attached securing a number of details regarding the implementation of the 'fallback scheme' (e.g. duration of works, aftercare scheme, seeding, planting scheme and replacement of the strong hill top belt), these details have been secured by condition which will be necessary to adhere to in a scenario where the fallback is required. The advisor also comments that consideration of the landscape character and visual effects for the entire operational period, including beyond mineral extraction (i.e. fallback restoration) and residual effects are not fully explored.

11.48 The landscape consultant notes that the proposed landform at a lower level is designed as a platform for the CV MSA and is not specifically designed as a restoration landscape. Nevertheless, the proposed landform is overall considered acceptable as a restoration landform subject to appropriate interface between undisturbed and restored ground. The landscape consultant also states following completion and establishment of an improved fallback restoration scheme the physical fabric of the mineral extraction area would be generally comparable to the baseline prior to development in terms of lay out and landform albeit at a lower level.

11.49 An improved 'fallback scheme' required by condition would effectively deliver the site to a similar state to the baseline prior to any development taking place albeit with sections of the site at lower levels. The improved 'fallback scheme' which would return the physical fabric of the mineral extraction area to a status similar to the baseline is considered to respect the location of the site within the Colne Valley Regional Park.

11.50 With regards to the Colne Valley Regional Park, the 'fallback scheme' would effectively deliver the site to a similar state to the baseline prior to any development taking place albeit with sections of the site at lower levels in both landscape character and visual effect terms. There would be increased planting delivering a net gain in biodiversity. It

is considered the 'fallback scheme' would be fully in accordance with the objectives and aims of the Colne Valley Regional Park. There would be temporary harm to the Colne Valley Regional Park through the disturbance generated from carrying out of the proposal.

Summary

- 11.51 It is considered that, design choices concerning the development proposed under mineral application ref: CM/0036/21 should not be decoupled from the works necessary to deliver the base CV MSA application ref: PL/20/4332/OA. Were mineral extraction proposed in isolation a scheme with less disturbance would likely be submitted. There would likely be greater buffers to landscape features. However, the disturbance put forward is necessary to deliver the MSA scheme and conditions aforementioned would sufficiently tie the applications.
- 11.52 The mineral application ref: CM/0036/21 will secure a 'fallback scheme' for the eventuality through a condition. Per the above, it is considered that an improved 'fallback scheme' can be secured by condition would return the site to a state comparable to that present prior to development occurring.
- 11.53 Overall, whilst the proposal would result in moderate negative temporary impacts upon landscape and cumulatively with the MSA and these impacts are mitigated and minimised where possible. The proposal is considered to meet the aims of policies 16, 20, 24 and 25 of the BMWLP, policies EP3 and EP4 of the SBDLP and policy CP9 of the SBCS which taken together seek to conserve and enhance landscape character in a manner commensurate with their status, mitigate impacts where possible and avoid unacceptable impacts.

12 Ecology, Biodiversity and Arboriculture

CP9 Natural Environment (SBCS)

Policy 18: Natural Environment (BMWLP)

Policy 24: Environmental Enhancement (BMWLP)

Policy 25: Delivering High Quality Restoration and Aftercare (BMWLP)

12.0 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) places a duty on public authorities to have regard to the conservation and enhancement of biodiversity.

12.1 Schedule 14 of the Environment Act 2021 requires that development subject to planning permission in England, provides 10% uplift in Biodiversity net Gain. This will become a mandatory on November 11, 2023. Sections 98 and 99 of the Environment Act 2021, introduced the requirement of biodiversity gain on planning applications.

Biodiversity uplift is supported by National and Local planning policy, as outlined below.

- 12.2 Policy 18 of the BMWLP seeks to conserve and enhance natural assets and resources, including protected and notable species. A hierarchy of designated sites and level of protection afforded to them is contained within Policy 18. Undesignated natural environment assets should be conserved and enhanced with proposals causing harm only being granted where these impacts can be reduced to an acceptable level. The policy also states development should provide net gains in biodiversity and proposals should include an assessment of the natural environment assets. Policy 18 of the BMWLP states that ancient woodland along with aged and veteran trees are an irreplaceable resource which is to be protected, permission would only be granted where it can be demonstrated that the need for, and benefits of, the development clearly outweigh the loss. Policy 18 adds that development should provide net gains in biodiversity and enhance strategic ecological networks, particularly within the Colne Valley Regional Park.
- 12.3 Policy 24 of the BMWLP states proposals for new minerals and waste development must incorporate measures to enhance Buckinghamshire's environmental assets and green infrastructure networks, including: opportunities for biodiversity net gain.
- 12.4 Policy CP9 of the SBCS states that the landscape characteristics and biodiversity resources within the area will be conserved by: not permitting development that would harm landscape character or nature conservation interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided. The policy also seeks conservation and net gain in biodiversity resources, maintaining existing ecological corridors, conserving and enhancing landscapes and improving the rural-urban fringe by supporting initiatives in the Colne Valley Park Action Plan. Policy CP9 is not fully in accordance with the NPPF in that it has a requirement to consider for an alternative site, which is not reflective in the NPPF. and as such the weight given to policy CP9 is moderate.
- 12.5 The Habitats Directives from the Conservation of Habitats and Species Regulations 2017 (as amended) aim to protect habitat and species of European Importance. It is a criminal offence to deliberately capture, injure, kill, disturb, trade or destroy the eggs or breeding site of any protected species. The above regulations have been updated by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, whereby functions have been transferred from the European Commission to the appropriate authorities in England and Wales

- 12.6 Natural England provides standing advice in relation to protected species. This sets out the protection status for each of the species, together with avoidance, mitigation and compensation measures. The standing advice also relates how and when to conduct surveys for protected species. Natural England and Defra guidance seek to avoid harming or disturbing protected species proposals could reduce the size or alter the layout to retain the important habitat features, plan for construction work to be carried out to avoid sensitive times, such as the breeding season for wild birds. If it's not possible to completely avoid harm, disruption should be as minimal as possible.
- 12.7 Paragraph 174 of the NPPF emphasises the importance of development that contributes to and enhances the natural and local environment, with paragraph 174 (d) setting out the importance of minimising impacts and providing net gains for biodiversity.
- 12.8 Paragraph 180 of the NPPF sets out a number of principles to be applied when considering applications affecting habitats and biodiversity. Amongst other things, these include avoiding significant harm to biodiversity as a result of development through locating to a site with alternative site with less harmful impacts, through the use of adequate mitigation measures or as a last resort through compensation. In addition, development resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Para 180 of the NPPF also sets out the requirement for measurable net gains in biodiversity.
- 12.9 In terms of national designations, as set out in section 2 of this report the site is approximately 800m south of Kingcup Meadows SSSI and roughly 2km east of Black Park SSSI. Burnham Beeches Special Area of Conservation (SAC) lies more than 5km from the application site, with the application sitting outside of the 5.6km zone of influence for the Burnham Beeches SAC.
- 12.10 There is also a portion of ancient woodland adjacent to the south-western boundary of the site.
- 12.11 The ES accompanying the application considers impacts upon ecology and nature conservation, including protected species. The ES is supported by a number of technical appendices including a preliminary ecological appraisal, a number of specific surveys, an arboricultural assessment and biodiversity calculations. These surveys alongside a Phase 1 habitats survey helped to establish the baseline for the site and identify important ecological features and species.

12.12 The below 'Table 6.3: Predicted Effect Significance' is taken from the ES and identifies likely impacts upon identified ecological features.

Table 6.3: Predicted Effect Significance

Interest feature	Scale of importance	Impacts	Potential effect on site integrity or conservation status
Kingcup Meadows and Oldhouse Wood SSSI Black Park SSSI	National	None predicted	No effect – not significant
Black Park LNR	County	None predicted	No effect – not significant
Gossams Wood LWS Southlands Manor LWS Black Park BNS Alderbourne east of Fulmer BNS Wetland North of Long Coppice BNS Long Coppice BNS Watergate Farm, River Colne BNS London's Canals SINC Little Britain SINC Mid Colne Valley SINC	County	None predicted	No effect – not significant
Frays River at Uxbridge Moor SINC	Borough	None predicted	No effect predicted - not significant
Ancient Woodlands (including wood north of A4007)	Local	None predicted	No effect predicted - not significant
Bats (common pipistrelle, soprano pipistrelle, noctule)	Local	Loss and fragmentation of foraging habitat	Minor negative effect, not likely to affect conservation status in local area and therefore not significant in EIA terms, reduced to negligible effect – not significant with incorporated mitigation
Bats (Leisler's bat, serotine, Daubenton's bat, whiskered / Brandt's bat, Natterer's bat, brown long-eared bat)	Local	Loss and fragmentation of foraging habitat	Minor negative effect, not likely to affect conservation status in local area and therefore not significant in EIA terms, reduced to negligible effect – not significant with incorporated mitigation
Bats (light-sensitive species e.g. <i>Myotis</i>)	Local	Degradation of foraging habitat quality through lighting	Minor negative effect, not significant in EIA terms, requiring additional mitigation to reduce to negligible effect – not significant
Lowland mixed deciduous woodland priority habitat	Local	Potential disturbance through proximal construction works	Low risk of effect due to standoff between Site works (lagoon formation) and woodland habitat to north – not significant
Hedgerows priority habitat	Local	Partial loss of feature	Minor negative effect, not significant in EIA terms, compensated by on and off-site mitigation to give net positive hedgerow offsetting – not significant
Interest feature	Scale of importance	Impacts	Potential effect on site integrity or conservation status
Rivers and Streams (Alderbourne, Colne Brook) priority habitat	Local	Risk of pollution / introduction of invasive species	Low risk of significant effect, requiring additional construction-phase mitigation to achieve negligible risk – not significant
Breeding bird assemblage	Within-site	Potential killing, injury, loss of active nests and eggs during site clearance	High risk of legislative contravention if woody vegetation and dense cover cleared in bird breeding season – avoidable with additional mitigation – not significant
Plantation woodland within Site (non-priority habitat)	Within-site	Partial loss of feature (1.06ha)	Minor negative effect, not significant in EIA terms, compensated by on and off-site mitigation to give net positive offsetting –not significant

