



Strategic Sites Committee agenda

Date: Thursday 28 September 2023

Time: 10.00 am

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

Membership:

A Bond, P Cooper, T Egleton, P Fealey, S Lewin, N Marshall, R Newcombe, J Ng, M Rand, A Turner (Chairman), J Waters (Vice-Chairman) and A Wheelhouse

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Strategic Sites Committee minutes

Minutes of the meeting of the Strategic Sites Committee held on Thursday 8 June 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2.00 pm and concluding at 3.28 pm.

Members present

P Cooper, T Egleton, P Fealey, N Marshall, S Morgan, R Newcombe, M Rand, A Turner (Chairman), J Waters (Vice Chairman) and A Wheelhouse

Agenda Item

1 **Appointment of Vice Chairman**

Resolved: That Councillor Jonathan Waters be appointed as Vice-Chairman of the Strategic Sites Committee for the ensuing year.

2 **Apologies for absence**

Apologies were received from Councillors Ashley Bond, Susan Lewin and Jackson Ng. Councillor Susan Morgan attended as a substitute for Councillor Lewin.

3 **Minutes**

Resolved: The minutes of the meetings held on 13 April and 17 May 2023 were **agreed** as an accurate record and were signed by the Chairman.

4 **Declarations of interest**

There were no declarations of interest.

5 **WITHDRAWN - 138 (VG33) - Land to the southeast of the junction of Shootacre Lane with Picts Lane, Princes Risborough, Buckinghamshire**

6 **CM/0049/21 - Land at Sutton Court Farm, North Park, Langley, SL3 8AU**

Proposal: Phased extraction of an allocated sand and gravel deposit, including for the construction and use of a new bell mouth access off North Park; Establishment and use of ancillary activities; and the importation of reclamation material with restoration to high quality agricultural land and nature conservation habitat on land at Sutton Court Farm, Langley, Buckinghamshire.

A site visit was carried out on 31 May 2023.

Written statements were read out by Sally Taylor, Senior Democratic Services

Officer, on behalf of local Member, Councillor Wendy Matthews and Councillor Julie Cook, Iver Parish Council.

Speaking as the agent, Dan Walker.

It was proposed by Councillor Richard Newcombe and seconded by Councillor Patrick Fealey and agreed at a vote:

Resolved: Subject to the applicant first entering into a legal agreement under s106 of the [Town and Country Planning Act 1990](#) (as amended) securing HGV vehicle routing for all HGVs entering and exiting the site, EURO VI compliance, laying out of access in accordance with a s184 agreement made under the Highways Act 1980, 15 year-long biodiversity management period and Air Quality Management Contributions, the application was **approved** subject to conditions to be finalised including those set out in Section 21 of this report and

Subject to taking into account comments made by members made at Committee i.e.,

- A condition stating that a Local Liaison Group be set up to include the parish council and relevant ward member(s).
- Condition 12 be amended to include an hourly limit to be set on the number of HGV movements on a Saturday.
- The road sweeper/wheel washing to be secured by S106 obligation or a condition as, and when required to maintain the desired highway safety standard.
- Condition 15 be amended to include that the HGV movement monitoring records be submitted to the Local Planning Authority at regular intervals.



Report to Strategic Sites Planning Committee

- 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 Ltd
- Case Officer:** Mr Graham Mansfield
- Ward affected:** Iver
- Parish-Town Council:** Iver Parish Council
- Valid date:** 21 December 2020
- Determination date:** 1 July 2022
- Recommendation:** 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). The application shall be referred back to the Strategic Sites Committee in the event that:
 - i. the application has not been called-in by the Secretary of State and 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, 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
- c) The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing (by way of 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
- 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;

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.

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1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

Introduction

- 1.1 Outline planning permission is sought for the construction of a Motorway Service Area ('MSA') with all matters reserved.
- 1.2 The development comprises a main amenity/facility building, fuel filling station for cars and HGV's, drive-thru coffee shop, parking facilities, junction and access and roads from the M25 (including a re-aligned and combined Slough Road motorway overbridge), staff drop off point accessed via Slough Road, and associated landscaping. In addition, a diverted bridleway and off-site habitat enhancement works are also part of the wider proposals.
- 1.3 Enabling works and development platform which includes the extraction of mineral (some of which is to be used as part of the development) is also part of the proposal. A mining and minerals application is being considered under a separate application CM/0036/21, as matters pertaining the extraction of mineral resource cannot be considered under an outline planning application.
- 1.4 The application has been Called-in by the Ivers Parish Council. In consultation with the chairman it is considered that it would be appropriate for the application to be considered by committee for determination to enable closer scrutiny by the Strategic Sites Planning Committee.
- 1.5 Members of the Strategic Sites Committee are advised that whilst Buckinghamshire Council has an interest in the land (subject of the application), the Council 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 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

- 1.6 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.
- 1.7 The proposed MSA development is inappropriate development, which by definition is harmful to the Green Belt (as acknowledged by the applicant) and would result in both significant spatial harm and moderate visual harm to the openness of the Green Belt. The proposal would result in conflict with three out of the five purposes of the Green Belt a resulting in limited harm to purposes a) and b) and moderate harm to purpose c). The proposal would not accord with Local Plan Policy of GB1 of the South Bucks District Local Plan (1999) to which moderate weight is afforded to this policy conflict.
- 1.8 The proposal would result in less than substantial harm at the lower end of the spectrum to the setting of grade II 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 to the non-designated archaeological interest contrary to policy CS8 of the South Bucks District Core Strategy (2011) to which moderate weight is afforded to this policy conflict.
- 1.9 The 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) and Policies IV1 and IV13 of the Ivers Neighbourhood Plan. However, this conflict would be overcome in considering the importance of the need for an MSA which would outweigh this harm. Regard has been given to the impact Colne Valley Regional Park in this landscape assessment. The proposal would result in the loss of a veteran tree the need for an MSA and the appropriate mitigation and compensation proposed and as such would not conflict with CS9 of the South Bucks District Core Strategy (2011) or IV 13 of the Ivers Neighbourhood Development Plan (2022).
- 1.10 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 (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the exception of landscape), well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, and residential amenities.
- 1.11 Overall, 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. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.

- 1.12 Turning to other material considerations, there are a number of factors that should be considered.
- 1.13 Circular 01/2022 is a material consideration which provides guidance on the process for the process of identifying an appropriate location for a new MSA and criteria. The proposal would accord with this Circular.
- 1.14 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 Framework taken as a whole.
- 1.15 In considering paragraph 11 of the NPP there are relevant development plan policies that apply to this application and the report identifies where development plan policies are not fully consistent with the NPPF. Those policies which are most important for determining this application are Core strategy polices CP8, CP9, Local Plan policies GB1, EP3, BMWLP policy1 and IVNP Policy IV13 relating to the principles that go to the heart of the development in respect of Green Belt, landscape character and context, prior extraction of minerals. As set out above policies CP8 CP9 and GB1 are not fully consistent with the NPPF however moderate weight can still be attached to this policy having regard to paragraph 219 of the NPPF. On the basis that the suite of most important policies for determining this application are out-of-date, paragraph 11d is considered further below.
- 1.16 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, including the requirement in considering Green Belt harm to consider whether very special circumstances exist, quantifying the heritage harm and weighing any the harm against public benefits and planning balance, and the weight to be given to harm and benefits where referenced.
- 1.17 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to trees and hedgerows (further details on veteran trees is considered below), parking and access, public rights of way (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the

exception of landscape), well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, and residential amenities.

- 1.18 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 subject to conditions. There is some positive benefit resulting from the rights of way enhancements and provision of HGV parking, which are afforded limited positive weight.
- 1.19 In considering paragraph 11c) of the NPPF the proposal would conflict with the Development Plan, however given the most important policies are out of date this reduces the weight given to that conflict to moderate. Consideration is now given to paragraph 11d) i which requires consideration to policies in the NPPF which protect areas or assets of particular importance which provides a clear reason for refusal of the application. Footnote 7 specifies those, of which land designated as Green Belt and areas at risk of flooding are relevant to this proposal.
- 1.20 Turning firstly to Green Belt harm, the MSA development would result in moderate harm overall to the Green Belt which is afforded substantial negative weight. The NPPF states at paragraph 148 that VSC 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. It is concluded that in this case "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. There would be no clear reason for refusal on Green Belt reasons.
- 1.21 Turning secondly 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. Furthermore, the loss would also be mitigated by suitable compensatory tree planting and a biodiversity net gain. There is no clear reason to refuse the application on this ground.
- 1.22 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. Officers conclude that the proposal would harm the setting of those listed buildings which is considered to amount to 'less than substantial harm' to which great weight is given under paragraph 201 of the NPPF. In considering paragraphs 202 of the NPPF in relation to the harm to the setting of designated heritage assets, it is concluded that the public benefits arising from the need for an

MSA, economic benefits, and biodiversity net gain would outweigh the harm to which great weight is given. There is no clear reason to refuse the application on this ground.

- 1.23 Turning to the risk of flooding, officers conclude that taking all other factors into account as set out in the report below the proposal would meet the identified need, and pass the flood risk and exceptions sequential tests, and provide for flood mitigation measures in accordance with paragraphs 161-164, 166 and 168 of the NPPF. For a comparison of all main matters please see Table 9. There is no clear reason to refuse the application on this ground.
- 1.24 Turning next to the paragraph 11dii this requires a balancing exercise as to whether the harm significantly and demonstrably outweighs the benefits as assessed against the NPPF as whole.
- 1.25 In addition to the harm already identified above, there is moderate harm to the character of the landscape and visual impact in conflict with paragraph 174 of the NPPF which attracts moderate weight. Low level limited harm to the non-designated heritage assets at Mansfield Lodge and moderate harm to the non-designated archaeological asset is to be weighed in the planning balance in accordance with paragraph 203 of the NPPF.
- 1.26 Turning then to other material considerations and benefits, there is a clear need for a MSA and associated safety function, which is given significant positive weight. Alternative land and sites for MSA provision have been considered as a material consideration. CV MSA would be an appropriate development having regard to all matters considered to fulfil this need to which significant positive weight is given.
- 1.27 There are also economic benefits through the creation of jobs, including a Local Employment Strategy to maximise the opportunities locally, and this benefit is afforded significant weight. A significant net gain in biodiversity is afforded significant weight, benefits from rights of way enhancements and provision of HGV parking are afforded limited positive weight. Mineral extraction would result which is of limited benefit given the delivery is through the minerals application, to which paragraph 211 of the NPPF gives great weight.

Overall Summary

- 1.28 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, there is a judgement made. Officers in making a judgement consider that the adverse effects of the proposal would not outweigh the benefit on a normal balance. In applying the tilted balance in paragraph 11d)ii. the harm would not significantly and demonstrably outweigh the benefit.
- 1.29 Officers consider that whilst the proposal would conflict with the development plan as outlined above, having regard to the material considerations outlined

above 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.

1.30 As set out below, 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.

1.31 Recommendation

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). The application shall be referred back to the Strategic Sites Committee in the event that:
 - i) the application has not been called-in by the Secretary of State and 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, 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
- c) 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
- 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;

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.

2.0 Description of the Site

Site Description

- 2.1 The application site is located between junctions 15 and 16 of the M25 Motorway, just north of the A4007 Slough Road overbridge in Iver Heath. The site area is approximately 45.85 hectares of predominately agricultural land and is divided by the M25 into separate parcels of land (Western and Eastern parcels for identification purposes). The settlement of Iver Heath lies approx. 300m to the west, and Uxbridge (within the London Borough of Hillingdon) approx. 450m to the east (A site location plan is included at Appendix C).

Western Parcel

- 2.2 The western parcel of land is grazing land divided by hedgerows and scattered with trees. The Slough Road (A4007) is located towards the southern section of the site. To the north west corner of the site is an area of woodland, with the M25 bisecting the site in an arc to the north east. The western parcel is separated from the developed area of Iver Heath (which lies approx. 300m to the west) by open fields. Properties on the eastern side of Bangors Road north are located approx. 250m from the south western edge of the application site. Public footpath IVE/5/1 runs eastward from the developed area of Iver Heath towards the western parcel of the application site, where it joins public bridleway IVE/32/2. The topography from the eastward of Iver Heath is relatively level, before falling in ground level towards a relatively shallow valley largely hidden by topography and hedgerows in views from the west and south and emphasised by a linear copse which screens the site from the north. The land falls down towards the motorway cutting of the M25.
- 2.3 In addition to the above, a public bridleway (IVE/32/1) runs through the western parcel of the site, which heads northwards from the Slough Road (A4007), then parallel with the M25 in a north west direction towards the A412 Denham Road. In terms of topography on the western parcel of land, the highest point rises to a range of 32m to 54.5m with the lower ground levels to the south approx. 20 below the highest point. Land also falls towards the woodland on the north west edge of the site.
- 2.4 Apart from the agricultural farm bridge, access track and public bridleway, the western parcel of land is free of any built form and is not subject to any

statutory or non-statutory ecological designation. The site is, however, adjacent to a small area of ancient woodland located towards the south, with the western parcel itself containing a number of hedgerows and tree belts. In terms of designated heritage assets, the western parcel does not contain any listed buildings or scheduled monuments. White Cottage, which is a Grade II listed residential property is located on the north side of Slough Road, immediately adjacent to the southern boundary of the site, just east to the bridleway entrance.

- 2.5 The western parcel of the site is located within a low risk of flooding (Flood Zone 1) with some areas of surface water flooding, owing to an unnamed watercourse which separates the north western edge of the site with the woodland.

Eastern Parcel

- 2.6 The eastern parcel of land is the smaller of the two parcels and is bound by the M25 Motorway to the west, the Slough Road to the South, the access road to Mansfield Farm and Iver Environment Centre to the east. The farm buildings relating to Mansfield Farm lie to the north of the eastern parcel (approx. 80m from the site boundary) and are separated from the site by a commercial yard. The Iver Environment Centre and Iver National Grid Electricity Substation lie beyond the site to the north east. There is no public access within the eastern parcel of the site.
- 2.7 A number of buildings within the Mansfield Farm Complex are designated heritage assets including the farmhouse, a barn and dovecote – all of which are Grade II listed.
- 2.8 The River Alderbourne runs through the site from east to west, a culverted section runs underneath the adjacent electricity substation and is also culverted as the river flows under the M25 and Slough Road. As such, the majority of the eastern parcel is located within Flood Zones 1, 2 and 3 and is within a low, medium and high risk in terms of surface water flooding.
- 2.9 In terms of the M25 motorway which runs between the western and eastern parcels of the site, Junction 16 of the M25 is located approx. 2km to the north which connects with the M40 providing access to west London and Birmingham. 5km to the south of the site is junction 15 of the M25 which joins with the M4 providing access to west London, Bristol and South Wales
- 2.10 In terms of designations the whole site is located within:
- Metropolitan Green Belt
 - Minerals Safeguarding Area for Sands and Gravels
 - Colne Valley Regional Park
 - Biodiversity Opportunity Area
 - South Bucks District Air Quality Management Areas 1 & 2 (includes the M25 and Iver Parish respectively).

