



Strategic Sites Committee 28/09/2023 Update

Application Number:	PL/20/4332/OA
Proposal:	Outline application 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.
Site Location:	Land to the North of A4007, Slough Road, (Between Junctions 15 and 16 of the M25), Iver Heath, Buckinghamshire
Applicant:	Colne Valley Motorway Service Area Limited
Case Officer:	Mr Graham Mansfield
Ward(s) affected:	Iver
Parish-Town Council:	Iver Parish Council
Date valid application received:	21 December 2020
Statutory determination date:	1 July 2022

Further Representations

An email from Cllr Paul Griffin was circulated to members of the Strategic Sites Committee dated 21 September 2023 raising the following points;

- 1. The MSA has been resisted for 30 years at Iver Heath, originally because Highways England (or whatever they called themselves back in the day) said it wasn't necessary and there would be too many slips on the M25 to make it safe. There is a lot more traffic now so how could more slips be safe now? <https://api.parliament.uk/historic-hansard/commons/1995/nov/01/motorway-service-area-iver>*
- 2. None of the mitigations requested have been accepted.*
- 3. This, along with 5 x Data Centres, an expanded National Grid sub-station, the relocation of the Iver Environment Centre and Pinewood are rapidly depleting the greenbelt in it's narrowest part around west*

London. You can't actually consider 'cumulative impact' but that is worthy of review in this situation given that we're potentially losing possibly 400 acres plus in the next couple of years.

4. The gravel extraction will be limited due to the timeframe available. We should be removing as much as is available rather than just enough to lower the construction site.

5. IH doesn't need the jobs. Economically this won't benefit this ward or community.

6. There are protected species on site.

7. National Grid needs to expand its operation next door or there won't be power for the MSA or the Data Centres or Pinewood. This proposal, ironically, compromises those plans.

8. The differences between this and the Chalfont site seem to boil down only to rental revenue for BUC and whilst that's important it's not a planning consideration.

9. I would suggest that a decision cannot be made on this without comparison. Maybe a deferral until the Chalfont proposal is heard?

10. We're elected to represent our ward. Mine, overwhelmingly, does not see the need for this or any benefit that could be derived from it for the community. The downsides are hopefully obvious.

Officer Response to the above points:

1. National Highways (NH) has not objected to the current application on this basis. NH is satisfied with the relationship between slip roads and raises no highway safety objections or severe impacts which is the test in accordance with paragraph 111 of the NPPF.
2. As set out in the officers report the mitigation requested by third parties would not meet the CIL regs. There are statutory tests in the CIL Regulations on whether an obligation would be necessary to make a development acceptable, directly related to the development and fairly and reasonably related in scale and time and this is addressed in section 25 of the report.
3. The Green Belt section of the report, includes references to Pinewood. There is no proposal before the Council for an expanded substation at present and therefore cannot take into account as it is not a committed development. Similarly, there have been no approvals for data centres. It is noted however that an appeal decision is pending for the proposed data centre at Woodlands Park (PL/21/4429/OA and PL/22/3491/OA).
4. On gravel extraction the proposal is set to extract the quantum underlying the site and the Mineral Assessment provides information as to how the level of extraction was devised using borehole data
5. Officers would be required to look at economic benefits not just for Iver Heath and the wider area.
6. There is no evidence that GCN were present on the site. There is the potential for GCN to forage from their pond within 500m at IEC and this is capable of being dealt with through the District Licensing process.
7. There is no application or Development Consent Order (DCO) before the Council that can be taken into account.
8. This is dealt with at paragraph 1.5 of the main report.
9. The planning application for an MSA at Chalfont St. Peter is being considered on the same agenda.
10. This is covered in the need section of the report.

Letter from Joy Morrissey dated 26th September

This raises a number of points:

“This area is already substantially impacted by other massive developments approved by the Strategic Sites Committee, such as the unchecked expansion of Pinewood Studios. Further pressure, swallowing up huge swathes of Green Belt land would be contrary to the Council’s brown before green strategy.

This site has already been the subject of a public inquiry that determined it was not a suitable site for a Motorway service area. In the time since that inquiry took place, the reasons cited for its unsuitability have only increased, with more Green Belt destroyed, drastically increased traffic volumes and worsening air quality. Local roads are already over capacity and any development that brings more traffic to the area will cause a deterioration of quality of life for local residents.

Further, I believe it will make many local roads unsafe, with significant amounts of HGV traffic already using narrow roads and the crowding of those roads significantly increasing the risk of accidents. The entire Iver Parish is designated as an Air Quality Management Area, which must be a consideration when looking at a development that would so significantly worsen air quality within the designated area. As a material planning concern, I believe that this application will result in more pollution and a greater risk to human health that is unacceptable for my constituents. “

Officer Response:

The points raised in relation to Green Belt, traffic and air quality are addressed in the relevant sections of the officers report. The public inquiry relates to the appeal on CSP1 and is referenced in the report. A copy of the Inspectors report is attached at appendix F.

Extra

A number of matters have been raised by Extra relating to the approach taken in the reports to landscape and visual matters, Green Belt matters, irreplaceable habitats, flood risk and deliverability, together with a comparison. This has been circulated to members.

Officer Response:

Deliverability of both MSA developments is a material planning consideration and has been considered in detail, within both Committee Reports. The report has taken into consideration the pending 1938 Act consenting procedures in respect of CV MSA and minerals applications and gives an opportunity for these consenting procedures to take their course. It is considered that the example cited by Extra by way of illustration on timings is not comparable to the matter arising in this instance, as it relates to very different factors and circumstances. The officer reports and update reports for each application sets out the steps to be taken on this matter and that for CSP2 recommends that in the event of a refusal of PL/20/4332/OA, to refer this application back to the Strategic Sites Committee for re-consideration.