12.13 The majority of habitats inside the application site boundary will be lost or disturbed which, without mitigation, would increase habitat fragmentation. Approximately 0.34km of hedgerows would be lost and 1.44ha of immature plantation woodlands and shelterbelts, including a veteran tree, which is considered further below. Due to the

nature of mineral extraction within the extraction area it is not practicable to retain these features.

- 12.14 The submitted surveys have not indicated that there are any protected species within the proposed development footprint area. However, the bat surveys and breeding bird surveys have identified a number of potential roosting sites.
- 12.15 To mitigate impacts a number of measures are identified within the ES including avoidance of clearance of habitats during bird breeding seasons and utilising a detailed Construction Environment Management Plan (CEMP). The council would seek to secure such measures through condition.
- 12.16 A summation of the position with regards to protected species relevant to this site is set out below.

Bats

- 12.17 In terms of bats, though no roosts have been identified as part of the initial surveys, further checks and possible licences would need to be obtained because of the transient nature of bat roosts. As the proposed development may have the potential to experience delays between completion of survey works and commencement of works on site, it is recommended that further verification surveys are conducted prior to the commencement of works. This has been agreed as an acceptable approach by the Council's ecology officer and will be secured by condition.

Great Crested Newts

- 12.18 No evidence of Great Crested Newts (GCN) were found within the site as part of the habitat surveys. The development is categorised as an amber impact risk zone for great crested newts which requires no on-site mitigation. During the course of the application it was brought to the LPA's attention that there was a confirmed presence of GCN within the pond of a neighbouring site (outside the application site at Iver Environment Centre approximately 100m away which is to be retained). This has been demonstrated through positive EDNA testing and associated population assessments.
- 12.19 The new information as set out above is a material planning consideration in the assessment of the proposal. The proposal does not propose to remove or damage this pond, however great crested newts do forage, disperse or hibernate on nearby land, and therefore there is a potential risk of newts entering the application site.
- 12.20 The applicant has subsequently provided information to confirm that they have progressed with a District Licence Scheme and has provided a District Licence Report and therefore with the applicant obtaining the District licence, the Local Planning Authority has to have regard to Natural England's Three Tests.
- 12.21 The Three Tests are:

- A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment;
- The appropriate authority shall not grant a licence unless they are satisfied 'that there is no satisfactory alternative';
- The appropriate authority shall not grant a licence unless they are satisfied 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

12.22 Having regard to the three tests above, it is considered that there is an overriding public interest in this development due to the fact that there are significant social and economic benefits to the development scheme including: 1) as part of the initial works and assisting in meeting the need of an motorway service area on the western section of the M25 ; 2) the economic benefits of mineral extraction and 3) the residual benefits from being an enabling work for the construction of the motorway service area.

12.23 In terms of the conservation status of the protected species, mitigation and enhancement measures would be sought by the Council in the form of planning conditions and these measures are due to be submitted and approved before the commencement of the development. In addition, it is also noted that the Council's Ecology officer is now satisfied that the District Licence Report provides details of the assessment undertaken by Nature Space Partnership to confirm that district licencing is an appropriate route for the proposal. It confirms that the assessment followed the agreed processes and protocols as set out in the District (organisational) Licence granted to Buckinghamshire Council (WML-OR112). There is therefore some certainty over the granting of a licence under this process.

12.24 A number of pre-commencement conditions have therefore been suggested in line with the District Licence report.

Badger

12.25 The surveys submitted in support of the application identified no evidence of badgers. Similar to the approach with bats, the council's ecologist recommends conditions securing additional surveys verifying their presence or lack thereof prior to commencement of works. Mitigation will need to be provided if found.

Reptiles

12.26 The council's ecologist considers that in view of the absence of reptiles found within the surveys and that there is an absence of recent records from the surrounding area in this scenario no resurvey will be required prior to determination. However,

verification surveys will be required prior to the commencement of works. Mitigation will need to be provided if found.

Birds

- 12.27 Surveys identified a number of breeding bird species present on or around the site with two species with special protection (Red Kite and Peregrine). Impacts upon breeding birds are proposed to be limited by clearing habitats outside nest season.
- 12.28 The ES for the proposed development identifies that with respect to Ecology and Nature Conservation, the proposal would not result in any significant effects in EIA terms. The ES further adjudges that there would be no significant cumulative impacts.
- 12.29 With regards to noise, human disturbance, and lighting effects the ES finds that these will potentially have temporary disturbance effects on proximal habitats. As referred to previously it is proposed that via the implementation of a CEMP these impacts could be minimised.
- 12.30 With regards to air quality impacts (aside from the low risk of impacts upon ancient woodland) the ES finds there are no significant effects anticipated on ecological receptors (European Designated Sites, National Designated Sites and Local Designated Sites) within 200m of the road network. The proposed development (ref: CM/0036/21) would also not have a direct impact on Ancient Woodland habitat and impacts from indirect sources (noise and dust) may be reduced via conditioned mitigation measures. The ES assesses the risks of impacts of dust upon the nearby ancient woodland to be low. Officers consider further mitigation measures could be secured via a CEMP, TPP or the AMS such as fencing of the site boundary, protection of rooting zones and talks to construction staff to prevent inadvertent damage.
- 12.31 With regards to the water environment, once more a CEMP is proposed to minimise risks to the water environment across the site.
- 12.32 With regards to invasive species the ES finds that there is potential, though small, for the introduction of non-native species such as Japanese knotweed during earthmoving operations. It is proposed that biosecurity measures are incorporated into conditions.
- 12.33 Due to the distance and nature of the proposed development it is not considered that the proposal would result in unacceptable impacts upon Burnham Beeches SAC from an air quality point of view and hydrology. Natural England have no objection to the proposal and consider the proposal would not have significant adverse impacts on statutory designated sites.
- 12.34 Whilst the proposed mineral extraction would lead to a loss of ecological habitat assets the ES also concludes that when viewed as a facilitating work for the wider CV MSA

development there would be an overall net biodiversity benefit despite in isolation the mineral development resulting in a biodiversity loss. This is considered in the secondary and cumulative section below The CV MSA scheme would deliver an overall net gain in excess of 80% with all 'trading rules' being satisfied.

- 12.35 As set out in a number of sections of this report, the proposed development put forward under application ref: CM/0036/21 is projected to be carried out over the course of approximately 12 months with restoration to a motorway service station to be undertaken thereafter as set out under application ref: PL/20/4332/OA.

Trees

- 12.36 As aforementioned, the application is supported by the Arboricultural Impact Assessment. The assessment doesn't make specific provision for the potential impacts on retained trees from the mineral extraction proposal as a standalone development but comments that all retained trees in and around the mineral extraction will be protected in accordance with standing advice. Further, within the assessment it is concluded that a separate Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) would be produced and can be secured by condition for the mineral extraction proposal. It is estimated that 2785m² of tree belt would be removed and approximately 160m of hedgerow would be lost to accommodate the application ref: CM/0036/21.
- 12.37 The AMS would specify how and when tree protection measures must be installed and monitored and identify other specific construction aspects which may require additional protection or monitoring. The TPP would evidence methods to protect trees during the carrying out of the development.
- 12.38 The council's arboricultural advisor commented on the proposal and suggests that if planning permission is forthcoming a condition securing an AMS and TPP is attached prior to any works being carried out.
- 12.39 As stated above. paragraph 180 of the NPPF states that the loss or deterioration of ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Footnote 63 includes infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.
- 12.40 In relation to the footnote 63 above, there is not an exhaustive list of what constitutes an infrastructure project. However, it would be reasonable to consider that a motorway service area would form a strategic infrastructure project on the strategic road network (M25) on the strategic road network (M25) to meet the need, the public

benefits of which would clearly outweigh the loss. Even if it isn't regarded as an infrastructure project there would be wholly exceptional reasons because the benefits of meeting the need for an MSA are so very substantial as to be wholly exceptional. The minerals application would facilitate the CV MSA coming forward.