3.0 Development Proposal

- 3.1 The application seeks outline planning permission with all matters reserved for the construction of a Motorway Service Area (MSA).
- 3.2 The matters reserved for future consideration are: 'access', 'appearance', 'landscaping', 'layout' and 'scale'. An illustrative masterplan and parameter plans have been submitted with the application which show the indicative layouts, land uses and vehicular access points. The following elements are included as indicative:
- 3.3 **Access and Internal Roads** – a dedicated MSA junction, which includes a rebuilt and re-aligned overbridge for the A4007 Slough Road. Internal access roads to the various facilities including the amenity building and fuel station.
- 3.4 A controlled access from the Slough Road to the south of the site providing vehicular access for emergency vehicles only. The controlled access would also allow staff to walk or cycle into the site. An off-site pick and drop off point would be located outside the MSA site boundary for staff access only. In addition, footpath enhancements and a pedestrian crossing would be proposed on the Slough Road.
- 3.5 Diversion of the existing Bridleway and Footpath running through the site, maintain access from Slough Road to Denham Road.
- 3.6 **Facilities and Amenity Building** – this would include food facilities, retail, lavatories, rest areas with a maximum floorspace of 4,500sqm. The parameters plan sets out the maximum height of 14.3m and identifies the development zone for the location of this building towards the north/central part of the MSA site. It would also include a partial green roof and solar photovoltaic panels.
- 3.7 **Fuel Filling Station** - a stand alone structure which would accommodate 10 islands and 20 filling points for cars, vans and commercial vehicles, which would be integrated with a HGV/Coach filling station providing 4 islands and 5 filling points. A green (living) roof canopy would span both facilities which would be served a 500sqm kiosk/shop building. The parameters plan shows the maximum height of the fuel filling station would be 7.0m and a development zone for the location of this building to the south-eastern part of the main MSA site.
- 3.8 **Drive-thru Coffee shop** – The parameters plan shows the stand alone structure with a maximum floor space of 300sqm with a green/living roof at a maximum height of 5.0m, with a development zone indicated to the west of the filling station.
- 3.9 **Parking Provision** – to include the following:

- 991 car spaces, which would include 51 disabled spaces, up to 100 electric vehicle charging spaces and 50 dedicated staff spaces
- 150 HGV spaces
- 30 Coach Spaces
- 30 Caravan Spaces (including 2 spaces for disabled users)
- 28 Motorcycle Spaces
- 1 designated space for abnormal loads

3.10 **Open Space and Landscaping** – which include all associated earthworks and hard and soft landscaping associated with the proposed MSA development. The landscaped areas would include:

- The route of the diverted public bridleway (IVE/32/1) which would run around the western perimeter of the MSA
- Dog Walking Area
- Children’s Play Area
- A Central Plaza (including picnic zone and terrace)
- HGV amenity space

3.11 **Off-Site Environmental and Enhancement Scheme.**

The off-site enhancement works would be located to the north west, west and south of the site and would include the following:

- Habitat Enhancement Area of 15.57 Hectares
- Proposed woodland buffer of 4.2 Hectares
- Habitat creation works
- Land management techniques to enhance local ecological land value
- Potential network of footpaths, linking to existing paths to improve access into the countryside.

Specific measures would include the following, and would be expected to be secured by legal agreement:

- The management of specific areas of existing farmland including the planting of wild flora species to encourage the development of species rich grassland and heath vegetation.
- Native hedgerow and woodland planting
- New stock fencing
- Management of existing ancient woodland
- Potential new footpath linking the existing public footpath network to improve public access to the Colne Valley, providing a section of mid Colne strategic link from Black Park to Uxbridge

3.12 The development is accompanied by an Environmental Statement (ES). The ES provides an indication of the likely environmental impact of the proposals and assess the likely significant effects. The ES also provides a summary of the

effects, together with the mitigation proposed and an assessment of the cumulative effects.

3.13 The ES is broken down into a number of chapters which in turn consider the range of environmental factors. The ES contains the following chapters addressing each of the following topics:

- Consideration of alternative schemes
- Scheme description and construction methods
- Landscape and Visual Impact Assessment
- Ecology and Nature Conservation
- Noise and Vibration
- Air Quality
- Archaeology and Cultural Heritage
- Surface Water and Flood Risk
- Ground Conditions and Contamination
- Socio-Economics
- Traffic and Transport

3.14 The original ES was submitted with the outline planning application in December 2020. However, an updated ES was submitted in June 2021 as a result of amendments to the overall MSA scheme. The amendments were borne out of amendments to the scheme parameters and illustrative design which in turn aimed to better mitigate the proposed scheme, reduce its overall effects and respond to comments which arose through the initial consultation period. The amendments included amendments to the access roads and the removal of a hotel facility.

4.0 Relevant Planning History

4.1 CM/0036/21: Mineral Extraction and provision of access to facilitate the development of the Colne Valley Services and associated works proposed under planning application PL/20/4332/OA, which is also on the agenda. The applicants have made it clear that the minerals application should not be viewed in isolation as a separate or standalone minerals application. It is an application made in detail for the mineral removal component of the CV MSA scheme. As the mineral extraction is part of the CV MSA scheme it relies on the mitigation and restoration from the CV MSA scheme.

Other MSA applications

- 4.2 It is noted that there have been historic proposals for motorway service areas in the Iver area known as Elk Meadows and Woodlands Park. These were both refused permission by Buckinghamshire County Council and dismissed at appeal in the late 1990s.
- 4.3 The above were refused on the basis of land contamination, flooding and impacts on landscape, residential amenity and ecology.

- 4.4 Beaconsfield: There have been other proposals for MSA developments within the Buckinghamshire Area. This includes the Burtley Wood MSA now known as Beaconsfield Services on junction 2 of the M40, having been granted in 2005 by the Secretary of State.
- 4.5 Warren Farm, Chalfont St Peter: In addition, there have been historic proposals for MSA developments approx. 7.0km to the north of the Colne Valley site at Chalfont St. Peter (also known as Warren Farm).
- 4.6 Recent applications for an MSA were submitted to Buckinghamshire Council (BC) under planning reference PL/19/2260/OA, referred to as Chalfont St. Peter 1 or CSP1 within the following report. Application reference PL/19/2260/OA sought outline planning permission for an MSA (including facility building, fuel filling station, hotel and community land.) The proposed MSA was to be an online facility with the majority of the built form located on the western side of the M25. The application was subsequently appealed for non-determination and dismissed at public inquiry in November 2021 under PINS reference APP/X0415/W/21/3272171. The Council gave the following reasons for refusal had the council been in a position to determine the application:
1. *The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful 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. The proposal would also have substantial harm to the openness of the Green Belt, in both spatial and visual terms resulting in substantial erosion of openness, unrestricted sprawl, closing the gap between neighbouring towns and substantial encroachment into the open countryside. Such harm is afforded very substantial negative weight. The proposed development is of a scale and nature on an open green field site which would represent an obstruction in to open countryside and result in significant adverse landscape character and visual impact on the area of the development site, its immediate setting and the wider area, loss of best and most versatile agricultural land, and would result in less than substantial harm to the setting of the listed buildings at Mopes Farm and the public benefits do not outweigh the harm to the heritage assets. Having regard to the benefits arising from the proposal and the harm to the Green Belt and other harm resulting from the proposal, this harm is not clearly outweighed by other considerations. There are therefore no very special circumstances to clearly outweigh this harm. The proposal is contrary to the National Planning Policy Framework and Policies CS1, CS3 and CS4 of the Core Strategy for Chiltern District Adopted 15 November 2011, Policies GB1, GB2, GB30, GC1, LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.*

2. *Had the above reason for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a satisfactory Section 106 Agreement to secure the provision of planning obligations, including monitoring and financial contributions that are necessary to facilitate delivery of the proposed development and mitigate its impacts. In the absence of such provision the proposal is contrary to requirements of policies GC1, GC4, GC9 and TR3, in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policies CS4, CS24, CS25, CS26, CS29, CS30, CS31 and CS32 of the Core Strategy for Chiltern District Adopted 15 November 2011, policy PW11 of the Chalfont St Peter Neighbourhood Plan (2013 – 2028) and the National Planning Policy Framework”*

A copy of the appeal decision can be found at Appendix F.

- 4.7 At the time of the decision, the Inspector was aware of two other proposals for MSA's within the north west quadrant of the M25 (between junctions 15 and 20) that would meet the identified need. These were:

- Kings Langley MSA (Junction 20 of the M25 – offline)
- Colne Valley Services (Between Junction 15/16 of M25 – online)

- 4.8 Whilst the details of each of the above planning applications were not before the inspector, the location of the proposed MSA's were considered as part of the potential alternatives sites. It is noted that the Inspector drew conclusions that the location of Colne Valley Services MSA would be most appropriate to meet the need on the M25, whilst being the least harmful of the potential alternative sites in terms of Green Belt and landscape and that it was worth giving a site which is likely to be less harmful to the Green Belt the opportunity to run its course.

- 4.9 It is also noted at paragraph 79 of appeal reference APP/X0415/W/21/3272171 the Inspector states:

‘It is common ground that there is a need for one MSA on the north-west quadrant of the M25. The proposal before me gives rise to ‘clear public convenience or advantage’ but also inevitable and adverse effects or disadvantages to the public.’ Case law indicates that, in such circumstances, it is necessary to consider whether an alternative site exists for the same project which would not have those effects or would not have them to the same extent.’ (cited Secretary of State v Edwards Court of Appeal 1995).

- 4.10 It is important to note that the precise nature and detail relating to the alternative sites was not before the Inspector, only their locations. Moreover, the Inspector's assessment and conclusions on those sites were not made following any input from the Council.

- 4.11 A new CSP MSA scheme was submitted to BC in May 2022 and remains under consideration (PL/22/1411/OA) and is on this agenda. The alternative scheme at Chalfont St. Peter, is further explored in the officer report below and referred to as CSP2.
- 4.12 Kings Langley MSA (Moto): Junction 20 of the M25, an offline MSA considered by Three Rivers District Council under planning reference 19/0646/OUT which was refused, and no appeal lodged.

5.0 Summary of Representations

- 5.1 The application and the Environmental Statement were subject of the relevant consultation, notification and publicity. It has been advertised as a departure from the development plan.
- 5.2 At the time of writing this report, a total of 126 objections have been received. The points of objections raised are summarised below:
- Harm to the Green Belt
 - Impact on the character of the area
 - Loss of views
 - Light pollution
 - Impact on neighbours
 - Impact on Wildlife
 - Harm to the Colne Valley Regional Park
 - Loss of countryside
 - Traffic impacts
 - Highway safety issues
 - HGV traffic concerns
 - Noise impacts
 - Traffic emissions
 - Noise
 - Construction impacts
 - Question the need for the development
 - Flooding concerns
- 5.3 The Ivers Parish Council have made representations to the proposal during the course of the applications. The letters dated 10th March 2021, 16th August 2021 and 30th June 2022 and the contents therein are summarised as follows:
- Inappropriate development in the Green Belt
 - Conflict with the objectives of the Colne Valley Regional Park
 - Impact on Mansfield Farm and Iver Environment Centre
 - Welcome Biodiversity Net Gain
 - Impact of construction traffic on A412 and Iver Heath
 - M25 Widening has not been taken into account
 - Significant extraction of non-renewal minerals
 - Impact on local Air Quality

- Suggestion of mitigation requirements should the application be approved
- Objections in terms of flood impact
- Impact on Great Crested Newts
- Reference to Thames Valley Police objections

5.4 All representations received from the statutory consultees, non-statutory consultees and other interested groups and organisations are set out in Appendix A and B of the Committee Report.

1.0 Policy Considerations and Evaluation

5.5 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.

5.6 The key policy documents and guidance for consideration are:

5.7 The Development Plan:

- South Bucks Core Strategy - Adopted February 2011: Policies CP5, CP6, CP7, CP8, CP9, CP10, CP12, CP13
- South Bucks District Local Plan – Adopted March 1999, Consolidated September 2007 and February 2011: Saved Policies GB1, L10, C15, EP3, EP4, EP5, EP6, EP17, TR5, TR7, TR10
- Buckinghamshire Minerals and Waste Local Plan 2016-2036: Policies 1, 3,
- The Ivers Neighbourhood Plan 2021-2040 made March 2023: IV1, IV6, IV7, IV8, IV9, IV13 and IV14.

5.8 Relevant National Policy and Guidance:

- National Planning Policy Framework (2023)
- Planning Practice Guidance (PPG)
- National Design Guidance, January
- National Policy Statement for National Networks (December 2014)
- Department for transport Circular 01/2022 *'The Strategic Road Network and the Delivery of Sustainable Development'*
- Buckinghamshire Countywide Parking Guidance, September 2015
- Buckinghamshire County Council Local Transport Plan 4 April 2016-2036
- Buckinghamshire Council Biodiversity Net Gain – Supplementary Planning Document (SPD), July 2022
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

A draft National Policy Statement for National Networks has just undergone consultation (March 2023). As this is not yet adopted policy it carries very limited weight.

5.9 The above policies are used to inform the planning assessment and guide the considerations discussed below. The report will consider the policy context and issues and then consider the other material considerations including the need for an MSA and an alternative sites assessment.

2.0 Green Belt

- Local Plan Saved Policies:
 - GB1 (Green Belt Boundaries and the Control of Development in the Green Belt)
 - GB4 (Employment Generating and Commercial Development in the Green Belt (Excluding Green Belt Settlements))
- The Ivers Neighbourhood Plan Policy IV1 (Gaps between settlements)
- Material consideration:
 - The Green Belt (London and Home Counties) Act 1938 (see section 24 of the report below)

7.1 The application site lies entirely within the Metropolitan Green Belt. This section assesses the proposals against national and local green belt policy. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt these are;

- a) To check 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; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.2 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. Paragraph 148 of the NPPF states that when considering any planning application, 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.

Whether the proposals are inappropriate development

7.3 Paragraph 149 of the NPPF sets out that LPA's should regard the construction of new buildings as inappropriate development, the exceptions to this are laid out at para. 149 a to g. Para 150 of the NPPF identifies a number of other forms of development which would not be considered inappropriate

development, providing they preserve the openness of the Green Belt. One of these is exception (c) “local transport infrastructure which can demonstrate a requirement for a Green Belt location”. The proposed MSA development is not considered to constitute local transport infrastructure due to being purposed for the strategic road network.