The CV MSA report sets out the assessment of matters pertaining to Green Belt and Landscape visual effects. A comparison is made between the CV and CSP2 proposals and this is set out in section 22 of the main report (Consideration of the Alternative and the Alternative Sites Assessment).

The update report on CSP2 MSA clarifies the reasons for the weight to be given to the matters raised, which do not affect the conclusions in the CV MSA report.

Specific reference has been made to the Iver Neighbourhood Plan policy IV1. Matters relating to the impacts of the development in relation to the above is set out from paragraph 7.26 of the officers report.

The analysis of the loss of veteran trees and irreplaceable habitats are addressed in section 11 of the officers report. In addition, the position regarding the flooding and the sequential test are further explored in section 20.0 of the officers report. Further comparisons between the sites are highlighted in table 9 in section 22 of the report.

Other representations

2 further submissions have been made which have been circulated to members of the committee raising concern over the narrow interpretation of the relevant policy framework and conclusions reached in terms of the impact on the Green Belt and the CVRP.

Officer Response:

Issues of Green Belt and Landscape, including the Colne Valley Regional Park are addressed in detail in the relevant sections of the officers main report.

Amendments to report

Page 22 – Policy Considerations, should read section 6.0 not 1.0 with paragraphs labelled 6.1 to 6.5 within that section

Page 23 – Green Belt, should read section 7.0 and not 2.0

Page 62 – Paragraph 11.7, line 10 should read 180 c and not 180 d

Page 10 – Paragraph 1.15 ‘f’ missing from NPPF

Page 24 – Paragraph 7.4 GB2 in final sentence should read as GB1

Page 44 – Paragraph 8.52 remove planning reference PL/20/3280/FA. For the purposes of clarification the Pinewood planning reference PL/22/2657/FA does not supersede PL/20/3280/OA, it is an alternative scheme.

Page 51 – Paragraph 10.27 ‘latter’ in last sentence should read ‘later’

Page 53 – Reference to right hand turn lane should be removed

Page 94 – Paragraph 14.59 NPPF reference should be 2023 rather than 2021.

Page 105 – Paragraph 18.10 word ‘location’ after Iver Heath scheme.

Page 161 – Paragraph 29.1 NPPF reference should be 2023 rather than 2021

Amendment to recommendation

Recommendation on pages 5/6 of the report and at paragraph 1.31 on page 13 and paragraph 30.1 on page 162 to be replaced by the following wording:

1. *That the decision be delegated to the Director of Planning and Environment for APPROVAL **subject to***
 - A) *Referral to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2021 on Green Belt grounds; and*
 - B) *The granting of satisfactory consents by the Secretary of State pursuant to the Green Belt (London and Home Counties) Act 1938 (as amended).*
 - C) *The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing a further Agreement under s106 Town & Country Planning Act 1990 to secure planning obligations broadly in accordance with the details set out in the main body of the report (and any update sheet); and*
 - D) *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;*
2. *If these cannot be achieved, for the application to be REFUSED for such reasons as the Director of Planning and Environment considers appropriate **OR***
3. *The application shall be referred back to the Strategic Sites Committee in the event that the application has not been called-in by the Secretary of State and;*
 - (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 the erection of buildings on the land and 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, the Director of Planning and Environment considers that new material considerations have arisen;*

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.

Additional/ Amended Conditions :

Additional conditions:

Update Ecological Surveys – No. 54

Prior to the commencement of development hereby permitted, reptile verification surveys, badger surveys and bat surveys of affected trees or structures, shall be carried out and submitted to and approved in writing by the Local Planning Authority, including any mitigation. Should development not commence within twelve months from the date of completion of those updated protected species and habitat surveys with the exception of Badger surveys which will be valid for no longer

than six months further updated surveys shall therefore be submitted in writing to the Local Planning Authority prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The results of the updated survey(s) and any required amended mitigation will be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development and works shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority. Any mitigation shall be retained thereafter.

Reason: This condition is required prior to commencement in order to comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Protection of Badgers Act 1992 and Wildlife and Countryside Act 1981 (as amended).

Amended Conditions

Replacement wording for Legal Agreement condition 53 on page 289:

No development shall commence unless and until an Agreement under section 106 of the Town and Country Planning Act 1990 has first been entered into to secure the following planning obligations:

- a) Employment and Skills Strategy;
- b) SUDs Scheme Whole Life Maintenance Plan;
- c) SUDs Management Company;
- d) ANPR Cameras Contribution;
- e) Air Quality Management Area Contribution
- f) Off-Site Highway Works Scheme
- g) Full Travel Plan
- h) Off-Site Landscape Strategy; and
- i) Public Rights of Way Strategy

Reason: Paragraph: 010 Reference ID: 21a-010-20190723 of the National Planning Practice Guidance on Conditions states that “in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes).” This condition is a pre-commencement condition because the local planning authority would have refused the planning application in the absence of the Section 106 Agreement, however the development hereby permitted is a particularly complex development scheme and the delivery of the development would otherwise be at serious risk without the condition as Buckinghamshire Council is the freehold land owner of the majority of the land and it is not possible for Buckinghamshire Council to enter into the Section 106 Agreement as both the land owner and the local planning authority.

Condition 37 – Electric Car Charging

Remove the words ‘up to’ in the second line