- 12.41 As mentioned above, with regards to air quality impacts the ES assesses the risks of impacts of dust upon the nearby ancient woodland to be low. Officers consider further mitigation measures could be secured via a CEMP, TPP or the AMS.
- 12.42 There are no trees the subject of Tree Preservation Order within the application site. There is a veteran tree which enjoys protection under paragraph 180 of the NPPF
- 12.43 Representations (including the Woodland Trust) have been made in relation to the following trees T4, T11, T12, T60, T65 and G6 (a,e,f) of which T11 is remarked to be notable, the other trees veteran. Representations state that there are 3 veteran trees (including multiple trees within group 6) that would be lost and that management methods for trees T4 and T65 and protections afforded to them (e.g. Root Protection Zones) would lead to inappropriate and avoidable deterioration of the trees and their habitat value. It is unclear if the Woodlands Trust has carried out a site visit to inspect the trees. However, the applicant's arboriculturalist has submitted a full assessment of the trees in question following a survey of the trees on the site and contests the assertions made.
- 12.44 The trees in G6 are considerably outside the redline for the proposals under application ref: CM/0036/21 so would not be affected.
- 12.45 The Planning Policy Practice Guidance (PPG) in respect of veteran trees highlights that veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species. Natural England provides standing advice on the subject of veteran trees which states:
- “Ancient and veteran trees can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics.”
- “An ancient tree is exceptionally valuable for its: great age, size, condition, biodiversity value as a result of significant wood decay habitat created from the ageing process, and cultural and heritage value.” It states further: “All ancient trees are veteran trees, but not all veteran trees are ancient. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value.”

- 12.46 It should be noted that there is no guidance within the NPPF or PPG on how to identify and evaluate veteran trees other than that cited in the PPG. This is a subjective matter based on judgement, experience and knowledge.
- 12.47 Trees to be removed under this minerals application are understood to include T11, T12, T60 and T65. The applicant considers that Tree T4 is not veteran nor affected by the proposals. With regards to trees T11, T12, T60 and T65 the applicant considers none to be veteran. The applicant's arboriculturalist visited the site and considers these trees to be high quality or notable trees, with T12 showing some veteran characteristics. However, this tree is reaching a high risk of failure due to crack formations.
- 12.48 The Council's Tree officer has reviewed the supporting documentation and raises no significant concerns in relation to the proposed development. The Council's Tree officer agrees with the supporting information in that tree T11 would be a notable tree. However, in terms of tree T60, the Tree Officer disagrees with the applicant's assessment and it is considered that this should be categorised as a veteran tree which would be lost and its associated loss of habitat. The loss of this tree and its irreplaceable habitat is harmful to both visual and biodiversity which is afforded negative weight. The council's tree officer considers T12 to be notable. The council's tree officer does not consider T65 to be a veteran and concurs with the applicant's assessment.
- 12.49 As advised above, the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Cumulative and Secondary Impacts with MSA

- 12.50 The ES considered cumulative impacts in terms of ecology and nature conservation. In relation to other nearby major developments development at Pinewood Studios has been identified (application ref: PL/20/3280/OA). The ES has concluded that there would be no significant cumulative effects.
- 12.51 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA). The MSA report sets out a detailed assessment on the impact of the CV MSA development.
- 12.52 In relation to the loss of the veteran tree in paragraph 180 and foot note 63 of the NPPF cited above, there is not an exhaustive list of what constitutes an infrastructure project. However, the CV MSA report concludes that there would be wholly exceptional reasons because the benefits of meeting the need for an MSA are so very substantial as to be wholly exceptional. The minerals application would facilitate the CV MSA coming forward.

- 12.53 It should be noted that the loss of a veteran tree was an issue the Inspector considered and commented on although no detailed evidence was put before him by the council, under an appeal decision (APP/X0415/W/21/3272171) on the previous CSP1 MSA decision. This scheme also resulted in the loss of a veteran tree and of this matter the Inspector notes at para 125: *'Although there would be some harm caused by the loss of the veteran tree, taken on its own the need for an MSA and other benefits comprise wholly exception reasons to override the loss of a veteran tree.'*
- 12.54 The CV MSA report also concludes that there is suitable compensatory woodland and tree planting put forward under that application together with biodiversity net gain which can be secured via planning conditions and planning obligations.
- 12.55 Overall, the loss of trees either as a result of construction or to make way for the proposed development is considered moderate, though one Veteran Tree is proposed to be removed, the ES identifies the effect of which would be minor adverse. The loss of the veteran tree and its habitat is to be weighed against the public benefits of the scheme. With conditions sufficiently tying the application to the CV MSA scheme the above assessment is considered appropriate as there is a significant level of security that the mineral development is carried out as part of delivering an MSA and therefore the public benefits of the MSA scheme can be balanced against the loss of the tree.
- 12.56 The CV MSA report concludes that overall, the proposed development would not result in any significant adverse environmental effects in EIA terms and would deliver significant biodiversity benefit, on a local scale, when compared to the existing situation.

Standalone - Fallback

- 12.57 In the eventuality where the motorway service area put forward under the above referenced application was delayed or not implemented the site would be required by condition to be restored to a scheme based upon the 'fallback scheme' detailed in drawing ref: Figure 14.1.
- 12.58 The 'fallback scheme' would effectively deliver the site to a similar state to the baseline prior to any development taking place (agricultural pastures).
- 12.59 In a standalone scenario the minerals extraction on its own would not amount to a wholly exceptional reason for the loss of the veteran tree. The loss of the veteran tree and its habitat is to be weighed against the public benefits of this scheme (see above section concerning secondary effects). A suitable compensation strategy for trees is considered to be secured in the eventuality where the 'fallback scheme' is delivered.
- 12.60 With the scheme provided the ES states that an excess of 10% net gain would be deliverable for both habitats and hedgerows (39.84% and 204.77% respectively), however it is noted by the applicant that 'trading rules' would be breached due to a

lack of compensation for loss of plantation woodlands. In effect, 'trading rules' relate to how when doing net gain calculations you should compensate each separate habitat type and the fact you cannot address the loss of one habitat by providing another. The applicant notes that the breach of 'trading rules' could be rectified by "by additional tree planting if the temporary access and egress routes were reinstated". Officers consider that this change could be secured by a condition requiring the submission of an improved version of the 'fallback scheme'.

- 12.61 The ES considers that there is no likelihood of a significant negative impact from the 'fallback scheme'.
- 12.62 Policy 25 of the BMWLP, amongst other matters, requires restoration to contribute to biodiversity net gains and when specific and favourable conditions occur and when adjacent to identified habitat or designated asset(s), precedence must be given to environmental enhancement objectives, ecological networks and the creation of Biodiversity Action Plan habitat. A condition securing a Biodiversity Action Plan for the 'fallback' scheme identifying specific opportunities for the re-creation of priority habitats and the protection and recovery of priority species population can be attached to any forthcoming permission.

Conclusion

- 12.63 The council's ecologist and tree officers raised no objection to the proposal subject to the aforementioned conditions being secured.
- 12.64 In consideration of the above policy, both the development as proposed to be conducted in conjunction with application ref: PL/20/4332/OA and the fallback restoration secured by condition are considered to meet the requirements of the aforementioned policies and provide appropriate protection for ecological assets, mitigation and enhancements.
- 12.65 Overall, it is considered that the proposal would broadly align with Core Policy 9 of the SBCS, policies 18, 24 and 25 of the BMWLP and the NPPF. The harm arising from loss of 1 veteran tree and its habitat will need to be weighed against the public benefits of the proposed development, and this balancing exercise will be dealt with later in the report.

13 Flooding and drainage

CP13 - Environmental and Resource Management (SBCS)

Policy 16: Managing Impacts on Amenity and Natural Resources (BMWLP)

13.0 Policy CP 13 of the SBCS dictates that vulnerable development should be directed away from areas at risk of flooding wherever possible and that all new development should incorporate Sustainable Drainage Systems (SuDs) where feasible.

13.1 Policy 16 of the BMWLP, amongst other things, seeks to secure that development will not give rise to unacceptable impacts on a number of matters including quality and quantity of water resources, Source Protection Zones and flood risk.

Sequential Test and Exception Test

13.2 Paragraph 161 of the NPPF requires all plans to apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. Paragraph 162 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

13.3 Paragraph 163 of the NPPF states that if it is not possible for the development to be located in zones with lower probability of flooding, an Exception Test be applied if appropriate.