- 7.4 Local Plan policy GB1 of the South Bucks District Local Plan (1999) also sets out types of development which would be permitted in the Green Belt. It is considered that policy GB1 of the Local Plan is not wholly consistent with the NPPF relating to development in the Green Belt. Whilst it does not fully reflect the NPPF policy in respect of the consideration of very special circumstances on Green Belt the level of consistency is sufficient to enable the saved policy to continue to be applied. As such moderate weight is afforded to Policy GB2.
- 7.5 Officers consider that the proposed MSA development would not meet with any of the exceptions to inappropriate development as laid out in the NPPF or South Bucks District Local Plan (1999). Therefore, the proposed development would be considered inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. It is also recognised by the applicant that the proposal would constitute inappropriate development.
- 7.6 The proposed MSA development is inappropriate development and therefore, by definition, harmful to the Green Belt. It is also necessary to give consideration to the actual harm to the Green Belt caused by the development, not just by reason of it being inappropriate.

Green Belt Context

- 7.7 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.
- 7.8 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 MSA facilities and car parking. The application site east of the M25 falls within land parcel 79 and would include slips roads facilitating the access to the proposed MSA.
- 7.9 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 site only forms a small part of the wider land parcel, with the proposed development located towards the north east quadrant.

- 7.10 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. It should be noted that the only built form associated with the proposed MSA that would be located in land parcel 79 would be the slip roads to access the MSA from the southbound carriageway of the M25.

Harm by reason of appropriateness and any other harm

- 7.11 Although there are both spatial and visual aspects to the Green Belt, the concept of “openness” is a broad policy concept. Openness is the counterpart of urban sprawl and is linked to the purposes to be served by the Green Belt The PPG which advises (Paragraph: 001 Reference ID: 64-001-20190722) 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”.

The analysis below takes into account this guidance and the following considerations in relation to visual and spatial aspects of openness; such as development size and permanence are relevant.

Spatial Impacts

- 7.12 The application site consists of two parcels of land which are located either side of the M25 to the north of the Slough Road overbridge. The land parcels consist of agricultural land, which apart from the overbridge, farm track to the west, hedgerows and boundary fencing is free of any built development.
- 7.13 The proposed development would result in the loss of 17.5 hectares of open agricultural land with the construction buildings (amenity building, fuel station and drive thru building) which would total approx. 5,300sqm of building area and a total developable area of 10.9ha out of a site area of 45.85ha, with heights varying from 5m –14.3m, which amounts to 23% of the red edge application site. In addition, there would be the road infrastructure required to serve the proposed MSA comprising slips roads, overbridges and roundabouts. This impact would not be insignificant given the quantum of development, amount of built form and the extent of open land taken. The remainder of the land would comprise landscaping, open green space and habitat creation and parking which would still have a harmful impact on the Green Belt. This resultant spatial harm to the openness of the Green Belt is considered to be significant given the quantum of development, amount of built form including hardstanding resulting in a permanent loss of openness of the Green Belt in this location.

Visual Impacts

- 7.14 As noted above the site (i.e., the western and eastern land parcels) comprises visually open and undeveloped land which lies to the east of the built-up settlement of Iver Heath. Whilst, some of the development would be located against the backdrop of the existing M25 motorway, the introduction of the MSA buildings, parking areas, access road, new overbridge and associated infrastructure would have an impact on reducing the openness of the Green Belt.
- 7.15 The application is accompanied by a Landscape and Visual Impact Assessment (LIVA) 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 11 key visual receptors or viewpoints. The council's landscape consultants have not identified any further viewpoints to consider. It is from these viewpoints where impacts in loss of openness within the Green Belt may be experienced.
- 7.16 Key visual receptors where the sensitivity to visual change as a result of the proposed development would occur are as follows:
- Users of the public right of way which runs to the east of Iver Heath, where the effect is considered to be moderate to major (view point 5). The visual

changes associated with this view point would include the works associated with the mineral, enabling works (including temporary compounds) and the proposed development.

- Occupants of White Cottage, with views from the field to the north of this property where the effect is considered to be moderate to major (view point 6). The visual changes from this location would include the mineral and enabling works including that of the access slips
- Users of the access road to Mansfield Farm and Iver Environment Centre, where the effect is considered to be major (view points 7 and 10). Visual changes associated with these viewpoints include the tree removal and enabling works to create the slip road access to the MSA.
- A number of other view points have been identified as part of the LVIA. However in terms of sensitivity these view points are considered to have little or no change in view. These view points include Denham Road and Denham Road overbridge (view points 1 and 8), Bangors Road North Bus Stop and junction with Anslow Gardens (view points 2 and 3), New Denham (view point 11).

7.17 From the affected view points outlined above, it is considered that the proposed development would evidently result in a visual harm to the openness of the Green Belt. An MSA and associated infrastructure in this location would result in large areas of buildings, hardstanding, access roads, fencing and associated street furniture that would change the existing landscape of agricultural land interspersed with trees and hedgerows. Whilst it is recognised that mitigation would be proposed in terms of planting this will take a number of years to establish.

7.18 The CSP1 appeal Inspector considered the location of the application site to be relatively well contained from the wider Green Belt by woodland to the north-west and south and by the M25 to the east. The M25 lies in a cutting thereabouts. The landform combined with landscaping mitigation would allow most of the MSA to remain well contained, with the exception of the slip roads which would be prominent from the access road serving the Iver Environment Centre and residential and other users nearby. It is accepted that the site is well contained within the landscape and from the wider greenbelt by woodland with the exception of the slip roads. This would represent a moderate level of harm to visual effects, given its localised impact.

Purposes of land in the Green Belt and their relevance to the proposed development

7.19 As referred to above, paragraph 138 of the NPPF sets out the five specific purposes that the Green Belt serves. Purposes (a – c) are considered relevant to the proposed MSA development, and each of these Green Belt purposes is considered in turn below.

7.20 In terms of Green Belt purpose (d), which is “to preserve the setting and special character of historic towns” this is not relevant as the application site is not located near to any historic towns. Green Belt purpose (e), which is “to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”, is also not relevant in this instance. There are specific locational requirements that mean that the MSA would have to be sited in the Green Belt and could not be located in an urban area. The western section of the M25 Motorway by reason of its location, transects through large areas of Metropolitan Green Belt within Buckinghamshire and Hertfordshire.

7.21 The following Green Belt purposes are considered to be relevant to the proposed development.

(a) to check the unrestricted sprawl of large built-up areas

7.22 It is recognised that Iver Heath is not a large built-up area. The proposed built form of the development would not be contiguous with the built-up area of Iver Heath separated by arable land, habitat enhancement and woodland buffer. Whilst the proposed MSA development would be viewed against the backdrop of the existing M25 motorway, it is considered that there would be some perception of sprawl from certain vantage points.

7.23 There would be some perception of sprawl when viewed from the public footpath which runs from the east of Iver Heath towards the application site. Specifically View Point 3 (looking east from Bangors Road North) and View Point 5 (looking north from footpath IVE/5/1) where parts of the MSA amenity building and associated lighting columns would be visible initially. Some perception of sprawl would likely occur from the view points of the access to Mansfield Farm/Iver Environment Centre at view points 7 and 10, specifically the proposed slip roads across the currently opening landscape which would be viewed against the backdrop of the cluster of development around Mansfield Farm, Iver Environment Centre and the Iver National Grid Sub-station.

7.24 The comments of the CSP1 appeal Inspector are a material consideration. In terms of the location of the CVS site he commented that a gap would be retained between the eastern edge of the site and the western extremity of Uxbridge, but recognised that there would be some perception of sprawl caused by the development in that it would be in relatively close proximity to Uxbridge.

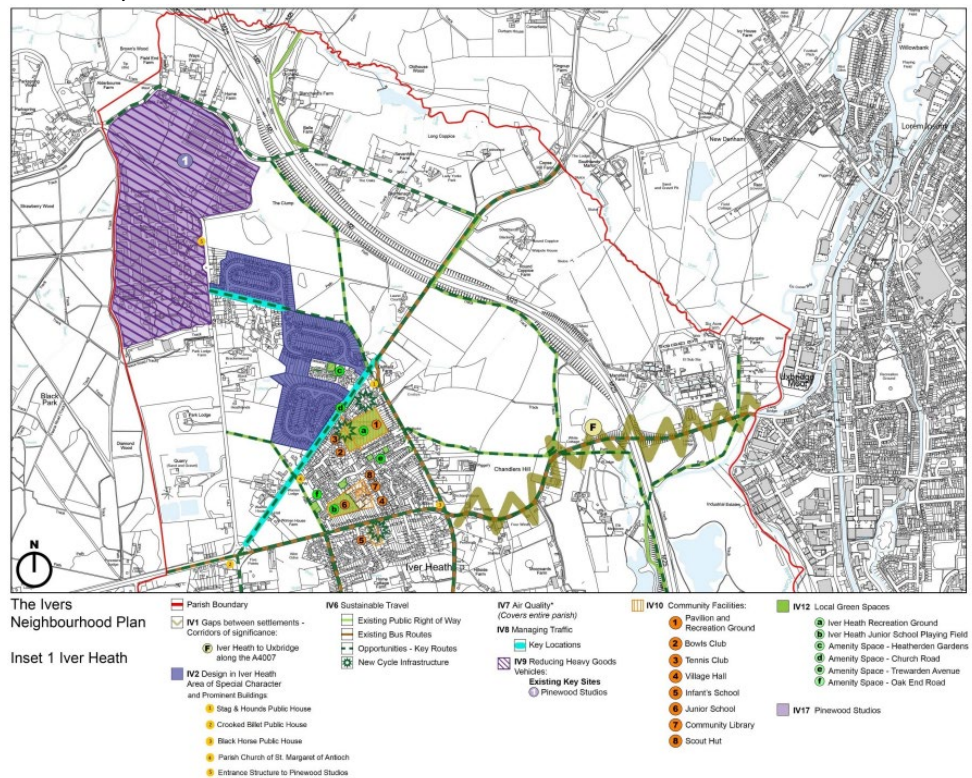
7.25 It is considered that there would be limited harm to purpose a) given the perception of sprawl.

(b) to prevent neighbouring towns merging with each other

7.26 Policy IV1 of the Ivers Neighbourhood Plan deals with gaps between settlements and corridors of significance with the aim of preventing visual

coalescence of the settlements and for the spatial purpose of preventing harmful ribbon development along these corridors.

Figure 1: Iver Neighbourhood Plan Policies Maps Inset 1 (IV1 – Gaps between Settlements)



7.27 The southern most part of the application site lies within area F of Corridors of Significance (Iver Heath to Uxbridge along the A4007) zigzagged in green in the plan above, along the Slough Road. Development proposals that lie within a defined Corridor should avoid an unacceptable impression of ribbon development or suburbanisation by themselves or through cumulative impacts with other developments. Development proposals within the Local Gaps and Corridors of significance should demonstrate that they have regard to the Buckinghamshire Council’s Historic Landscape Character study.

7.28 The supporting text refers to Paragraph 5.19 of the above mentioned study in the Green Belt Context section above, which states the Buckinghamshire Green Belt Assessment Part 1, January 2016 recognises the particular importance of the role of the Green Belt on land along the A4007 from Iver Heath to Uxbridge, the narrowest part of the existing gap between these settlements, in restricting ribbon development. The report recognises that *‘further developments in this corridor would be undesirable, resulting in a significant physical and perceptual erosion of the gap’*. This part of the M25 is heavily buffered and its urbanising influence is therefore limited, allowing this corridor to maintain its largely unspoilt rural character. The Landscape Appraisal attached at Appendix A to the Iver Neighbourhood Plan 2021-2040 confirms the importance role of open land along the A4007 in defining the landscape character of the area. Appendix A states that “The adoption of this area as a protected corridor would prevent cumulative linear development on open land

to either or both sides of the A4007 which would otherwise result in a creeping urbanisation of the roadside corridor between Iver Heath and Uxbridge and a blurring of the existing settlement boundaries.”

- 7.29 The proposed MSA would consist of the main amenity building and fuel filling stations. These elements of the built form would be located within a central area towards the north of the site with the existing sloping ground levels generally lowered to create a development platform retaining the adjacent woodland buffer to the north. In addition to the built form, there would be the access slip roads, internal accesses and realigned Slough Road, together with double span over bridge. The main buildings and visually built-up part of the proposed development would be sited some distance away from the A4007 corridor of significance identified in the Ivers NP separated by the existing ancient woodland, and newly created landscape features, including the open arable land, woodland, habitat enhancement areas and landscaped green space. These would not be clearly visible along this corridor.
- 7.30 The exception to this being that of the realigned road and new overbridge which will run parallel for that part crossing the M25, the controlled access and drop off area off Slough Road and part of the slip road to the east. These will be visible in views from the approach along Slough Road to the west and east. This will not constitute ribbon development, although it is considered that the aligned road and slip road/overbridge would appear as a more urbanising feature. The impact is considered to be limited to that part on the approach to the M25 and would be viewed in the context of this major feature. The illustrative masterplan indicates that there would be new planting to both sides of the Slough Road where feasible to compensate for that removed. It is considered that the features of the realigned Slough Road, slip road overbridge and slip roads would not result in coalescence of existing settlements and preserve their identities, although there may be some perceived closing of the gap as set out in the Green Belt assessment above. The drop off area would discretely sited set back from the Slough Road entrance with new and existing planting around. Having regards to this it is considered that the development would not result in ribbon development or suburbanisation along this corridor. It is therefore considered that there would not be a conflict with policy IV1 of the Ivers NP.
- 7.31 It is recognised that the proposed development would result in some perceived closing of the gap between Uxbridge (within the London Borough of Hillingdon) and the built-up settlement of Iver Heath, however given that there would be gaps maintained between the built form of the development and Iver Heath and similarly to Uxbridge this would be limited.
- 7.32 In dismissing the CSP1 appeal the Planning Inspector made specific comments regarding the location of the subject application in terms of the merging of built-up areas. These observations were made by the Inspector in the context

of providing a judgement of the comparative merits of the MSA proposals. The Inspector states at paragraph 102:

“With regard to purpose b), gaps would be retained between the site and both Iver Heath and Uxbridge. The effect on the Green Belt purpose of preventing the merger of towns would be limited’.

It is concluded that there would be limited harm to purpose b).

(c) to assist in safeguarding the countryside from encroachment

7.33 As highlighted previously, the application site comprises of open agricultural land, in part divided by vegetation and low-lying fences in some instances. The proposed MSA, including all of the associated infrastructure would result in a form of development which would encroach into the countryside, although this is localised and the MSA would be bounded by woodland to the north west and south and by the M25 to the east.

7.34 It is considered that the site would be relatively self-contained with the exception of the slip roads, overbridge and realigned Slough Road as outlined above. The slip road to the east would be visible from the Ivers Environment Centre and dwellings to the east as encroaching into this area. It is considered that moderate harm is given to this purpose. In summary, it is considered that the proposed MSA development would conflict with three out of the five purposes of the Green Belt as referred to in paragraph 138 of the NPPF, of which a) and b) is limited harm and c) is moderate harm, and in terms of openness it would result in significant harm to spatial dimensions and moderate harm to visual impact e given it is a localised and not a wider impact on the Green Belt

Green Belt – Relationship with minerals application

7.35 It should be noted that the minerals application is regarded as part of the overall CV MSA project as a precursor to the MSA development. The minerals development is being considered in a separate minerals application albeit the applicants desired restoration of the site is to a motorway service area and therefore is linked to the MSA development. In recognition of the separate application, as well as albeit highly unlikely scenario of minerals development taking place without the full construction of the MSA, the minerals scheme been considered in its own right in the minerals report. However, to the extent that the linkage between the two proposals may be taken to suggest that for GB purposes there is a single project including inappropriate development which engaging the wider GB tests, the overall assessment of harm (and VSC as explained later) would not change, given the absence of harm that would arise from the minerals development as explained in the minerals application.

Green Belt Summary

7.36 The proposed MSA and associated infrastructure is considered to be inappropriate development within the Green Belt, which by definition is

harmful to the Green Belt. The proposed development would result in significant spatial harm and moderate visual harm to the Green Belt and would conflict with three out of the five purposes of including land within the Green Belt as outlined above and conflict with policy GB1 of the South Bucks Local Plan. Overall officers consider the harm to the Green Belt to be moderate. The harm to the Green Belt is afforded substantial negative weight. As such, it is necessary to establish whether there are any 'Very Special Circumstances' (VSC) which would outweigh the harm by inappropriateness and any other harm identified to justify approval of the development. The NPPF states at paragraph 148 that when considering any planning application, local planning authorities should ensure 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. The assessment of other harm is considered within this report, with the VSC being addressed in detail within the "Overall assessment" section of this report. This has concluded that there are VSCs to outweigh the Green Belt, and other harms identified as addressed later.

8.0 Landscape and Visual

- Core Strategy Policies:
CP9 (Natural Environment)
- Local Plan Saved Policies:
EP3 (The Use, Design and Layout of Development)
EP4 (Landscaping)
- M&WLP: 25 (Delivering High Quality Restoration and Aftercare)
- Ivers Neighbourhood Plan Policy:
IV1 (Gaps between settlements)
IV13 (Colne Valley Regional Park)

- 8.1 Core Policy 9 of the South Bucks District Core Strategy (2011) highlights that landscape characteristics will be conserved and enhanced by not permitting new development that would harm landscape character or nature conservation interests, and goes on to state that 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 that appropriate mitigation or compensation is provided, resulting in a net gain in biodiversity.
- 8.2 Local Plan policy EP3 of the South Bucks District Local Plan (1999) seeks to ensure that developments are compatible with the character and amenities of the site, adjoining development and the locality in general.
- 8.3 Policy IV1 of the Ivers Neighbourhood Plan sets out that development proposals within a defined corridor should avoid an unacceptable impression

of ribbon development or suburbanisation by themselves or through cumulative impacts with other developments.

- 8.4 Policy IV13 of the Ivers Neighbourhood Plan refers to development within the Colne Valley Regional Park and highlights that development proposals should make a positive contribution towards the improvement of the Colne Valley Regional Park in line with its objectives and the Colne and Crane Valley's Green Infrastructure Strategy and detailed strategy for the Mid Colne Sub-Area.
- 8.5 Paragraph 174 of the NPPF sets out that planning decisions should contribute and enhance the natural environment and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. In addition, paragraph 130 of the NPPF highlights that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Landscape character

- 8.6 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.
- 8.7 In addition to the above, there is the South Bucks District Landscape Character Assessment (2011). This document identifies a series of landscape character areas (LCA's) across the South Bucks area. The application site lies across two of the identified LCA's, these being LCA22.4 Iver Heath Mixed Use Terrace (which covers the western edge of the site) and LCA26.3 Colne Valley Floodplain (of which the majority of the application site lies).
- 8.8 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
- 8.9 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.
- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 The CVRP have produced a landscape character document entitled Colne Valley Landscape Character Assessment (2017) (CVLCA) of which there is some overlap with the South Bucks District Landscape Character Assessment (2011) in terms of landscape character. The application lies within 3 character areas identified within the CVLCA, and these include:
- A412 to Iver Colne Valley Character Area*, 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*, 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.

Denham Valley Floor Colne Valley Character Area, with characteristics including:

- fields divided by low hedgerows and tree cover limited to boundaries.
- Linear development along major roads, signage and lighting to give the area an urban fringe character and Significant visual and audible disruption/fragmentation to the landscape from major infrastructure associated with M40 junction 1 and pylons.

8.14 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.

8.15 A total of 11 viewpoints were selected to represent views from a selection of view points (mixture of public and private view points) for key visual receptors, the impact of the proposed development (as amended during the course of the application) was assessed from each of these view points, and are set out in section 5.5 of the technical appendices of the ES (chapter 7).

8.16 In terms of the methodology for visual impacts, ZTV mapping has been used to identify the likely extent of visibility of the proposed development. The ZTVs aims to reflect the theoretical visibility of the tallest part of the development (in this case the main amenity building) at a maximum roof of 14m above ground level, and of HGV's entering and exiting the site at height of 4.5m above ground level. It should be noted that ZTVs assume the worst-case scenario where proposed planting as part of the development would not be taken into account.

8.17 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 comprises of pastureland with hedgerows, with some containing mature trees, this area is relatively tranquil in nature. 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 a number of public rights of way of which allow views of the western parcel of the application site these being:

- Footpath IVE/5/1 which runs east to west between Bangors Road North and Slough Road
- Bridleway IVE/33/2 which runs south to north and joins the southern side of 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.
- 8.18 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.
- 8.19 The proposed MSA development would result in the removal of the majority of vegetation within the site boundary to facilitate the amenity buildings, associated hard standing and infrastructure together with removal of vegetation along part of the Slough Road and M25 to facilitate the realigned road, slip roads and new overbridge. The ground modelling to facilitate the MSA would be in the form of embankments within the eastern parcel for the proposed slip roads and excavation in the western parcel to create a level platform the MSA building and car parks including the removal of trees and vegetation. These works are considered to have the greatest impact on the landscape. Construction impacts in terms of the landscape fabric have also been identified as part of the ES addendum. It has been identified that land would be required to the south of the site to establish a site compound for the preparation of land (which also includes the extraction of sands and gravels). Construction effects are considered to have a localised impact on the landscape character and would be in clear contrast with the existing landscape fabric.
- 8.20 The illustrative masterplan indicates that new landscaping features would be created around the perimeter of the site in the form of native woodland planting, including on the northern side of the realigned Slough Road. This would be supplemented with areas of wildflower planting and ornamental planting around the proposed buildings and parking areas. Also proposed are a series of wetland planting within the incorporated drainage features. It should also be noted that there would be an off-site habitat enhancement works in the form of wildflower and woodland planting.
- 8.21 The ES and ES Addendum sets out the impacts of the proposed MSA on the various character area designations, principally those covered by the Colne Valley Landscape Character Assessment (CVSA) (which is partly informed by and overlaps with the South Bucks District Landscape Character Assessment). The proposal has been assessed against the CVSA in order to determine the landscape impacts on the Colne Valley Regional Park.
- 8.22 In terms of the ES and the ES addendum, the effects of the MSA development including the construction phase has been broken down into:

- initial effects i.e. the effects when the development has been first established and;
- Residual effects i.e. once the development has been completed and the mitigation has had time to establish.

- 8.23 In terms of initial effects, it is considered that there would be significant localised effects upon the A412 to Iver CVCA, and this change would be evident from the quantum of earthworks required to create the slip roads, overbridge, realigned Slough Road and ground base for the MSA. The current pasture land to the west would largely be removed and replaced by hard surfacing, buildings and associated infrastructure. In terms of localised impacts, particularly to the southern edge of the site and immediate surroundings, the effect of the proposal is judged to be moderate to major adverse. Once established the proposed MSA development would continue to have moderate to major adverse on the landscape locally. However due to the surrounding vegetation and landforms, the proposed development would not be widely visible. As such, in the wider context of the A412 to Iver CVCA a minor adverse level of effect would occur.
- 8.24 In terms of the Iver Heath CVCA, this is limited to the western side of the application site, and effects on this area would not be significant due to localised views of the development site. The ES and ES addendum sets out that initial effects in terms of construction and operational phase would be localised with moderate adverse effects occurring. Over time the residual effects would continue to be moderate adverse, but with a localised impact. In the terms of the wider CVCA, the proposed development due to the existing landforms and vegetation would be well screened and would therefore have a negligible effect upon the character.
- 8.25 The Denham Valley Floor CVCA is located to the east of the application site, in the context of the existing character of the area, which includes the Iver Electricity Substation, a number of pylons, it is considered that the construction phases and slip roads of the proposed MSA would have initial effects of minor neutral. The residual effects of the proposed development has also been judged to have minor neutral effect which would not be significant.
- 8.26 Noting the above, the proposed MSA development and associated infrastructure is considered to have some significant landscape character effects which would be limited to localised impacts. However, due to the existing landforms and vegetation, the effects would not be widely appreciated. A summary of the Residual Landscape Character Effects is set out in the table 1 below:

Table 1: Summary on landscape character

Landscape Character Area	Level of Residual Effect	Significance
Colne Valley A412 to Iver	Moderate to Major Adverse (local context) Minor adverse (wider context)	Not Significant
Iver Heath Terrace	Moderate Adverse (local context) Negligible (wider context)	Not Significant
Denham Valley Floor	Minor Neutral	Not Significant

8.27 The Council’s landscape consultants broadly agree with these conclusions with the exception of Iver Heath Terrace which considers the wider context to be minor adverse long-term effects rather than negligible. Differences between the Council’s landscape consultants view and that outlined by the applicant’s Landscape consultant are mainly due to professional judgement and perceived effectiveness of the mitigation proposals. The general landscape conclusions in terms of residual effects broadly align, that there will be moderate harm and no residual significant landscape effects in the longer term.

8.28 Overall, it is concluded that there would be moderate harm to landscape character. (The full consultation response from LDA, the Council’s Landscape consultant can be found at Appendix E)

Visual effects

8.29 In terms of the eleven view-points identified within the LVIA a detailed assessment is set out in appendix 5-5 of the ES and appendix 5.6 of the ES addendum, and is explored further below.

8.30 The submitted LVIA has identified the visual effects that would arise during the mineral excavation and construction stage (which would last for approximately six months), together with the operational stage of the MSA development. These are again broken down into initial effects and residual effects at year 15. Two locations have been identified as having significant visual effects during the mineral extraction and construction phase of the proposed development. These being from view points 5 and 6. View point 5, located on the public right of way running eastward from Bangors Road North. It is considered that views northward towards the site from this footpath would have a moderate to major adverse effect. The temporary construction compound would be located to the north of the field and would be clearly visible, together with temporary offices, access road, construction mounds etc.

- 8.31 Similar effects would also occur from the field, located to the north of White Cottage known as viewpoint 6 (north of the Slough Road). The new access and plant associated with the temporary construction would be obvious at this point, with views of this occurring at short range. However, the residual effects would reduce over time as the proposed MSA nears completion and the landscape mitigation establishes.
- 8.32 Four other view points (3, 4, 9 and 10) in terms of initial effects have been identified as major adverse in terms of visual effects. Two of which are located close to Bangors Road North looking east towards the site. It is considered that whilst some taller elements of construction plant would be visible in the distant background, views of the foreground and middle ground would remain unchanged. However, the residual effects would reduce over time as the construction phases move towards the operational phases, with the establishment of the proposed mitigation.
- 8.33 In terms of view point 10 (located on the access track to Mansfield Farm), major adverse visual effects are considered to result from the enabling and construction works. This area would result in evident tree loss and the construction of slips road to access the western parcel of the site over the M25. The same would also apply to view point 9 to the north of Slough Road (west of the M25 overbridge). Here the tree belt would be removed which would result in unobstructed views of the construction site which would include material storage mounds, and movement of vehicles associated with the mineral extraction and construction. It is considered that all remaining viewpoints would not have direct views towards the site owing to the distances and the screening provided by existing vegetation.
- 8.34 There remains the position of the replacement over bridge located alongside the new access to the MSA from the eastern side. The stage 1 road safety audit (RSA) identifies the need for provision of anti-dazzle fencing at the detailed design stage between the realigned Slough Road and the overbridge slip road where these run parallel /close to each other. Details would be provided at the latter stage. This will add to the prominence of this overbridge in views and the effect of this is also taken into account as a feature on this part of the road.
- 8.35 In terms of the visual impacts in relation to the development these are considered to be localised and would decrease as the development moves from the construction phase to the operational stage. The significant effects from the two closest points to the development from the footpath to the east of Iver Heath and north of White Cottage would be reduced in time as the proposed mitigation in the form of planting on the southern and western boundaries matures and the site becomes increasingly screened.
- 8.36 The eastern parcel of the application site would also present significant effects for those viewpoints from the Mansfield Farm and Iver Environment Centre

access road. View Point 7 located on the Mansfield Farm Access Track is also located in the vicinity of the Iver Environment Centre Whilst these views would be localised, the proposed access slips and associated embankments would be visually prominent from locations in this area. However, it is envisaged that the proposed planting and screening would reduce the significance with time.

- 8.37 Longer range views from the other view points in the study would not be considered significant due to the intervening vegetation and landforms. The summary of the visual effects are presented in the table 2 shown below:

Table 2: Summary of visual effects:

Viewpoint/Receptor	Level of Effect-Short Term	Level of Effect – Long Term	Significance
View Point 1 A412 Denham Road; pedestrian footpath looking south east.	No change in view	No change in view	Not Significant
View Point 2 Bus Stop on Bangors Road North (close to junction with St. David’s Close); pedestrian footpath looking east	Negligible	Negligible	Not Significant
View Point 3 Bangors Road North, close to the junction with Anslow Gardens; pedestrian footpath looking east	Moderate Adverse	Minor Neutral	Not Significant
View Point 4 Footpath off Bangors Road North looking east	Moderate Adverse	Minor Neutral	Not Significant
View Point 5 Footpath to the east of Iver Heath; looking north	Moderate to Major Adverse (significant short term)	Minor Neutral	Not significant
View Point 6 Field to the north of White Cottage, looking north	Moderate to Major Adverse	Moderate Major Neutral	Significant (long term)
View Point 7 (Opposite the entrance to Iver Environment Centre) Access track to Mansfield Farm, looking west	Major Adverse (significant short term)	Moderate Adverse	Not Significant

View Point 8 A412 Denham Road, M25 Overbridge; pedestrian footpath looking south east	No Change in View	No Change in view	No Effect
View Point 9 <ul style="list-style-type: none"> A4007 Slough Road; junction of public bridleway and pedestrian footway, looking north 	Moderate Adverse	Minor Beneficial	Not significant
View Point 10 Mansfield Farm Access, looking west	Major Adverse (significant short term)	Moderate adverse	Not Significant
View Point 11 Footpath at the Junction of Knighton- Way Lane, New Denham, looking south west	Negligible Neutral	Negligible Neutral	Not Significant

8.38 The council's landscape consultants broadly agree with these conclusions, with the exception of:

- Viewpoints 3 and 4 which has long term effects minor adverse (not significant) rather than neutral;
- Viewpoint 5 which has long term effects minor-moderate adverse (not significant) rather than neutral;
- Viewpoint 6 which has long term effects moderate-minor adverse (not significant) rather than neutral;
- Viewpoint 9 which long term effects should be minor adverse (not significant) rather than beneficial.