13.4 Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The paragraph adds that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

13.5 The Council has carried out a Strategic Flood Risk Assessment (SFRA). This was carried out by the former Chiltern and South Bucks District Councils as part of evidence base for the since withdrawn Chiltern and South Bucks Local Plan (2014-2036). The aim of

the SFRA is to provide strategic guidance on considering flood risk when determining planning applications.

- 13.6 Level 1 of the SFRA has the purpose of informing choices where future development should be located by providing a summary of past recorded flooding from sources such as rivers and surface water. It also provides information in terms of mapping areas of low, medium and high flood risk based on Environment Agency flood maps and how these could change with climate change.
- 13.7 The level 1 SFRA also outlines how the LPA should use the SFRA (amongst other things) it sets out the need to determine the variations in risk from all sources of flooding in their areas, and the risks to and from surrounding areas in the same flood catchment. It also sets out the requirement to apply the Sequential Test and when necessary the Exception Test when determining land use applications and planning applications.
- 13.8 The Chiltern and South Bucks District Council SFRA identifies approximately 10m intrusion of the application area east of the M25 into Flood Zone 2 and 3b with the rest of the site in Flood Zone 1. The definition of flood zone 3b is functional floodplain.
- 13.9 The SFRA highlights that any development within Flood Zone 3b is likely to measurably impact upon the existing flooding regime, increasing the severity and frequency of flooding elsewhere. It is important to recognise that all areas within Zone 3b are subject to relatively frequent flooding – on average, flooding once in every 20 years. There are clear safety, sustainability and insurance implications associated with future development within these areas, and informed planning decisions must be taken with care. Development in such areas would need to pass the Exception Test in conjunction with the relevant vulnerability of the proposed development.
- 13.10 The application is supported by a site-specific Flood Risk Assessment (FRA) and a Hydrological and Hydrogeological Impact Assessment (HHIA).
- 13.11 The FRA finds that the application site is entirely within Flood Zone 1 for flooding from rivers and the sea. The SFRA however notes a small incursion into Flood Zones 2 and 3b. This appears to be a matter of data resolution, as a precaution where relevant it will be assumed that the site does include areas within Flood Zones 2 and 3b.
- 13.12 The FRA finds that the extraction area is at low risk / no risk of pluvial flooding. There are two areas where surface water flood (pluvial) risk is high within the wider application area. Firstly, on the northern boundary surface water flood risk is associated with an ordinary watercourse that flows along the site boundary. Secondly, a surface water flow route is present in the high to medium risk scenario in the southern part of the site. Thus, a sequential test is required.

13.13 Concerning groundwater flooding, groundwater monitoring has been undertaken at four points within the extraction area. The assessment found that a limited amount of groundwater ingress is expected on the central southern boundary.

Sequential Test

13.14 Due to the surface flood risk associated with the proposed development and incursion into Flood Zones 2 and 3b, the application would require a Sequential Test in line with Paragraph 161 of the NPPF. The purpose of the sequential test, as explained by Paragraph 162 of the NPPF, is to steer new development to areas of lowest flood risk. These mean that *“development should not be allocated or permitted approved if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”*.

13.15 For the purposes of this minerals application, we need to consider whether there are reasonably available sites appropriate for mineral extraction of sand and gravel at lower risk of flooding. It should also be recognised, as set out in the PPG, that mineral deposits have to be worked where they are found and thus there is little scope for relocation (and sand and gravel extraction is defined as ‘water-compatible development’ in National Planning Policy Framework Annex 3, acknowledging that these deposits are often in flood risk areas).

13.16 Further advice is provided in the Environment Agency and DEFRA guidance on the sequential test and alternative sites, including whether it is allocated in a local plan, any issues preventing development and whether these can be overcome, capacity (eg housing density), local plan evidence base documents (including HELAA) and comparing the risk.

Potential Alternative Sites for Mineral Extraction

13.17 The applicant has not provided a sequential test in relation to the minerals application. The council have therefore carried out its own assessment based on the information available.

13.18 It is necessary to identify potential alternative sites for mineral extraction of a comparable yield. Local Plan evidence base documents have been utilised for assessment of potential sites within the county within the Colne Valley area. The extraction would yield approximately 173,000 tonnes of sand and gravel which is comparable to only one site allocated in the plan, M3: New Denham Quarry Extension and one site not taken forward but included in the site assessment (Lake End West). These are the only 2 alternative sites that are considered to be relevant to the sequential test.

13.19 An application seeking extraction of site M3 has been submitted to the council and is being progressed, it is considered this site is reasonably available. The sequential test

for site M3 completed as part of the Local Plan identified that the site was entirely within Flood Zone 1 and passed the test. Surface Water flood mapping produced by the Environment Agency indicates area of the site may be high risk/ medium risk areas. It is considered that the alternative extraction site could deliver a similar volume of material within a similar timescale to the site.

- 13.20 With regards to the site at Lake End West, the majority of the site is within flood zone 2 with sections in Flood Zone 3a. The site would yield approximately 350,000 tonnes of sand and gravel. The level of flood risk at Lake End West is likely to be much higher than for site M3 or the application site and therefore not sequentially preferable in flood risk terms.
- 13.21 The probability of flooding at either the application site or site M3: New Denham Quarry Extension is comparable.
- 13.22 With regards to harm to Green Belt, both sites would be extracted over a similar period of time resulting in no permanent harm to openness nor conflict with the purposes of the designation. With regards to landscape, both sites would result in temporary localised adverse impacts however, the proposal site would result in more mature vegetation loss and the loss of a veteran tree. With regards to heritage, the extraction at site M3 would be unlikely to harm designated heritage assets, this would result in less harm than the proposal site. Both sites could deliver comparable enhancements for biodiversity.
- 13.23 Whilst site M3 could result in less harm upon landscape and heritage and thus may be a preferable site for mineral extraction it is important to acknowledge the context under which application ref: CM/0036/21 is put forward.
- 13.24 It is recognised that the purpose of the mineral extraction is the first stage in the process to deliver an MSA and thus the locational factor of proximity to the M25 is of relevance as part of the search criteria which would optimise the number of gaps, and be on a stretch of the M25 with the highest volume of traffic to maximise the associated safety and welfare benefits for motorway users, and can be regarded as a material consideration. There may be other sequentially preferable sites if the main search criteria were for sand and gravel, however, the key criteria is that this is prior extraction to allow the MSA to come forward, the other sites could not facilitate an MSA.
- 13.25 Given the other sites are not located next to the M25 to provide an on-line MSA, these are not regarded as sequentially preferable when taking this into account.
- 13.26 Notwithstanding the above, considering the proposed development as a standalone mineral extraction development it is not considered the development would pass the sequential test. However, with conditions sufficiently tying the application to the CV MSA scheme the above assessment is considered appropriate as there is a significant

level of security that the mineral development is carried out as part of delivering an MSA.

Exceptions test

- 13.27 The exception test does not apply as sand and gravel working is classified as 'water compatible' development in Annex 3 to the NPPF. NPPG Table 2 (Paragraph: 079 Reference ID: 7-079-20220825) confirms that the exception test referred to by paragraph 163 of the NPPF is therefore not required.

Flood Risk mitigation and drainage

- 13.28 As set out above, the FRA finds that the extraction area is at low risk / no risk of pluvial flooding. There are two areas where surface water flood (pluvial) risk is high within the wider application area. Groundwater monitoring found that a limited amount of groundwater ingress is expected on the central southern boundary. The site feeds into the River Alderbourne and so it is of importance to ensure the proposal would not result in any increase in run off rates and hence flood risks for areas downstream. Further, the removal of sand and gravel from the site will expose underlying clay and will reduce land gradients within the site.
- 13.29 The proposed extraction scheme includes drainage controls for discharge of rainfall ingress to attenuation ponds located to the northwest and southeast of the Site. These controls will ensure there is no increase in extant greenfield runoff rates.
- 13.30 As set out above, groundwater monitoring has been undertaken at four points within the extraction area. The assessment found that a limited amount of groundwater ingress is expected on the central southern boundary but this level of ingress would be adequately incorporated into the surface water drainage scheme for the site.
- 13.31 Conditions could be used on any permission granted to ensure that the development is carried out in accordance with the mitigation measures set out in the ES and FRA.
- 13.32 In accordance with paragraph 167 of the NPPF and paragraph 030 of the NPPG the most vulnerable elements of the development are located at areas of lowest risk. The site construction compound is located outside any area of mineral extraction and pluvial / fluvial risk. Further, the northern parcel of the site in the area at risk of surface water flooding will not be worked but a site water management pond will be located here.
- 13.33 The proposed development will require off-site discharge for rainfall and groundwater ingress. This will be made to either the unnamed watercourse to the northwest of the working area, or the Alderbourne to the east.
- 13.34 Following completion of the mineral extraction the aforementioned attenuation ponds and drainage controls would be integrated into the development proposed under

application ref: PL/20/4332/OA. Calculations for storm attenuation volumes include provision for climate change in accordance with current guidance issued by the Environment Agency.