8.39 It is considered that the viewpoints selected are an acceptable representation of the scheme's visual impact. Again, where the Council's landscape consultants views different from the applicant's assessment it was down to difference in professional judgment, and not significance of effect, in the longer term.

8.40 In summary, there would be major adverse short term visual effects, mainly to users of public footpaths running close to the site and access/users of the Mansfield Farm track, also serving Iver Environment Centre. As stated previously, these would be localised views. However, it is envisaged that the residual effects by year 15 would reduce this impact as the proposed mitigation matures, resulting in minor or moderate adverse effects. The applicant has proposed an indicative landscaping scheme which would provide

satisfactory mitigation. This would be in the form of woodland planting to the southern and western boundaries, some of which would be planted on low mounds to further screening opportunities. Planting is also proposed for the embankments on the slip roads to provide further screening. It is envisaged that the details would come forward as part of a reserved matters application.

Night Time Visual Effects

- 8.41 In terms of night time visual effects, it is recognised that the proposed MSA and the associated access and facilities would require lighting. Chapter 4 of the ES and ES Addendum identifies the proposed lighting for the site and appendix 4.1 includes a lighting assessment for the proposed MSA development in accordance with Institute of Lighting Professionals (ILP).
- 8.42 Paragraph 185c of the NPPF states that planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. In terms of the ILP the application site is located within Environmental Zone E2 which is defined as a 'sparsely inhabited rural areas, village or relatively dark outer suburban locations'.
- 8.43 The following areas of the proposed MSA would require lighting. It should be noted that Annex A of circular 01/2022 requires all new roadside facilities to be lit. The following areas would require lighting:
- Car, HGV and Coach Parking Areas
 - Internal access roads
 - Slip Roads and Roundabouts
 - New Overbridge
 - Service Areas
 - Fuel Filling Station
- 8.44 The lighting assessment provides detail on the impact and potential lighting approach incorporating best practice mitigation measures, including the use of luminaires with minimal to zero direct contribution to upward light; minimising luminaire uplift angles; careful aiming and positioning of luminaires; careful selection of luminaires; the use of optimal light distributions for their specific location and orientation; optimisation of mounting heights; the use of factory preset dimming; the adoption of the lowest intensity LED modules practicable (potentially using larger dimmed down LED modules); and minimising the task illuminance level. and provides visuals.
- 8.45 The proposed MSA would operate 24 hours a day and would require lighting during the hours of darkness. In addition, the access and egress points would require lighting which would be required at current standards. This would result in lighting columns to the access slip roads, overbridge and internal access routes. No lighting is shown for the Slough Road realignment.

Pedestrian lighting would also be required on the staff access route from the north of the A4007 Slough Road.

- 8.46 The proposed lighting would consist of LED luminaires, which has the benefit of a being more directional with low light spill. In addition, and where necessary, the proposed luminaires are capable of adjustment and isolation within each bulkhead to prevent upward light distribution. Thereby reducing impacts on sensitive areas such as ecological and residential receptors, including Iver Environment Centre. It is anticipated that the lighting scheme would operate on a Central Monitoring System which would allow dimming of lights typically between the hours of 23.00 - 5.00.
- 8.47 The impacts of the proposed lighting and its effects on the wider areas have been considered as part of the proposed MSA development.
- 8.48 It is anticipated that some of the proposed lighting columns would be visible above existing vegetation. However, these would localised views from the view-points described previously in the report. The proposed lighting columns would be viewed in the context of the existing M25 which benefits from lighting columns and other road side infrastructure such as overhead gantries and road signage. The surrounding area including that of Slough Road and the built-up areas of Iver Heath and Uxbridge are well served by existing street lighting.
- 8.49 As outlined above, and as set out in the lighting assessment, proposed lighting would be of modern cut off design, which would restrict the light spill of any proposed luminaires. Due to the site's location, and the presence of existing screening the illuminance of the proposed MSA is not expected to be apparent from many locations beyond the site and the immediate surroundings.
- 8.50 The lighting assessment which accompanies the ES concludes that the potential lighting glare based on the proposed luminaires and their location would be in accordance with ILP sky glow and light spill criterion for an E2 Environmental Zone and its impact on residential receptors and ecology. As such, it is considered that the effects of the lighting on the surrounding landscape would not be significant. It recommends the erection of a 2.0 m high (minimum) close-boarded timber noise barrier to the north-western boundary in order to control forward light spill from the luminaires illuminating the HGV Parking Area sited approximately 55m from the boundary; and the use of 1.0 m outreach brackets to the north-western boundary and to meet the ecological light spill criteria.
- 8.51 It would be considered necessary to impose conditions requiring the full details of the external lighting to ensure that the operation phase of the MSA would have an acceptable/ negligible impact on the light sensitive receptors. The Council's landscape consultant agrees with these findings in relation to lighting.

Cumulative and Secondary effects

- 8.52 The ES and ES addendum identifies the cumulative impacts of the MSA proposal and other larger scale developments nearby. In this instance the applicant has identified an extant permissions at Pinewood Studios (planning reference: PL/20/3280/FA and PL/20/3280/OA which has since been superseded by application PL/22/2657/FA). The proposals at Pinewood Studios would occur in a different area to Iver Heath than the subject proposal, and therefore the two schemes would not be readily visible together from any of the view points identified in the LVIA.
- 8.53 In addition, there is the consideration of the separate mineral application under reference (CM/0036/21). The mineral extraction forms part of the overall MSA project and has been addressed as part of the construction phase of the development (considered further in the report below). However, given that the removal of mineral is a direct secondary consequence of the MSA development on the site, this has been addressed as part of the ES addendum, and provides the secondary effects of the mineral extraction part of the project.
- 8.54 In terms of the landscape effects as a consequence of the mineral extraction, it is accepted that there would be localised and temporary adverse change in character as a result of the extraction. The mineral extraction would be evident from short range. However, longer range views would be obscured by existing vegetation cover. It is anticipated that as the construction phases progress, areas subject of the extraction would be restored to existing levels (after the removal of the temporary compound). Overall, it is considered that the secondary effects on landscape character would not be significant.

Conclusion on landscape character and visual effects

- 8.55 The proposed the development would result in the loss of agricultural land, and would include new buildings, hardsurfacing and soft landscaping. In addition, a new access would be created off the M25, together with a new over bridge and re-alignment of the Slough Road. Mitigation in the form of woodland and other planting is proposed for both visual and biodiversity net-gain purposes.
- 8.56 In terms of the landscape character, the ES and ES addendum conclude that the proposed development would have moderate to major short term effects reducing to residual moderate adverse a visual impacts with the mitigation after 15 years on the immediate environs on the Character Areas. However, in the wider context it is considered that the harm to the wider context would result in minor adverse impacts which would be not significant. Due to the localised effects on the landscape character it is considered that there would

be little change to the key characteristics of the wider Colne Valley Regional Park.

- 8.57 There would be some significant visual effects as a result of the MSA development in the short term. However, as similarly to the above, these are considered to be localised, where the development would give rise to a notable change in view, i.e., from the public footpath to the east side of Iver Heath and from the Mansfield Farm access road situated on the eastern edge of the application site. However, these views are expected to change over time as the proposed planting matures and begins to obscure views of the proposed MSA development. Due to the landforms and existing vegetation, it is expected that the landscape character in terms of longer views within the study area would be limited.
- 8.58 As such, the residual effects or long term views on the majority of the localised view points are considered to be minor or minor-moderate adverse (not significant) The exceptions to this would be the long terms views from the field North of White Cottage, which would be moderate- minor adverse. The Council's landscape advisor considers the effects to be reduced to not significant over time as the woodland planting establishes.
- 8.59 Noting the above, whilst there would be some harm to localised short views, over time and with the proposed landscape mitigation it is considered that the residual (with mitigation) longer views and the wider impacts on the landscape would not be significant. Overall, it can be concluded that the proposal will cause moderate harm individually, secondary and cumulatively in terms of the impacts on the landscape character and visual effects of the development. As such, the proposed development would be contrary to the Policy CP9 of the Core Strategy, Policy EP3 of the Local Plan, Policies IV1 and IV13 of the Ivers Neighbourhood Plan and Paragraphs 130 and 174 of the NPPF. Overall, this is afforded moderate negative weight in the balance.

9.0 Agricultural Land

- 9.1 The NPPF at paragraph 174b notes the benefits of protecting best and most versatile agricultural land (BMV). The footnote (58) to paragraph 175 relating to local plans also states 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.
- 9.2 In assessing the effects of development on agricultural land it is necessary to have given consideration to the Agricultural Land Classification (ALC), devised by the Ministry of Agriculture Fisheries and Food (1988). This is the standard method used for determining the quality of agricultural land.
- 9.3 BMV is defined as Grades 1, 2 and 3a; this is land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses. Grades 3b, 4 and 5 are not classed as BMV. This classification (ALC) is appropriate for assessing the quality of

farmland, to ensure informed choices are made about its future use within the planning system.

9.4 Detailed soil reports have been produced to determine the ALC grade of agricultural land on both sides of the M25, these reports have been carried out in accordance with Natural England's Technical Information Note 049 – 'Agricultural Land Classification: protecting the best and most versatile agricultural land.'

9.5 The application site straddles the M25 and comprises approx. 30 hectares of agricultural land. Non-agricultural land within the site comprises of small pockets of woodland, farm tracks and existing road infrastructure. Soil samples and investigation have been carried out across the application site. The overall assessment concludes that soils across the site would consist of Grade 3b land (moderate quality), and therefore non-BMV land.

9.6 As such, although the proposed development would result in a permanent change of non-agricultural use, the land consists of non-BMV land and therefore there would not be a conflict with para. 174b of the NPPF which highlights the benefits of BMV land (of which, no soils were found within the application site).

Cumulative and Secondary Effects

9.7 There is the consideration of the separate mineral application under reference (CM/0036/21). The mineral extraction forms part of the overall MSA project. The mineral extraction would take place on the part of the same land as the subject MSA application which would be a secondary effect. As all the affected land would consist of non-BMV land, there would remain no conflict with para. 174b of the NPPF in this regard.

9.8 Overall, as the proposed development does not result in the loss of BMV and would therefore comply with the NPPF in this regard. This should be weighed favourably against the scheme within the balance.

10.0 Highway Safety, Transport and Access

Core Policy 7: Accessibility and Transport

Local Plan Policy TR5: Accesses, Highway Works and Traffic Generation

Local Plan Policy TR7: Parking Provision

Ivers Neighbourhood Plan Policy IV6 (Sustainable Travel)

Ivers Neighbourhood Plan Policy IV8 (Managing Traffic)

Ivers Neighbourhood Plan Policy IV9 (Reducing Heavy Goods Vehicles)

Buckinghamshire Countywide Parking Guidance, September 2015

10.1 Core Strategy Policy 7 aims to ensure that the impact of new development on the road network is minimised and mitigated through the use of mobility

management measures such as travel plans, parking charges and car parking levels. It also sets out the support of public transport schemes as long as there are strong environmental safeguards in place.

10.2 Local Plan Policy TR5 states that;

'In considering proposals involving a new or altered access onto the highway, works on the highway, the creation of a new highway or the generation of additional traffic the District Council will have regard to their effect on safety, congestion and the environment. Development will only be permitted where;

a) The proposal complies with the standards of the relevant Highway Authority; and

b) The operational capacity of the highway would not be exceeded, or where the proposal would not exacerbate the situation on a highway where the operational capacity had already been exceeded; and

c) Traffic movements, or the provision of transport infrastructure, would not have an adverse effect on the amenities or nearby properties on the use, quality or character of the locality in general, including rural lanes.

Where off-site improvements to the highway are required to serve a development, the District Council will not grant permission unless the applicant enters into a planning obligation to secure the implementation of these works.

Proposals involving either the construction of new site accesses, or a material increase in the use of an existing site access, directly onto the strategic highway network will not be acceptable if they would 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.'

10.3 Policy IV6 of the Ivers Neighbourhood Plan seeks to encourage safe, accessible and convenient means of walking, cycling and horse riding through the Parish. It refines Core Strategy Policy 7 by providing a local element to its provisions.

10.4 Policy IV8 of the Ivers Neighbourhood Plan relates to managing traffic in the Parish and refers to the support of traffic mitigation measures at key locations in the Parish. In addition, it refers to strategic development in the Parish and the need for these developments to make direct and proportionate contributions to delivering improvements in highways infrastructure.

10.5 Policy IV9 of the Ivers Neighbourhood Plan outlines support for any change of use of land that results in the reduction of HGV traffic through the Parish. In addition, proposals for developments that would result in the intensification of HGV movements will not be supported.

10.6 Paragraph 106 e of the NPPF states that planning policies should provide for any large-scale transport facilities that need to be located in the area, and the

infrastructure and wider development required to support their operation, expansion and contribution to the wider community.

10.7 Footnote 44 explains that ‘policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services (and most such proposals are unlikely to be nationally significant infrastructure projects).

10.8 Paragraph 110 of the NPPF advises the following:

- a) Appropriate opportunities to promote sustainable transport can be, or have been taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.

10.9 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 sever.”

10.10 Further guidance is set out in Circular 01/2022 – The Strategic Road Network and the Delivery of Sustainable Development, which deals with the provision of roadside facilities (i.e. MSAs).

10.11 Matters relating to the impact on the safety and operation of the M25 and internal connecting roads within the proposed development are subject to oversight from National Highways. Impact on the local road network has been reviewed and commented on by Buckinghamshire Highways.

10.12 The accompanying ES and ES Addendum assesses the potential traffic and transport effects and benefits of the proposed development, both during construction and operation, and the subsequent significance of effects. Assessment of the significance of effects has been informed by guidelines published by the Institute of Environmental Assessment (IEMA), who has published guidelines for the Environmental Assessment of Road Traffic. Supporting the ES is a Transport Assessment (TA) and Framework Travel Plan (FTP).

10.13 Baseline conditions were established on the motorway network as well as the local highway network, the walking and cycling network. Baseline traffic flows for the M25 were obtained from WebTRIS and used to establish baseline conditions and due to the Covid-19 Pandemic were taken from the 2019 period, this looked at annual average traffic flows, daily flows, vehicle speeds, HGV percentages and personal injury collisions (over the last available 5-year period, 2016-2021).

- 10.14 Baseline information has been extrapolated (from 2019) for future baseline conditions which includes the periods of likely construction (2023/2024) and opening year (2025). The ES concludes that in terms of percentage change in vehicular movements would not be significant.
- 10.15 Proposed access to the MSA would be in the form of on/off slip roads via a new grade separated junction incorporating a new overbridge which would include the southbound accesses and the Slough Road (A4007). A roundabout would be located on the western side of the M25 which would link the slip roads and include the accesses to the northbound carriageway. The design of the slip rounds and tie-ins to the M25 were amended during the course of the application in consultation with National Highways. One of the reasons for the amendments was in response to the pausing of the Smart Motorway upgrade (due to safety concerns) which was scheduled for this section of the M25. It has since been confirmed by Government that the Smart Motorway proposals for this section of the M25 have now been cancelled. Notwithstanding this, it is anticipated that the current scheme would not prejudice the implementation of the Smart Motorway delivery should this be resumed in the future. The situation in respect of the realigned Slough Road is addressed separately below.

Impact on the Strategic Road Network (SRN)

- 10.16 In terms of the impact of the proposal on the M25 (as part of the SRN) National Highways (NH) will be concerned with the impact of the proposal on the safe and efficient operation of the SRN, in this case the carriageways of the M25 between junction 15 for the M4 and junction 16 for the M40.
- 10.17 The Design Manual for Roads and Bridges (DMRB) contains information setting out the current standards relating to design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom.
- 10.18 The proximity of the proposed MSA development to junction 16, and in particular the M40 to M25 southern slip roads and their proximity to the proposed southbound slip to the MSA would have an impact on achieving safe weaving distances (WD).
- 10.19 Weaving on a road is the means by which vehicles are able to change lanes in a safe and convenient manner. It is something which National Highways, in respect of main roads and in particular motorways, have an adopted approach and which it seeks to apply in a fair and consistent manner. Officers understanding of the matter is that safety arising from weaving requirements will be examined and that decisions will be made to allow for an appropriate distance according to the particular factors that apply. Weaving dimensions, which start with a normal or usual physical distance between given points, can where appropriate and justified be changed to accommodate activity at a particular location. The final decision

of the authority in that respect will enable a development to proceed with appropriate weaving distances for the circumstances taking into account relevant factors that arise. That process may include the use of departures where appropriate but with the resultant design being seen as acceptable and policy compliant, even when reduced below a level that would be the norm or usual distance.

10.20 The DMRB requires a minimum distance of 2km between grade junctions on a motorway. National Highways advise that approval in principle has been given for the departure regarding weaving distance to the M40 but the departure will be subject to an application for full approval before the access strategy can be fully approved. The safe and efficient operation of the M25 should not be compromised. National Highways is supportive of a MSA facility in the north west quadrant of the M25 and recommends a number of conditions. It is recognised that a significant level of detail has been submitted as part of the application but there are still details to be agreed to enable implementation of the proposed development. This will be progressed through the Reserved Matters process to agree a preliminary design for the MSA access including Road Safety Audits (RSA's).

10.21 In the absence of an objection from National Highways it is considered that the impact of the proposed development on the SRN would not be severe and would be acceptable, subject to further details being obtained through National; Highways recommended planning conditions.

Provision of a Secondary Access

10.22 When the application was initially submitted a secondary access off the local highway network was proposed. This would be for staff and emergency access only and subject to a number of controlled access points. It should be noted that National Highways and MSA operators have found historically that the provision of secondary vehicular access are abused by motorists in attempt to take short cuts through the local network to the motorway or vice versa, and therefore creating an unauthorised route.

10.23 Current policy on roadside services as set out in DfT Circular 01/2022. Paragraph 91 of the circular states "The Strategic Road Network and the Delivery of Sustainable Transport" which states at paragraph 91: "there must be no route through a roadside facility or its access link between the local road network and SRN. In addition, any subsidiary accesses must be restricted to staff, deliveries, parties carrying out duties for and on behalf of the Secretary of State, the company, the emergency services, and breakdown recovery and assistance."

10.24 During the course of the application minor amendments were made to the proposed secondary access from the Slough Road whereby the secondary access would be curtailed for motorised vehicles, just beyond the

staff set down point. Beyond this point there would opportunity for staff and authorised personnel to access the MSA by foot or cycle.

- 10.25 Given the above, the proposed secondary access would prevent an unauthorised through connection in the site, whilst still providing an opportunity for authorised operatives to reach the site by motorised vehicle in close proximity. The lack of rear access road is highlighted as having potential to negatively impact accessibility for the Local Policing Area. The concerns relate to ability to deploy resource located within the local community close to the site, who are unable to access the site locally; officers that are not fast road trained cannot access the site, reducing resource available; and that congestion on the motorway could delay site access, with the relevant section of the M25 having no hard shoulder access once converted into a smart motorway. However, this latter concern is given very limited weight due to Central Government removing smart motorways from road building plans, cancelling this scheme's roll out.
- 10.26 Thames Valley Police (TVP) have submitted comments in relation to the proposal highlighting that the current Beaconsfield MSA already represents a large impact on police resourcing and the lack of a full secondary access would exacerbate this further. However, it should be noted that the current Beaconsfield MSA is an offline facility which is also fully accessible from the Local Highway Network i.e. A40 and A355. TVP go on to comment that the minimum requirement would be for a part secondary access without a direct connection, which is now proposed. However, comments state that the on-foot distance from the access to the MSA facility would be too great.
- 10.27 National Highways has recommended conditions (in the event of any approval) to ensure that vehicular access to the MSA car park and facilities building is from the M25 only and therefore compliant with the policy contained within Paragraph 91 of the DfT Circular 01/2013, replace by 1/2022. National Highways has accepted that access to a secure area within the MSA site could be acceptable but that it should be discreet and not capable of having vehicular access to the main MSA car park or onwards to the M25. While noting the concerns of TVP, it is considered that this is the solution to be secured through condition(s) in the interests of public safety, for the reasons set out above. Further details on security are dealt with latter in this report.

On-line vs Off-line location

- 10.28 As outlined previously, the proposed MSA is to be an on-line service area, in that it can only be accessed from the M25. Paragraph 84 of Circular 01/2022 set out that on-line (between junction) service areas, such as the one being proposed, are considered to be more accessible to road users and as a result are more attractive and more conducive to encouraging drivers to

stop and take a break. They also have the added advantage of avoiding the creation of any increase in traffic demand at existing junctions, and on existing local road networks as vehicles do not need to exit the Motorway to access the MSA. Therefore, in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, NH has a preference for new MSA facilities at on-line locations. National Highways consider that in circumstances where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints a site sharing a common boundary with the highway at a junction with the SRN (off-line site) is to be preferred to the continued absence of driver facilities on the motorway network.

Impact on the Local Highway Network

- 10.29 In terms of Impact on the Local Highway Network, it is important to note that when operational, visitors to the MSA travelling by vehicle will only be able to access/exit the site from the M25 (as highlighted previously). There will be no secondary vehicular route that connects with the local highway network, save for a controlled access route from Slough Road which is only for use of emergency vehicles and staff drop off-point. Should an emergency need arise for police vehicles to access the site without going via the M25, this will be possible by allowing such vehicles to reach a point before stopping the vehicle to then travel by foot to the MSA. Public use by vehicle of this route will be prohibited.
- 10.30 Buckinghamshire Council as the Local Highway Authority have reviewed the proposal in relation to the impact on the A4007 Slough Road. In terms of the proposed staff access off the Slough Road Highway officers are satisfied that the access is sufficient to serve its purpose and would not result in detrimental impact on the Local Highway Network. Notwithstanding this, control measures are to be put in place to ensure this emergency access route is access restricted and only used as intended (i.e. by police vehicles) and that it is appropriately managed and not mis-used. To ensure this access is kept secured and does not allow for unrestricted vehicular access a detailed Security Framework/ Management Plan, be secured through condition. This will include provisions for on-going monitoring of the Management Plan.
- 10.31 The proposed MSA development includes the re-alignment and re-building of the A4007 Slough Road overbridge which spans the M25 motorway.

Figure 2: Extract of red edge site plan showing realigned Slough Road

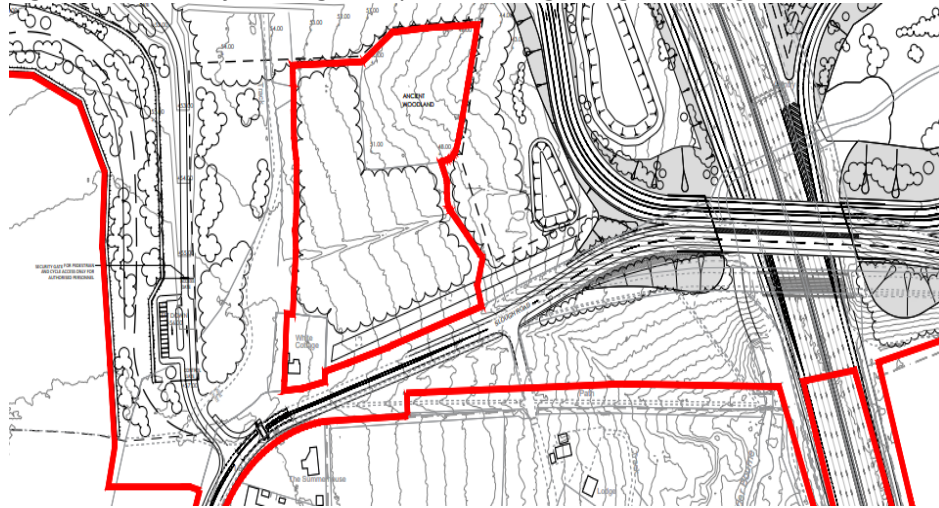
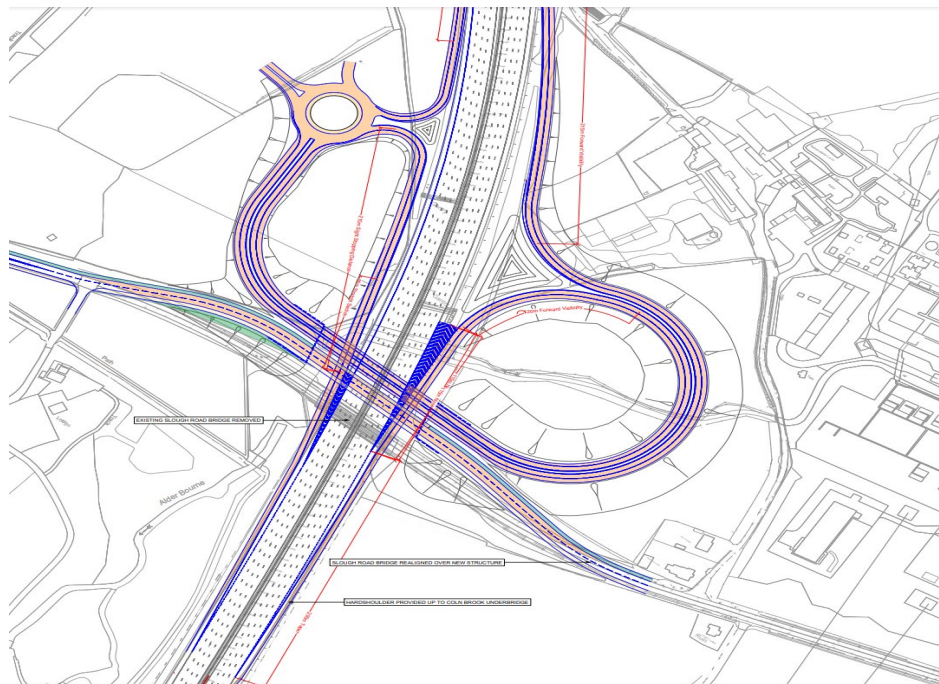


Figure 3: Map showing Access Arrangements



The proposed bridge would be subject to further applications to NH as part of Design Manual for Roads and Bridges. Buckinghamshire Council Highway officers would be concerned with the operation and safety of the A4007 Slough Road. The applicant has submitted a Stage 1 Road Safety Audit (RSA) as part of these proposed works, and Highway officers are satisfied with the recommendations, including a dedicated right hand turn lane for the staff access. In regard to the A4007 Slough Road realignment and new over bridge,

it is anticipated that the new bridge would be constructed prior to the re-alignment of the A4007. After completion, road traffic would be diverted onto the new bridge. The existing A4007 overbridge would then be dismantled (as indicated in Chapter 4 of the ES). Throughout this construction process the A4007 would remain open to traffic. This, together with the other improvements identified would be dealt with as part of the off-site highway works agreement.

Construction Traffic

- 10.32 In terms of construction traffic, access to the construction site will need to be agreed in advance with the relevant Highway Authorities (Buckinghamshire Highway Authority and NH). During the initial construction phase a temporary construction access route is anticipated as being required from Slough Road to the application site. This access will utilise the existing farm access running northward from Slough Road. Buckinghamshire Highway Authority has raised no objection in terms of the construction impacts on the Highway. However, it will be necessary to agree appropriate routes and take into account careful coordination for the Slough Road overbridge works. Such matters would be required as part of a comprehensive Construction Management Plan which would be secured via planning condition.
- 10.33 The ES states the overall construction period is anticipated to take approx. 21 months. The applicants propose for the first 6 months the construction traffic would be limited to the use of the existing local road network for access, to establish the site compound and construct an access from the M25 for construction traffic. Once access from the M25 is established, and is ready for use, all construction traffic will access and egress the site from the M25. The Transport Assessment submitted with the ES Addendum sets out the temporary construction access measures in more detail, including construction related parking, management of construction deliveries, traffic management routing of construction vehicles and additional measures that are intended to reduce the impact of construction traffic on the local road network during this defined period of time. It should be noted that the separate Minerals application would form part of the initial construction stage. Whilst, cumulative and secondary effects are dealt with below, the construction access and egress via the M25 would be via temporary slip roads which would be made permanent as the MSA development progresses. National Highways have not objected to this arrangement and have requested a planning condition to review the further details of the arrangement.
- 10.34 Construction traffic has been forecast at around 20 HGV movements per day on the Local highway network it is considered unlikely that construction traffic will represent a magnitude of increase that will require assessment of effects. On that basis, effects resulting from construction would be minor and not significant. In this regard, it is considered that there

would not be a direct conflict with policy IV9 of the Iver Neighbourhood Plan. The proposed MSA when operational would not result in extra HGV movements on the local roads in the Parish, as these movements would be limited to and from the SRN. Any HGV movements associated with construction of the MSA that would be required to use the local roads would be for a temporary period only. Buckinghamshire Highways have raised no concerns with the planning proposals.

Parking

10.35 Local Plan Policy TR7 and the Buckinghamshire Countywide Parking Guidance, September 2015 does not set out specific parking standards for MSA development, although it includes parking space dimensions and requirements for motorcycle, cycle and electric charging spaces. In more general terms Core Strategy policy C7 refers to the expectation that new development will be expected to provide appropriate and effective vehicular and cycle parking.

10.36 In the absence of any adopted local parking standards for this form of development, Circular 01/2022 is the point of reference for assessing adequacy of parking provision. Annex A, Table 2 of the Circular sets out the calculations for establishing the parking requirements for different types of vehicles at MSAs. These calculations are based on a proportion of the traffic volume passing the site.