- 13.35 The assessment concludes noting the provisions of the HHIA that there would be no negative offsite flood risk.
- 13.36 The ES chapter concerning Hydrology, Hydrogeology and Flood Risk concludes that with mitigation measures the proposed development would not result in significant impacts.
- 13.37 The Lead Local Flood authority has no objection subject to a condition securing a surface water drainage scheme for the site, based upon the principles set out in the submitted documents, supported by relevant details prior to commencement.
- 13.38 The Environment Agency has no objection to the proposal subject to a condition requiring that no drainage systems for infiltration of surface water are permitted other than with written consent of the Local Planning Authority.
- 13.39 Thames Water have requested a condition to ensure enough capacity for foul water drainage at the site is available. This is not considered to be relevant to this application.
- 13.40 Affinity Water were also consulted on the proposal but had no comments to make.

Cumulative and Secondary Impacts with MSA

- 13.41 The ES considered cumulative impacts in terms of surface water and flood risk. In relation to other nearby major developments development at Pinewood Studios has been identified (application ref: PL/20/3280/OA). The ES has concluded that there would be no significant cumulative effects.
- 13.42 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA).
- 13.43 The ES found that the effects of the CV MSA scheme relating to surface waters and flood risk when including the appropriate mitigation measures during both the construction and operational phases, are not considered to be significant.
- 13.44 The minerals development (application ref: CM/0036/21) is primarily intended to come forward only as part of the wider MSA development (albeit that the fall-back position is acknowledged as a possibility). The MSA report sets out a detailed assessment on the impact of the CV MSA development.
- 13.45 It is recognised that the purpose of the mineral extraction is the first stage in the process to deliver an MSA and thus the locational factor of proximity to the M25 is of relevance as part of the search criteria which would optimise the number of gaps, and be on a stretch of the M25 with the highest volume of traffic to maximise the

associated safety and welfare benefits for motorway users, and can be regarded as a material consideration. There may be other sequentially preferable sites if the main search criteria were for sand and gravel, however, the key criteria is that this is prior extraction to allow the MSA to come forward, the other sites could not facilitate an MSA.

13.46 Given the other sites are not located next to the M25 to provide an on-line MSA, these are not regarded as sequentially preferable when taking this into account and CV MSA is regarded as an appropriate site having regard to alternatives and would pass the sequential and exceptions test.

13.47 The CV MSA report It is considered that the flood risk on site would not result in harm to vulnerable uses, with the supporting documents demonstrating that the proposed development would be safe for its lifetime without compromising flood risk on neighbouring land. No objections have been raised by the LLFA or the Environment Agency.

Standalone - Fallback

13.48 As set out in previous sections, there is a possibility where the site non-mineral development is delayed or not implemented and as such the 'fallback scheme' would be required by conditions which would secure a finalised scheme. This of course requires proportional assessment of the impacts on the water environment.

13.49 Notwithstanding the above, considering the proposed development as a standalone mineral extraction development it is not considered the development would pass the sequential test. However, with conditions sufficiently tying the application to the CV MSA scheme the above assessment is considered appropriate as there is a significant level of security that the mineral development is carried out as part of delivering an MSA.

13.50 In summary, the restoration would see the site restored to a lower-level landform which would remain in an elevated position in relation to land northwest and southeast of the site. This would retain the pattern of drainage in these directions.

13.51 The attenuation features and drainage controls identified in the above section would be retained to control runoff from the restored landform. The ES notes that with the inclusion of and maintenance of these features there is no significant likelihood of a negative impact on the wider water environment. This is considered to be satisfactory with regards to the requirements of policy 25.

Conclusion

13.52 In summary, the proposal would meet the sequential test, the exceptions test is not required and a satisfactory mitigation strategy is proposed which would accord with core policy 13 of the SBCS and policies 16 and 25 of the BMWLP which seek the use of

SUDs measures where appropriate, protection of water quality and satisfactory flood risk management. As such neutral weight is attributed to this in the overall planning balance.

14 Historic Environment

CP8 Built and Historic Environment (SBCS)

Policy 19: Historic Environment (BMWLP)

- 14.0 Policy 19 of the BMWLP requires proposals to conserve heritage assets in a manner appropriate to their significance.
- 14.1 Policy CP8 of the SBCS makes similar provision and sets out that the protection of the area's historic environment is of paramount importance. This policy is not entirely consistent with the language of the NPPF set out in paragraphs 199 and 202 as they apply in this instance, how this harm should be quantified, and the balancing of harm against public benefits. Therefore, the weight given to CP8 is accordingly reduced.
- 14.2 The application of NPPF policy is consistent with the discharge of duties under Sections 66(1) and 72(1) of the 1990 Act. Paragraph 199 confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 201-2 set out different balancing exercises depending on whether substantial harm to/total loss of significance, or less than substantial harm to significance, would be caused. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 14.3 In addition, paragraph 203 of the NPPF highlights the need to take into account the significance of non-designated heritage assets, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 14.4 No designated heritage assets are located within the site.
- 14.5 The nearest designated heritage to the site is the White Cottage (Grade II) which lies immediately south of the site. To the east are the group of three listed buildings at Mansfield Farm circa 75m away (Barn to the north-east of Mansfield Farmhouse, Mansfield Farmhouse and Dovecote east of Mansfield Farm House).

- 14.6 In addition, there is Mansfield Lodge – an unlisted building on the corner of Slough Road and the farm access track, which is identified as a non-designated heritage asset. It is noted that this unlisted building is not included in annex D of Local Heritage Assets as prescribed by Policy IV5 of the Ivers Neighbourhood Plan.
- 14.7 A large section of the site lies within an Archaeology Notification Area, these are areas where there is evidence of archaeological remains and accordingly the council's archaeology officer has been consulted on any likely impact and is dealt with below.
- 14.8 The ES considered there would be no direct effects upon designated heritage assets as a result of the proposed development. Any discussion of harm relates to the setting of such assets.
- 14.9 The ES recognises that the ES has not significantly referenced the assessment of the impact of the application ref: CM/0036/21 upon designated heritage assets as it is viewed as a short-term temporary stage in delivering the wider CV MSA scheme. It is noted however that it is not considered that there would be any greater impact on any of the heritage assets during the proposed development than for the operational element of the CV MSA scheme.
- 14.10 The ES concluded with regards to built heritage that the wider CV MSA scheme would constitute a medium magnitude of change and the resulting levels of effect would be minor, which is not significant in EIA terms.
- 14.11 Historic England were consulted on the proposal and did not wish to offer any comments.

Built Heritage

- 14.12 Buckinghamshire Council's heritage officer comments on the proposal and considers that the proposal would constitute less than substantial harm upon Mansfield Farmhouse, Barn to north-east of Mansfield Farmhouse, Dovecote to east of Mansfield Farmhouse and White Cottage at the lower end of the scale. The heritage officer remarks on how the mineral application should not be viewed in isolation from the main CV MSA application and that the wider scheme would result in permanent 'severing' of the historical associations between the heritage assets, erosion of agricultural setting and cumulative impacts of noise and light pollution.
- 14.13 It is the development proposed under application ref: CM/0036/21 which is for consideration with the development proposed under the main CV MSA application a material consideration. The proposed development under application ref: CM/0036/21 has been adjudged by the council's heritage advisor to result in less than substantial harm upon heritage assets which concurs with the applicant's assessment.

- 14.14 It is considered that whilst the proposal would result in less than substantial harm to designated heritage assets the assets would be conserved by the proposal in a manner appropriate to their significance in accordance with Policy 19 of the BMWLP.
- 14.15 With reference to paragraph 202 of the NPPF, the impacts of the proposal on the setting of designated heritage assets must be considered and weighed against the public benefits of the scheme. Further comment on these matters and the balancing of this will be set out later in the report.

Archaeology

- 14.16 The ES concluded that, following implementation of mitigation, residual effects upon archaeological remains would not be significant in EIA terms.
- 14.17 Buckinghamshire Council's Archaeologist identified that the main impact from the proposal on archaeology assets, where there is no scope for preservation in situ, is the mineral void. On balance it was considered that the potential for significant archaeological remains to be present within the mineral void footprint to be moderate but not high.
- 14.18 With the exception of the mineral void, all other areas shown in the Impact Assessment submitted by the applicant identified there is a degree of flexibility in the depth of proposed works with some areas being suitable for preservation in situ.
- 14.19 In summary it is the council's archaeologist's view that, in view of the potential significance of the archaeology and the potential for some areas of the site to be preserved in situ if required, the potential harm to the archaeological resources could be mitigated through appropriately placed planning conditions. These conditions would secure appropriate investigation, recording, publication and archiving of results in accordance with paragraph 205 of the NPPF. The harm to this as a non-designated heritage asset (not of equivalent significance to a scheduled monument), will be considered in the planning balance.
- 14.20 It is considered that with respect to archaeology the proposal would adequately conserve heritage assets in a manner appropriate to their significance in accordance with policy 19 of the BMWLP.