10.37 The applicant has provided indicative parking layouts and the following provision of parking:

- Car parking: 941 spaces (including 5% disabled bays)
- Caravan parking, motorhome and trailer: 30 spaces
- Motorcycle parking: 28 spaces
- Coach parking: 30 spaces
- HGV parking: 150 spaces
- Abnormal load: 1 space
- Staff Car parking: 50 spaces

10.38 The proposed parking quantum would align with the parking standards set out in Annex A of the circular, and therefore, no objections are raised to parking provision, with a condition recommended to secure the final parking details at a later stage.

10.39 In terms of the HGV parking referenced above, the proposed quantum would allow appropriate levels of HGV provision which would contribute significantly towards the need for additional parking for HGV's in the south east region. This would also meet NH's aims of preventing overspill of HGV parking in the immediate vicinity of road side services and would be a benefit

in terms of the welfare and safety of users of the SRN. The HGV parking area would allow overnight and would therefore accord with the aims of paragraph 109 of the NPPF.

10.40 In addition to the parking provision above, the proposed MSA development would also incorporate 100 Electric Vehicle Charging Spaces. Officers consider that this level of on-site provision would help promote sustainable travel opportunities and would also align with Ivers NP policy IV7 and paragraph 107e of the NPPF. The EV parking spaces would also be secured via planning condition.

Trip Generation

10.41 Trip generation will be primarily focused on those to/ from the M25, as once operational there will be no form of direct secondary vehicular access onto the local road network from the MSA for the public to use. A rear/secondary access is provided from Slough Road. The intention is for this to be used for TVP restricted emergency use only access from Slough Road and staff drop off /pick up area and potential shuttle bus drop off/pick up. For the currently estimated period of 6 months, and during this initial phase of construction some construction trips will use the local road network, as discussed previously.

10.42 There are predicted to be an average of 163 staff trips per day by car in the ES. Average Daily Traffic (ADT) resulting from these trips amounts to 1,350 two-way trips per day. To put this into context, the existing ADT on the motorway between junctions 15 and 16 is 207,816. Employee shift patterns will also be relevant to this, and they are addressed under the heading of 'promoting sustainable travel opportunities' below.

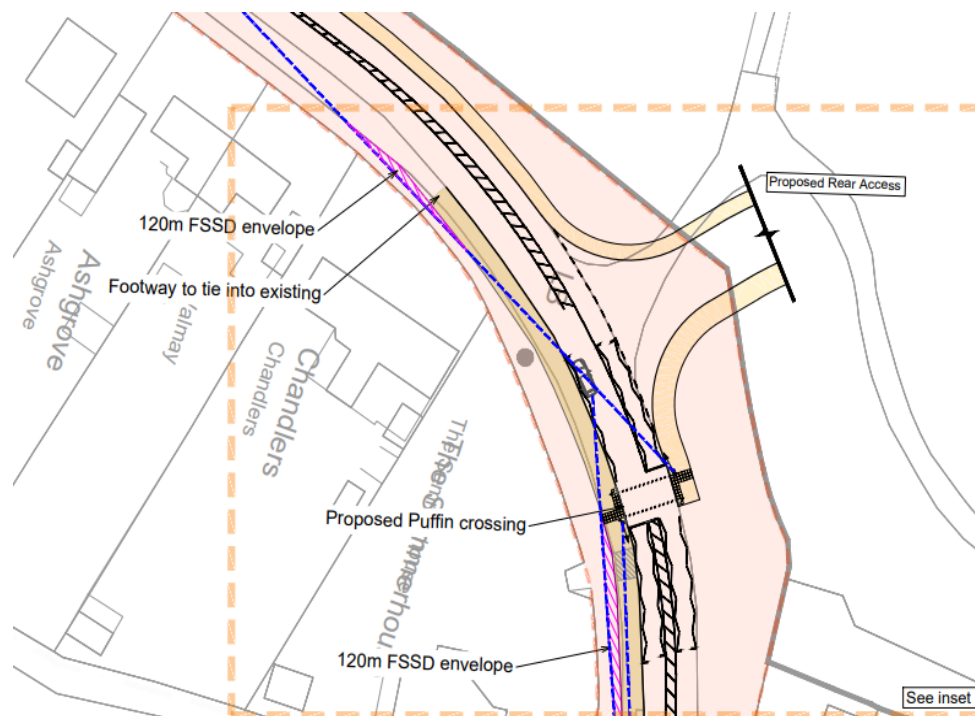
10.43 From this it is calculated that magnitude of increase in ADT due to the proposed development, once operational, is approximately 0.2% and 1.8% of HGV movements. The effect of the increase in traffic is considered in the ES to be negligible, in accordance with DMRB HA205/082, and the magnitude of change below the thresholds for further assessment, in order to accord with the IEMA methodology. No further assessment is required.

10.44 The Local Highway Authority accepts the point that operational trip generation of the MSA on the local highway network will be minimal. No further information is therefore required.

10.45 In terms of off-site highway works would include the following:

- Realignment of the A4007 Slough Road
- Upgrades to pedestrian footways
- Provision of a signalised pedestrian crossing across Slough Road
- Upgrades to bus stops

Figure 4: Extract Plan of Slough Road Crossing and Footpath Works



10.46 These off-site works have in principal support from the Buckinghamshire Highway Authority, and the final details would need to be finalised under a Section 278 works agreement with the Highway Authority. It is therefore considered that the proposed development would be acceptable in terms of trip generation highway impact.

Promoting Sustainable Travel Opportunities

10.47 The application site is close to the A4007 Slough Road which benefits from a regular bus service between Uxbridge and Slough. As highlighted previously, a staff access would be created into the site for pedestrians and cyclists. In addition, a number of off-site transport improvements would be put forward by the applicant including upgrades to the bus stops on the Slough Road and the provision of a puffin crossing.

10.48 In addition to the above it is noted that the Planning Inspector commented on the accessibility of the proposed Iver Heath MSA location when judging the comparative merits with the dismissed CSP1 scheme. At paragraph 114 of the appeal the Inspector notes:
'The site (Iver Heath) is capable of being accessed by foot and cycle from nearby built-up areas provided a link is allowed, similar to that included with the appeal proposal. There are daytime bus services on A4007. Uxbridge Tube Station is about 1 ½ miles to the east. There are proposals to link the tube station to the site with a shuttle bus service for staff. Therefore, the site is capable of achieving a good level of accessibility for an MSA.'

10.49 In relation to sustainable travel opportunities an updated Framework Travel Plan (FTP) has been submitted in support of the application. The FTP is

a document which sets out objectives to reduce reliance on single occupancy car journeys, provide opportunities for active healthy travel, to increase proportion of journeys to and from the site by sustainable modes of transport, and to promote walking and cycling benefits.

10.50 The proposed MSA is forecast to employ approx. 399 full-time equivalent with various shift patterns throughout a 24-hour period when the proposed development would be operating at full capacity. It is recognised that due to the location, that most trips would be by car. The draft FTP sets out the measure which would encourage the sustainable travel. These would include:

- Travel Information pack which would include details of walking, cycling and public transport routes. The travel information would include the promotion of events such as 'walk to work weeks', National Car Free Day, Green Transport Week and National Bike Week. In addition, it would encourage the formation of a bicycle user group (BUG).
- Appointment of a Travel Plan Coordinator, who would be responsible for the day-to-day implementation, monitoring and review of the travel plan initiatives.
- Cycle promotion with cycle spaces to be provided on site.
- Dedicated Staff Shuttle Bus running from Uxbridge to the Slough Road
- Promotion of car sharing
- Car park management plan

10.51 It is intended that the draft travel plan would provide benefits to the developer, the local community and the employees of the MSA. These would include:

- Encouraging the use of sustainable modes of transport and therefore improving the local environment by reducing congestion during peak commuter periods.
- Increase inclusivity for employees by encouraging and facilitating access to the site by a variety of modes of travel;
- Reduce the local impact of single vehicle occupancy employee car journeys to and from the site;
- To encourage a reduction in carbon emissions;
- To encourage healthy lifestyles amongst employees;
- Allow employees to make informed travel choices and potential lower cost mode of transport.

10.52 A travel plan co-ordinator would be appointed to oversee the travel plan put in place. The Travel Plan targets will be set once the MSA is operational, as there will then be more certainty about tenant employees at that time. It is proposed that an initial travel survey of staff be undertaken within the first six months of opening, this is to establish a baseline. A more detailed survey will then be undertaken annually. At this stage an initial 5-year target reduction for single occupancy vehicle use is proposed against the

baseline, to be achieved over a 5-year implementation period. Survey results and reports would be to be submitted to the Council (within 3 –months completion of the surveys), so that it can be decided how targets might be better achieved (if necessary). An annual report will be produced that will review the effectiveness of the FTP in the previous 12-month period, with details of any further measures that may be proposed over the following period. This can be secured through a S106 agreement.

10.53 In addition to the above, the Travel Plan Co-ordinator would also be responsible for monitoring staff travel to and from the site, which would include reviewing the uptake of car sharing, car parking and the use of the staff shuttle bus. Officers therefore consider that measures can be put in place which promote the use of sustainable transport and prevent full reliance of private vehicles when accessing the site.

Public Rights of Way

10.54 One of the aims of Policy IV8 of the Ivers Neighbourhood Plan relates to managing traffic within the Ivers Parish. Part A of Policy IV8 states that: *‘Key locations, as shown on the Policies Map, have been identified as areas where public realm improvements and traffic mitigation measures are required to enhance the active travel environment and improve residential amenity and highway safety. Proposals which deliver such public realm improvements and traffic mitigation measures at key location will be supported.’* Plan L within the Ivers Neighbourhood Plan identifies those public footpaths adjoining the application site as being opportunities for key routes.

10.55 The proposed MSA development would result in the diversion of a public bridleway. Public Bridleway IVE/32/1 currently runs in a north south direction from Slough Road, through the western parcel of the application site, and then follows the M25 in a north west direction towards Denham Road (A412).

10.56 It is proposed to divert the existing bridleway around the western perimeter of the proposed MSA development, this would then tie back and adjoin the existing alignment adjacent to the south west side of the M25.

10.57 The Council’s Strategic Access officer has reviewed the application and has raised no objections to the diversion of the bridleway. However, this would be subject of the design details, and these can be secured by condition.

10.58 In addition to the above, the Council's Strategic Access officer has requested provision for the safe passage of users of the bridleway as part of the proposed crossing on the Slough Road. Similarly, these details can be provided as part of the crossing and off-site highway works proposed as part of the development. Subject to securing the off-site works as mentioned previously officer consider that the public rights of way and enhancement works would align with the aims of policy IV8 of the Neighbourhood Plan.

Cumulative and Secondary Effects

10.59 The ES and ES addendum has considered cumulative impacts in terms of traffic and transport effects. In relation to other nearby major developments consideration has also been given to developments affecting Pinewood Studios as previously referred to. In this regard the ES has concluded that there would be no significant cumulative effects together with the MSA.

10.60 In addition to the above, the ES addendum has considered the secondary effects in relation to traffic movements associated with the mineral's extraction. As previously highlighted, the mineral extraction is required as a result of the MSA proposal, and the minerals would need to be extracted before the MSA can be developed. Construction effects have been outlined above, with the construction of the MSA occurring within phases. The set-up of the construction compound and minerals extraction would occur during phases 1 and 2.

10.61 During Phase 1 it is anticipated that for the site set up there would be a slight increase of HGV movements on local roads, this moving to the M25 during phase 2 when the extraction traffic is routed onto the M25. The residual impact of the traffic movements has been identified as moderate, and would be reduced to minor once the traffic movements enter into phase 2 of the construction process.

Summary on Highway Safety, Transport and Access

10.62 Neither Highway Authority considers this proposal, once operational, is likely to result in an unacceptable impact on highway safety, nor will the resulting impacts on the road network be severe to the extent that refusal of permission would be warranted. The no objection positions adopted by both National Highways and Buckinghamshire Highway Authority show that the proposed development is deliverable for the SRN, with no technical constraints, and also for the local road network, subject to the recommended conditions and S106 mitigation.

10.63 During construction works, and for a temporary period only the local road network would need to accommodate construction traffic, via Slough

Road and other A roads within the Iver Parish. This arrangement would be for a defined, short-term period only, and subject to a Construction Traffic Management Plan (CTMP) being secured and adhered to, which shall include measures to be employed to mitigate and minimise impacts on the local road network during the initial temporary period, where there will be some effects and inconvenience, no objection is raised to this arrangement.

10.64 Overall, it can be concluded that the proposal will be acceptable individually, secondary and cumulatively in terms of access, highway safety, parking and servicing, subject to the imposition of appropriate and necessary planning conditions, and s106 obligations. Any temporary negative effects on highway convenience during the construction phase are outweighed by the associated benefits. Limited benefits will result from the HGV parking provision as this meets an identified need in the south east region, and the enhancements to the Public Right of Way network are also a benefit that attracts limited positive weight in the overall planning balance. It has been demonstrated that the proposal is not in conflict with paragraph 109 of the NPPF or any relevant development plan policies in the adopted Cores Strategy, Local Plan and Ivers Neighbourhood Plan.

11.0 Ecology, Biodiversity & Arboriculture

CP9 (Natural environment)

CP13 (Environmental and resource management).

IV13 (Colne Valley Regional Park)

Buckinghamshire Council Biodiversity Net Gain SPD (July 2022)

11.1 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.

11.2 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.

11.3 Core Strategy Policy CP9 aims to conserve and enhance bio-diversity by maintaining existing ecological corridors and avoiding habitat fragmentation. In addition, seeking the conservation, enhancement and net gain in local biodiversity resources. It states that not permitting development that would harm nature conservation interest, 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, including a net gain in biodiversity.

- 11.4 Policy IV13 of the Ivers Neighbourhood Plan relates to development in the Colne Valley Regional Park. Amongst other things policy IV13 states that developments should conserve and enhance biodiversity within the park through the protection and management of its species, habitats and geological features and enhancement of habitat connectivity. It also seeks to protect and enhance water bodies, their water quality and ecology/riparian habitats.
- 11.5 The Biodiversity Net Gain SPD (2022) sets out guidance on how biodiversity net gain can be delivered in Buckinghamshire.
- 11.6 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.
- 11.7 Paragraph 180 of the NPPF sets out a number of principles to be applied when considering applications affecting habitats and biodiversity. Point a of para. 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Point c of para. 180 highlights that development resulting in the loss or deterioration 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. Point d of para 180 refers to the need to conserve or enhance biodiversity, including securing measurable net gains. Paragraph 180b of the NPPF states that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. At Paragraph 182 of the NPPF (2023), the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 11.8 The Colne Valley Regional Park has objectives which are also relevant in terms of biodiversity and habitats. These are;
- “to maintain and enhance the landscape, historic environment and waterscape of the park in terms of their scenic and conservation value and their overall importance” and
- “to conserve and enhance biodiversity within the park through the protection and management of its species, habitats and geological features.”
- 11.9 In terms of designations, the nearest to the site is a small area (0.5ha) of Ancient Woodland, which is adjacent to four sides of the application

boundary to the north of White Cottage. In terms of statutory designated sites, Burnham Beeches Special Area of Conservation (SAC) lies approx. 7.6km from the application site, with the application sitting outside of the 5.6km zone of influence for the Burnham Beeches SAC. There are two sites of Special Scientific Interest (SSSI) which lie within a 2km study area, these comprise of Kingcup Meadows and Oldhouse Wood SSSI (located to the north of the A412 Denham Road) and Black Park SSSI (located to the west of the Iver Heath). There is also a Local Nature Reserve (LNR) located within Black Park.