Cumulative and Secondary Effects with MSA

- 14.21 The ES considered cumulative impacts in terms of Cultural Heritage and Archaeology. In relation to other nearby major developments development at Pinewood Studios has been identified (application ref: PL/20/3280/OA). The ES has concluded that there would be no significant cumulative effects.
- 14.22 In addition to the above, the ES has considered the 'secondary effects' of the separate CV MSA application (ref: PL/20/4332/OA).

- 14.23 The ES found that with the implementation of a programme of mitigation for the preservation of archaeological remains there would be non-significant residual effects. With regards to cultural heritage the ES states that the CV MSA scheme would constitute a medium magnitude of change and the resulting levels of effect would be minor, which is not significant in EIA terms.
- 14.24 Overall, in the view of the Council's Heritage officer the proposed development would constitute less than substantial harm in relation to the policy test required as part of the NPPF. Furthermore, the proposed development would constitute a medium magnitude of change and the resulting levels of effect would be of a moderate adverse change. The term 'moderate adverse change' means that the proposed development would be a negative element within the setting that would erode the significance to a discernible extent.
- 14.25 Officers consider that the harm of the proposed development would amount to less than substantial harm at the lower end of the scale to the designated heritage asset.
- 14.26 The minerals development (application ref: CM/0036/21) is primarily intended to come forward only as part of the wider MSA development (albeit that the fall-back position is acknowledged as a possibility). It is therefore the case that application ref: PL/20/4332/OA is a material consideration alongside any cumulative effects. The MSA report sets out a detailed assessment on the impact of the CV MSA development.

Standalone - Fallback

- 14.27 The ES also assessed the impacts from the potential implementation of the fallback scheme. With regards to archaeology, in advance of mineral extraction approved archaeology work would be conducted and therefore, there will be no impact on archaeological cultural assets as a result of the theoretical fall back restoration works as the mitigation would ensure preservation by record of any known or unknown archaeological remains.
- 14.28 With regards to built heritage the restoration would revert the site to a state very similar to the baseline. The ES considered the effects of the fallback on the setting of the nearby heritage assets would be negligible and would not be significant in EIA terms.
- 14.29 Were the CV MSA scheme to be delayed or not implemented the proposal would be required by conditions to be restored to the fall-back scheme previously discussed. This would result in the restoration of the site to agriculture which would be similar to the existing site arrangement. Officers consider this to be an arrangement which would not result in any permanent harm upon the heritage assets. Officers consider that the carrying out of mineral extraction followed by implementation of the 'fallback' restoration scheme would result in less than substantial harm to the setting of

designated heritage assets and non designated heritage assets at the lower end of the scale.

Summary

- 14.30 Per the above, subject to conditions, it is considered that with respect to archaeology the proposal would result in harm of a moderate level however a condition could be imposed to adequately conserve heritage assets in a manner appropriate to their significance in accordance with policy 19 of the BMWLP and policy CP8 of the SBCS.
- 14.31 In conclusion, there would be less than substantial harm resulting from the proposal upon Mansfield Farmhouse, Barn to north-east of Mansfield Farmhouse, Dovecote to east of Mansfield Farmhouse and White Cottage at the lower end of the spectrum. It is considered that the proposal would meet the requirements of aforementioned policy but the harm upon heritage assets must be weighed against public benefits in accordance with policy 202. There would be some harm at the lower end of the spectrum to the non-designated heritage asset at Mansfield Lodge, and medium level of harm to archaeology which will be weighed in the planning balance of this report. In accordance with paragraph 203 of the NPPF. This would include an assessment with the MSA in place.

15 Climate Change and Sustainability

Policy 23: Design and Climate Change (BMWLP)

CP13 – Environmental and Resource Management (SBCS)

- 15.0 Government objective is to achieve net-zero carbon emissions by 2050, Buckinghamshire Council has joined this pledge. Paragraph 154 of the NPPF (2023) states that new development should be planned for in ways that avoid increased vulnerability from climate change, reducing greenhouse gas emissions through location, orientation and design.
- 15.1 Policy CP13 of the SBCS DPD seeks to promote best practice in design and construction with developments incorporating SuDs where feasible.
- 15.2 Policy 23 of the BMWLP states development should minimise adverse effects on and from climate change. The policy encourages usage of SuDs and also requires development minimises greenhouse gas emissions. The policy does include the caveat noting that minerals development may have a reduced capacity to achieve this however they should be addressed to the fullest extent possible.
- 15.3 In consideration of the above, the proposal sets out the use of SuDs to manage flood risk.

- 15.4 With regards to reducing greenhouse emissions and sustainability, as mentioned by policy, mineral development is recognised to have a reduced capacity to achieve this but should address it to the fullest extent possible.
- 15.5 The proposal would allow for approximately 17,300 tonnes of mineral extracted to be used on site for the construction of the CV MSA scheme. This would reduce import requirements and in turn HGV movements associated with application ref: PL/20/4332/OA. Though this benefit is not accrued by planning application ref: CM/0036/21 itself it is considered to be a material consideration. Further, the ‘fallback scheme’ should it be implemented would contribute to carbon sequestration.

Cumulative and Secondary Effects with MSA

- 15.6 The proposals under application ref: PL/20/4332/OA would result in additional planting contributing towards carbon sequestration, provision of electric charging points, utilise energy efficient LED lighting, have buildings designed to incorporate measures for maximising light and ventilation, PV panels and green roofs and also incorporate SUDs to take into account climate change.
- 15.7 As set out in the CV MSA report in the consideration of climate change matters within the respective report for application ref: PL/20/4332/OA it is considered that the proposed MSA incorporates sufficient measures to address the matters of climate change and the reduction of carbon emissions subject to conditions including those securing whole-life carbon emission assessments and more detailed energy statements.
- 15.8 The minerals development (application ref: CM/0036/21) is primarily intended to come forward only as part of the wider MSA development (albeit that the fall-back position is acknowledged as a possibility). It is therefore the case that application ref: PL/20/4332/OA is a material consideration alongside any cumulative effects. The MSA report sets out a detailed assessment on the impact of the CV MSA development.

Summary

- 15.9 Recognising the reduced capacity for the proposal to address requirements above given the type of works and temporary nature it is considered the proposal satisfactorily meets the aims of policy 23 (BMWLP) and CP13 (SBCS).

16 Aerodrome Safeguarding

Policy EP17 - Aerodrome / Air Traffic Safeguarding (SBDLP)

Policy 23: Design and Climate Change (BMWLP)

- 16.0 Policy EP17 of the SBDLP states the council will not permit development which would interfere with the safe operation of an aerodrome or with the movement of air traffic over the District.
- 16.1 Policy 23 of the BMWLP requires development to demonstrate that the proposed development incorporates safety and security measures including taking into account aviation safety.
- 16.2 Denham Aerodrome were consulted on the proposal and hold no objection.
- 16.3 RAF Northolt / the Ministry of Defence were consulted on the proposal and confirmed that there are no safeguarding objections.
- 16.4 London Heathrow Airport were also consulted on the proposal and hold no objection.
- 16.5 It is considered the proposal is in accordance with above policy.

17 Raising the quality of place making and design

Policy EP3 - The Use, Design and Layout of Development (SBDLP)

CP8 – Built and Historic Environment (SBCS)

Policy 23: Design and Climate Change (BMWLP)

- 17.0 Policy 23 of the BMWLP states that minerals development should secure high quality design and to this end should reflect the character of the surrounding environment, incorporate safety and security measures, incorporate the principles of sustainable design and construction, apply SUDS, minimise greenhouse gas emissions including proofing for climate change and utilise appropriate native species in planting schemes. Great weight will be given to outstanding or innovative designs which help raise the standard of design for mineral development.
- 17.1 Policy EP3 of the SBDLP states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale or character with their surroundings will not be permitted. The policy states that the layout should not be dominated by large areas set aside for parking, servicing or access, and where extensive space is required for such activities, it should be subdivided by landscaping. It further states that the layout of new development should, where possible, create attractive groupings of buildings and spaces between buildings.
- 17.2 Core Strategy policy 8 states that all new development must be of a high standard of design and make a positive contribution to the character of the surrounding area. .

- 17.3 It is considered that the development put forward under application ref: CM/0036/21 is conscious of the locality and where possible seeks to minimise impacts. Policy 23 of the BMWLP recognises that minerals development may have a reduced capacity to address some of the design criteria however recommends that they should be addressed to the fullest extent possible.
- 17.4 Aspects of design quality have been considered throughout this report in the most relevant sections. Considerations include landscape and visual impacts, management of the water environment, arrangement of the proposed operations, planting, biodiversity enhancements and protections and impacts upon amenity. The proposed working of the mineral responds to the above policies and is designed in a way such as to minimise impacts subject to planning conditions and best practice. This includes the design of bunding (height and width) to preserve soil quality, limiting heights of stockpiles and the incorporation of SUDs features to manage water and discharges to adjoining water courses.
- 17.5 It is considered that subject to the conditions the proposal would meet the aims of the above policy.

18 Deliverability

- 18.0 The applicant estimates the proposed mineral development would span 10 months (months 1-6 being site establishment and months 6-10 being extraction of mineral). The applicant estimates an overall 21 month construction period, including mineral extraction for delivery of the CV MSA development.
- 18.1 In general terms, the grant of planning permission establishes that a proposed scheme is acceptable on planning grounds, without prejudice to any further consents or procedures dealing with property-related rights that are addressed by separate legislation. A developer may need to overcome such impediments before a permission is implemented and they are not generally treated as material to the determination of a planning application.
- 18.2 However, the deliverability of a scheme is capable of being a material consideration where it relates to the planning merits of a case; in particular where there is a need to be met, and two or more sites compete for the single opportunity, the ability of one to meet the need through implementation, and the difficulties of the other to do so, can be regarded as material.
- 18.3 The land within the red line boundary of the applications was acquired by the Council's predecessor authority under the Green Belt (London and Home Counties) Act 1938 (the "1938 Act"). The Act prevents the alienation of the land in question (i.e. the long leasing of the land, and the sale of the land - including the sale of minerals) without

the consent of the Secretary of State, who in giving consent may require exchange land to be provided and may impose such terms or conditions as he may determine.

- 18.4 The deliverability of the MSA as a result of the 1938 Act is considered in the report for application PL/20/4332/OA.

19 Infrastructure and Developer Contributions

CP6 Local Infrastructure Needs (SBCS)

- 19.0 Having regard to the statutory tests for planning obligations in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a signed agreement if the application is considered to be acceptable. Section 122 (2) of the CIL regulations state:

“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

A. Necessary to make the development acceptable in planning terms;

B. Directly related to the development; and

C. Fairly and reasonably related in scale and kind to the development”

- 19.1 Core Policy 6 states that the Council will use obligations where appropriate to secure provision of essential infrastructure directly and reasonably related to the development. Any agreement would be subject to having regard to the statutory tests for planning obligations in the Community Infrastructure Levy Regulations and the National Planning Policy Framework.
- 19.2 In this instance, because the Council is the freeholder of the site and cannot enter into a Section 106 Agreement with itself, the mechanism for securing the planning obligations is for the Developer and the Council to enter into a contract under s111 of the Local Government Act 1972. This s111 agreement would be a contract between the Developer and the Council and would contain contractual obligations including that as soon as the Developer acquires an interest (i.e. lease) in the land, to enter into a Section 106 Agreement in the form appended to the s111 agreement, and not to commence development nor carry out any soil movement operations, demolition or other site clearance works until the S106 Agreement has been entered into.
- 19.3 Having regard to the relevant guidance and statutory tests for planning obligations in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that a agreement securing the contribution for Air Quality should be secured.

20 Other matters raised in representations

20.0 This section addresses any other matters that have arisen from representations as part of the subject planning application. These are set out as follows:

Sustainable Use of Mineral

20.1 Representations have been received objecting to the proposal on the basis that there is no provision made with regards to the destination of any 'as dug' mineral extracted and exported from the site. Concern is raised that the material could be used for general fill in projects rather than being used for higher grade and higher value purposes. Due to haulage costs, aggregates tend to have a local market of 30 miles from source. There are a number of sites where processing could occur within this radius. While the applicant has not provided detailed information on the destination of any exports nor the usage of the extracted mineral this matter is considered to be handled sufficiently by external business factors and is not a matter that can be controlled through the planning process. Should the mineral be of value / quality befitting higher uses there would be a financial incentive for the applicant to enable this.

EIA Process

20.2 Objections have been raised by the Chalfont St Peter Motorway Service Area applicants to the approach taken in the EIA which is tantamount to salami slicing contrary to the EIA Regulations rather than treating the MSA and minerals applications as a single project in EIA terms. The principle of salami slicing means that developers should not be allowed to split a project into smaller components to avoid the need for an EIA. Salmi slicing has not occurred with this application. The purpose underlying the requirement to present information in the form of an environmental statement or an environmental impact assessment under the regulations is to ensure that all the information that should be presented identifies likely significant effects on the environment arising from the proposed development and for the council as the decision maker to take this into account when making a decision on the application.

20.3 Officers are satisfied that the applications for the MSA and minerals are clearly treated as a single project in the environmental statement (ES) where the effects of one (either minerals or MSA) are a secondary consequence of the other, given they are all part of one project. This was carried out by including the summarised ES findings, and any identified likely significant environmental effects of the mineral working, within the MSA ES and vice versa. As set out above the report considers individual, secondary and cumulative effects of each subject within the ES . It is considered that the information provided is satisfactory to enable the council to consider the application in the full knowledge of the likely significant effects of the overall project and take this into account when making a decision.

21 Overall Assessment

- 21.0 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 21.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 21.2 As stated above the application needs to be assessed i) as a standalone scheme with the “fall back” restoration scheme in place and ii) as an in combination scheme with the MSA in place as the restoration (secondary effects).
- 21.3 It is considered that the prior extraction of sand and gravel underlying the MSA site is supported by local and national policy. As a standalone scheme, subject to conditions which sufficiently ensure that any forthcoming permission is closely tied to any forthcoming consent for the motorway service area proposed under application ref: PL/20/4332/OA the proposal is considered to meet relevant mineral extraction policies.
- 21.4 As a standalone scheme, the minerals development is regarded as appropriate development in the Green Belt as an individual development. In terms of the secondary effects with the CV MSA in place, the CV MSA report sets out a detailed assessment on the impact of the CV MSA development and is not repeated here. In summary, application ref: PL/20/4332/OA would result in an overall moderate harm to the Green Belt. The CV MSA report concludes “Very Special Circumstances” do exist having regard to the need for an MSA in the stretch of the M25 and other benefits which clearly outweigh the harm to the Green Belt and other harm identified in this report.
- 21.5 As a standalone scheme the proposal would not result in residual harm to designated or non designated heritage assets. With respect to archaeology, it is considered that the proposal would result in harm of a moderate level. In terms of secondary effects, the CV MSA proposal would result in less than substantial harm at the lower end of the spectrum harm to the setting of listed buildings at Mansfield Farmhouse, Barn to the

NE of Mansfield Farmhouse, Dovecote and White cottage due to the proposed changes within their setting and low level limited harm to the setting of the non-designated heritage asset and moderate harm non-designated archaeological interest contrary to policy CS8 of the South Bucks District Core Strategy (2011).

- 21.6 As a standalone scheme the proposal would result in moderate negative temporary impacts upon landscape. In terms of secondary effects, the CV MSA proposal would result in localised residual moderate harm to character of the landscape and visual impacts, contrary to Policy CP9 of the South Bucks District Core Strategy (2011), policy EP3 of the South Bucks District Local Plan (1999). Regard has been given to the impact on Colne Valley Regional Park in this landscape assessment. The CV MSA report deals with the Ivers Neighbourhood Plan policy conflict in this regard.
- 21.7 The proposal would result in the loss of a veteran tree and its irreplaceable habitat which would be contrary to BMWLP policy 18 and CS9 of the SBCS in a standalone scenario, however taking into account the need for an MSA as a secondary effect with the MSA in place this loss is clearly outweighed by the benefits and this can be addressed through conditions to sufficiently tie the application to the CV MSA scheme as set out in the report.
- 21.8 The proposal complies with other development plan policies on the main issues in so far as they relate to trees and hedgerows, highways, parking and access, public rights of way, meeting the challenge of climate change , and conserving and enhancing the natural environment (with the exception of landscape in respect of secondary effects with the CV MSA), contamination, air quality, energy, lighting, aviation, and residential amenities. It would pass the flood risk sequential test subject to conditions sufficiently tying the application to the CV MSA scheme as set out in the report and provide for flood mitigation measures.
- 21.9 Overall, on a standalone basis the application accords with the up to date Development Plan. Taking into account the secondary effects with an MSA in place, the CV MSA report concludes that there is a conflict with the Development Plan as a whole and it is therefore necessary to consider whether material considerations indicate a decision otherwise and that report will deal with this issue. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.
- 21.10 The Ivers Neighbourhood Plan 2021 (INP) policies do not form part of the development plan for the purpose of considering this application (Application ref: CM/0036/21) in its own terms (standalone). Nonetheless, to the extent it may be suggested that the INP policies are material considerations, officers consider that there is nothing identified in those policies that would justify reaching a decision otherwise than in accordance with

the development plan policies or other policy as assessed in the report relating to the minerals development.

- 21.11 The INP policies form part of the development plan when assessing the related CV MSA development. The detailed assessment of those policies is contained in the CV MSA report and is not repeated here. This is on the basis that the MSA report considers the secondary effects which appears to include the minerals extraction within them. Since the summary in the CV MSA concludes that there is nothing in those INP policies which would change the conclusion that the wider CV MSA scheme does not accord with the development plan taken as a whole, they have not been considered in detail in this report or in any further detail when assessing the impacts of the minerals scheme in conjunction with the CV MSA.
- 21.12 Turning to other material considerations, there are a number of factors that should be considered.
- 21.13 In considering the secondary effects of the CV MSA in place the proposal would be a prior extraction as part of the overall project to deliver an MSA. The CV MSA report identifies a clear need for an MSA on this part of the M25 and concludes that the proposal would be regarded as an appropriate development to fulfil this need as the preferred site.
- 21.14 The National Planning Policy Framework (NPPF) is a material consideration in determining applications. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining are out-of-date [footnote 8], granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote7]; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 21.15 In considering paragraph 11 of the NPPF, the report identifies where development plan policies are not fully consistent with the NPPF having regard to paragraph 219 of the NPPF. Those policies which are most important for determining this application are BMWLP policies 1, 2, 3, 6, 16, 19, 21, 25; Local Plan policies GB1, EP3; Core Strategy policies CP8, and CP9. For the reasons set out in the report policies Core Strategy policies CP8 and CP9 and Local Plan policy GB1 are not fully consistent is not consistent with the NPPF however moderate weight can still be attached to these policies.
- 21.16 Overall officers consider that the most relevant policies for determining this minerals application are up-to-date and the Development Plan as a whole is considered up to

date and paragraph 11d) is not engaged. Members will note that officers consider that paragraph 11d) is engaged for the CV MSA application. Officers consider that the relevant policies to be considered in the respective applications are different in that a more detailed assessment is necessary in relation to minerals extraction in this minerals application, than is required in the CV MSA report as an outline application. Thus more policies in the BMWLP are relevant which go to the heart of this minerals application. Therefore, a different judgement may be made.

- 21.17 The report sets out an assessment of the relevant issues against the NPPF having regard to economic, social and environmental objectives in paragraph 8 and the policies set out and is summarised later in this section.
- 21.18 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to trees and hedgerows, parking and access, public rights of way, meeting the challenge of climate change, and conserving and enhancing the natural environment (with the exception of landscape), contamination, air quality, energy, lighting, aviation, and residential amenities in relation to both the standalone and in combination with the CV MSA. It would pass the flood risk sequential test subject to conditions sufficiently tying the application to the CV MSA scheme as set out in the report, and provide for flood mitigation measures.
- 21.19 In respect of highways, the advice of National Highways and Buckinghamshire Highway Authority is that subject to conditions the proposal does not raise a 'severe' impact on the Strategic Road Network or local roads respectively or unacceptable impact on highway safety having regard to paragraph 111 of the Framework.
- 21.20 As stated above there would be Green Belt harm arising from the secondary effects with the CV MSA in place. The CV MSA report concludes "Very Special Circumstances" do exist having regard to the need for an MSA in the stretch of the M25 and other benefits which clearly outweigh the harm to the Green Belt and other harm identified in this report.
- 21.21 With regards to the historic environment, special regard has been given to the desirability of preserving the setting of nearby listed buildings. Great importance and weight is given to the harm to the heritage assets. In terms of the standalone scenario, the restoration scheme, subject to revisions, would be acceptable to deliver the site back to an appropriate landform in such an eventuality, without residual harm to setting of the designated heritage listed buildings and setting of non-designated heritage assets at Mansfield Lodge. It would result in moderate harm to the non-designated archaeological asset to be weighed in the planning balance in accordance with paragraph 203 of the NPPF.
- 21.22 Officers conclude in the CV MSA report that less than substantial harm would result in respect of the secondary effects with the CV MSA in place. In considering paragraphs

202 and 203 of the NPPF in relation to the harm to the setting of designated heritage assets, the CV MSA report concluded that the public benefits arising from the need for an MSA, economic and biodiversity net gain would outweigh this harm to which great weight is given. Low level limited harm to the non designated heritage assets at Mansfield Lodge and moderate harm to the non designated archaeological asset to be weighed in the planning balance in accordance with paragraph 203 of the NPPF.

- 21.23 In relation to irreplaceable habitats, the loss of a veteran tree and its irreplaceable habitat represents harm which fall to be considered under paragraph 180 of the NPPF. The need for an MSA would represent a wholly exceptional reason for this loss in secondary effects and can be the and this can be addressed through conditions to sufficiently tie the application to the CV MSA scheme as set out in the report. Furthermore, the loss would also be mitigated by suitable compensatory tree planting and a biodiversity net gain.
- 21.24 The application is primarily for the prior-extraction of saleable mineral underlying development put forward under application ref: PL/20/4332/OA and avoid sterilising the mineral. The extraction of mineral is considered to lend positive support to the proposal which would be a considerable benefit.
- 21.25 In considering the secondary effects of the CV MSA in place the proposal would be a prior extraction as part of the overall project to deliver an MSA. The CV MSA report considers this and identifies a clear need for an MSA on this part of the M25 and concludes that the proposal would be regarded as an appropriate development to fulfil this need as the preferred site. In terms of benefits, the CV MSA report also identifies a clear need for an MSA on this part of the M25 and economic benefits for employment and creation of jobs, and biodiversity net gain (BNG).

Conclusion

- 21.26 When taking into account all of the material considerations, having assessed the proposal against the Development Plan, overall, officers consider in making a judgement that the proposal would accord with the up to date Development Plan as a whole and officers consider that there are no material considerations that would indicate a decision otherwise in terms of the standalone scenario.
- 21.27 In terms of the secondary effects with the MSA in place, officers in the CV MSA report conclude that whilst the proposal would conflict with the development plan as a whole having regard to the material considerations it is considered that there are significant material considerations that weigh in favour of the proposal which would indicate a departure from the development plan.
- 21.28 It is proposed to impose conditions to tie the minerals and CV MSA developments as set out in the report.

21.29 Even if the INP policies are treated as material to the mineral application it is considered that the outcome would be the same when considered alongside other development plan policies and other material considerations such as national policy.

21.30 As set out above, the resolution recommended acknowledges that a final determination of the CV MSA application will not be made at this stage. It also recognises that in any event as the proposals amount to inappropriate development, exceeding 1000 sqm within the Green Belt, it will be necessary separately to consult the Secretary of State pursuant to the Town and Country Planning (Consultation) (England) Direction 2021, in order to ascertain whether the Secretary of State wishes to call in the proposals for his own determination.

Equalities Act

21.31 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010 (as amended). In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The application provides for the extraction of minerals to facilitate the development of an MSA that would meet the needs of motorway users. No discrimination or inequality is considered to arise from the proposal.

Human Rights

21.32 The Human Rights Act 1998, Article 1- the protection of property and the peaceful enjoyment of possessions - and Article 8 - the right to respect for private and family life- have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

22 Working with the applicant / agent

22.0 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

22.1 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

23 Recommendation

23.0 That the decision be delegated to the Director of Planning and Environment for APPROVAL subject to:

- a) The granting of satisfactory consent by the Secretary of State pursuant to the Green Belt (London and Home Counties) Act 1938 (as amended). The application shall be referred back to the Strategic Sites Committee in the event that:
 - I) there has been no decision to approve any Green Belt (London and Home Counties) Act 1938 (as amended) consent application within 4 months of the date of this resolution; or
 - II) there has been no confirmation, within 4 months of the date of this resolution, that consent has been sought from the Secretary of State for any necessary alienation of Buckinghamshire Council's interest in the land or for the land to be released from all of the restrictions contained in the Green Belt (London and Home Counties) Act 1938 (as amended); or
 - III) within 4 months of the date of this resolution, new material considerations are considered to have arisen pursuant to the application for Green Belt (London and Home Counties) Act 1938 (as amended) consent to the Secretary of State, or any decision on the application, or otherwise, that requires reconsideration of the resolution to approve by the Strategic Sites Committee; and
- b) The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing (by way of obligations requiring a further Agreement under s106 Town & Country Planning Act 1990) planning obligations broadly in accordance with the details set out in the main body of the report (and any update sheet); and
- c) The imposition of planning conditions broadly in accordance with the details set out in the report (and any update sheet) as considered appropriate by the Director of Planning and Environment;

Or, if these cannot be achieved, for the application to be refused for such reasons as the Director of Planning and Environment considers appropriate.

In the event of any changes being needed to the wording of this resolution (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Director of Planning

and Environment has delegated authority to do so in consultation with the Chairman, provided that the changes do not exceed the substantive nature of the Strategic Sites Committee's resolution.