- 11.10 In addition to the above, a total of eleven non-statutory sites are designated within the 2km study area, which include Local Wildlife Sites (LWS), Biological Notification Sites (BNS) and Sites of Importance for Nature Conservation (SINC).
- 11.11 The ES sets out that there would be no loss of ancient woodland located to the south of the site (to the rear of White Cottage). However, during construction it has been identified that there would be a small magnitude increase in nitrogen deposition. This increase has been identified as not significant in EIA terms and would be reduced to negligible effect with incorporated mitigation through a CEMP.
- 11.12 The ES identifies the ancient woodland above as a priority habitat, together with the adjoining hedgerows and woodland belt to the north west of the site. Surveys have not identified the presence of bat roosts, badger sets or dormice being supported by priority habitats. The exception being for breeding birds, for which mitigation would be required to ensure that any works are implemented outside the breeding season.
- 11.13 In terms of the Kingcup Meadows and Oldhouse Wood SSSI's the ES sets out that there would be no significant effects. The River Alderbourne has been identified as a sensitive receptor for ecology, the proposed works in close proximity to this water body has the potential to result in pollution or siltation. Minor negative impacts have been identified without mitigation. A CEMP could be secured by condition to ensure impacts on water bodies are minimised.
- 11.14 Natural England considers that the proposal would not likely result in significant impacts on the SSSI's as outlined above. The Council's Ecologist has not raised any concerns in relation to Local Nature Reserves or Local Wildlife Sites and recommends conditions, including the requirement for a LEMP. Burnham Beeches Special Area of Conservation (SAC) is located approx. 7.6km away. Taking into account the distance and nature of the development an appropriate assessment would not be required as part of the screening process. Therefore, Burnham Beeches SAC would not be adversely affected by the proposed development.

11.15 There would not be any recreational pressures on the above ecological receptors as a result of the proposed MSA development. Consideration has been given to the impacts of air quality, this is addressed in Chapter 8 of the ES and concludes that the impacts construction phase or the operational phase of the MSA would not be significant on the ecological receptors set out above.

11.16 Chapter 6 of the ES and ES addendum, together with supporting appendices assesses the impact of the proposed MSA to determine whether any significant adverse effects on ecology and protected species would occur. Phase 1 habitat surveys were carried out in 2019-20 and further updated in 2021. Ecological surveys comprised of the following:

- Reptile Survey
- Breeding Bird Survey
- Badger/otter & water vole walkover surveys
- Dormouse survey
- Bat Surveys (including tree surveys)

11.17 Habitat losses as a result of the construction have been identified as 29m and 31m of river habitat for the Alderbourne Underbridge East and new Slough overbridge respectively. Hedgerows, including lines of trees would result in a loss of 0.34km and a loss of 1.44ha of immature woodlands planting within the site. 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. As such, further verification/walk over surveys would be required in relation to bats and felling would need to be carried outside bird breeding seasons.

11.18 Potential effects have been set out within the ES and ES addendum, with the likely impacts on each receptor. It is noted that no effects have been identified to any designated site within the 2km search area. However, minor effects have been identified to the following receptors:

- Ancient Woodland (to the southwest) (as referenced above)
- Bats
- Habitats (lowland mixed deciduous and hedgerows)
- Rivers and Streams (Alderbourne and Colne Brook)
- Breeding Birds
- Shelterbeds and Plantation

11.19 A number of mitigation measures are proposed as part of the proposal, without these it is likely the effects outlined above would be significant and lead to an adverse effect in terms of habitat loss and fragmentation.

Protected Species

11.20 The Habitat Regulations 2017 aim to protect habitat and species of European importance. The PPG 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.

11.21 The PPG also sets out the Protected Species Licensing Requirements. The guidance sets out that authorities must be satisfied that if a licence is needed, it's likely to be granted by Natural England or Defra before granting planning permission. The three licensing test are:

- the activity is for a certain purpose, for example it's in the public interest to build a new residential development
- there's no satisfactory alternative that will cause less harm to the species
- the development does not harm the long-term conservation status of the species

11.22 In addition to the above, the PPG sets out guidance on District Level Licensing (DLL), which is a type of strategic mitigation for great crested newts (GCN). DLL schemes for GCN can be place at the location of the development site and allows developers to make financial contributions to strategic off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys.

11.23 The ES and ES addendum sets out the impact of the proposed MSA on protected species.

Bats

11.24 In terms of the mitigation proposed for protected species, the following measures are proposed to be introduced. 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.

Badgers

- 11.25 As stated earlier, the habitat surveys found no evidence of badgers on site or within 50m of the application site. However, it is deemed necessary that further walk over verification survey will be required before the commencement of works to ensure that there have been no changes in site circumstances in relation to badgers.

Reptiles

- 11.26 In terms of reptiles, the habitat surveys carried out in 2019, 2020 and 2021 revealed an absence of any reptile species. The survey results suggest that habitat quality for most of the site was assessed as poor for reptiles. As such, it is considered that further surveys would not be required. However, similar to the badger mitigation measures, a verification survey will be required prior to any works commencing on site. Mitigation will need to be provided if found.

Great Crested Newts

- 11.27 No evidence of Great Crested Newts (GCN) were found within the site as part of the habitat surveys. The Council's Ecology officer notes that the development site is classified as an amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. A total of 0.348ha is within the red zone, 0.84% of the site. However, 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 (Iver Environment Centre) (which is outside the application site of an approximate distance of 64m and to be retained). This has been demonstrated through positive EDNA testing and associated population assessments. 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.
- 11.28 Under the Habitats Directive mentioned above a licensing system is in place to permit otherwise unlawful activities and can only be granted for certain purposes. Natural England guidance sets out the relevant tests to be considered. Under the Council's District Licencing the council can take the de minimis approach. As <2% of the site is red the ecologist is satisfied that the

zone can be downgraded and classified as an amber zone instead. Within an amber zone, no on-site mitigation is required. The applicant was advised of the two available options to deal with this issue: either i) conduct population surveys or ii) apply for the District Licensing scheme in the absence of such surveys which allows a developer to apply to the council for a District level licence and pay for compensation. It aims to increase the number of great crested newts by providing new or better habitats in target areas to benefit their wider population.

11.29 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.

11.30 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.'

11.31 Having regard to the three tests above, it is the opinion of the Local Planning Authority 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) meeting the need of an MSA on the western section of the M25; and 2) the economic benefits that the scheme would bring, not only in terms of the construction of the development, but also the contribution that the proposal would make to the local economy in terms of employment.

11.32 During the course of the application a District Licence Report was submitted which provides details of the assessment undertaken by Nature Space Partnership on 17th October 2022 to confirm that district licencing is an appropriate route for the proposal. The report has been reviewed by the Council's Ecology Officer and no concerns have been raised. The submitted report confirms that the assessment has 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.

11.33 Noting the above, it is considered that sufficient information has now been provided and the council's newts officer raised no objection to the scheme subject to conditions. A number of pre-commencement conditions

have therefore been suggested in line with the District Licence report. NE have raised no objection in relation to the impact on protected species. Conditions would be recommended requiring updated surveys, to be provided at appropriate times as a precautionary approach to confirm if those species are present at the time of the development, an Environmental Management Plan (Biodiversity), a Landscape and Ecological Management Plan, a lighting scheme for light sensitive wildlife and further details to demonstrate net gains in biodiversity.

Breeding Birds

- 11.34 Detailed breeding surveys have been provided with the application, and a total of 37 species have been noted. Protected Species of Red Kites and Peregrine Falcons were recorded as overflying the site but no evidence of breeding within the site. In addition, low numbers of four Priority Species were recorded (Northern Lapwing, Skylark, Song Thrush and Dunnock) in the western section of the site, but with no evidence of breeding within the site. The ES states that a high risk of legislative contravention in the absence of mitigation.
- 11.35 Mitigation proposals to minimise the disturbance of nesting birds would be necessary. Timing restrictions would need to be imposed upon the clearing of supporting habitats. As such, these habitats would not be cleared during the breeding season March-August inclusive.

Impact on water courses

- 11.36 The River Alderbourne flows through part of the eastern section of the application site, with the Colne Brook flowing across the southern extremity of the site. There is also an unnamed water course located to the north west of the site. The ES and ES addendum sets out both surface water impacts and enhancements of the River Alderbourne.
- 11.37 In terms of surface water run-off, this has been considered as part of the construction phase, which includes the mineral extraction and the operational phase. In terms of the construction phase it is considered that appropriate mitigation could be secured through a suitable Construction Environmental Management Plan (CEMP), which would include measures to prevent pollution of the unnamed water course and the River Alderbourne. With mitigation, it is considered that only negligible effects would occur, which are not considered to be significant. In terms of the operational phase a Surface Water Drainage Strategy would incorporate oil interceptors and above ground storage to provide treatment to surface water run-off from the site and subsequently entering adjacent watercourse. Similarly, the effect of surface water run-off is considered to be negligible and not significant.
- 11.38 As part of the development it is proposed to de-culvert sections of the River Alderbourne, including a stretch to the south of the Slough Road and

east of the M25. This de-culverted section of the River Alderbourne would also create opportunities for ecological enhancements. In addition, there would be the creation of flood compensation areas (to the east). The details of which have been reviewed by the Environment Agency and have confirmed that there would be no objections. A number of conditions would be recommended in relation to the details of the proposed de-culverting, ecological enhancements and contamination prevention.

Construction Impacts on Ecology

11.39 In addition to the above, the construction of the proposed MSA (which includes the mineral extraction) has the potential to impact on adjacent habitats in terms of air quality, light, noise and water pollution. However, mitigation and reasonable avoidance measures would be proposed as part of a CEMP, which can be secured by planning condition. In addition, a lighting condition would be recommended in order to mitigate impacts on light sensitive species.

Loss of Habitats, Compensation and Biodiversity Net Gain

11.40 As highlighted earlier, some habitats would be lost as part of the proposed development, including a veteran tree, which is considered further below. However, as part of the proposed development areas of additional planting and enhancement works are proposed. These would include on-site landscaping proposals and the creation of aquatic habitats, scrub and woodland planting around the edges of the site and as a buffer to the ancient woodland.

11.41 To the north west of the site is proposed to create an off-site habitat area, which would include to the conversion of improved grassland to a more-species rich neutral grassland. The proposed MSA developed, together with the off-site habitat creation is envisaged to result in a biodiversity net gain for habitats, hedgerows and wetlands. The anticipated biodiversity net gain would be 85.92%. This would be in compliance with the Council's adopted Biodiversity net-gain supplementary planning document.

11.42 Natural England (NE) have been consulted as part of the application and have reviewed the supporting information. NE have confirmed that they have no objection to the proposal on ecological grounds and have considered that the proposal would not unduly impact on any of the designated sites, such as SSSI's. Due to the distance and nature of the proposed development, the proposed MSA would not result in additional recreational pressures on Burnham Beeches SAC, nor would it result in unacceptable impacts in terms of hydrology or air quality. Therefore no 'Appropriate Assessment' under the Habitat Regulations is required. Officer's also note that there are no outstanding concerns from the Council's ecology officers.

11.43 As outlined above some habitat loss will result, and this has been avoided where possible but where it has not then mitigation and compensation has been proposed. The appropriate mitigation /

compensation measures, combined with the proposed enhancements would be secured through planning conditions and s106 planning obligations.

11.44 In terms of the biodiversity net gains to be achieved, this will be a benefit, and accord with the development plans and the NPPF. Biodiversity off-setting matrix has been used to demonstrate there is adequate area to mitigate the biodiversity losses within the site and in the adjacent land within the applicant's control. In terms of on-site habitat creation an area of 8.43ha would be created, which would result in an increase of 34.91% in habitat units and 26.07% hedgerow units. The off-site habitat creation and enhancement area would amount to 18.8ha with an increase of 133.73% in habitat units and 6.52% in hedgerow units. The council's ecologist is satisfied that the evidence submitted that habitat condition assessments have been undertaken in accordance with DEFRA Metric V3.0.

11.45 Overall, the proposed development is expected to result in 85.92% habitat and 58.35% hedgerows biodiversity net gains which is a significant benefit.

Cumulative and Secondary Effects

11.46 The ES and ES addendum addresses both other nearby major developments and effects of the mineral extraction on ecological receptors. The applicant has identified extant permissions at Pinewood Studios. However, owing to the distances between the two projects, it is considered that the scheme at Pinewood would not have the capacity to result in a detrimental cumulative ecological manner with the proposed MSA development.

11.47 In terms of the mineral extraction element, this has been addressed in the ES and ES addendum as secondary effects. As highlighted in the report above, the relevant protected species surveys have been conducted and have not found any evidence of protected species within the minerals site.

11.48 Overall, the ES and ES addendum identifies that the proposed mineral extraction would not result in any effects on designated or locally designated conservation sites, nor would it have a direct effect on the adjacent ancient woodland habitat. Appropriate mitigation and compensation would be implemented as part of the overall MSA proposal, as such the proposed mineral extraction would not result in any significant adverse environmental impacts in EIA terms.

Overall summary on ecology and biodiversity

11.49 Overall, it is considered that the construction phases, including the mineral extraction and operational phases of the proposed MSA would not result in any significant adverse environmental effects in EIA terms individually, secondary or cumulatively. The proposal is considered to align with the NPPF, Core Strategy, Iwer Neighbourhood Policy IV13 in relation to

the impact on species, habitats and water courses and accord with the aims of the Council's adopted Biodiversity Netgain Supplementary Planning Document. As such, significant positive weight should therefore be attributed to the biodiversity net gain.

Arboricultural Impact (Trees)

- 11.50 To inform the Arboriculture Impact Assessment (AIA) a tree survey was carried out in accordance with British Standard (BS): 5837, accompanying this AIA is a Tree Protection Plan (TPP). These were done to evaluate the direct and indirect effects of the proposed layout design on the surveyed trees and hedgerows.
- 11.51 There are no trees subject of Tree Preservation Order within the application site. There is a veteran tree which enjoys protection under paragraph 180 of the NPPF. As stated previously, there is a small woodland outside the application site which is designated as Ancient Woodland and adjacent to the south west corner of the site, and to the north of White Cottage.
- 11.52 The tree survey work assessed a total of 142 trees, 33 tree groups, two woodlands and 10 hedgerows these were within or immediately adjacent to the site.
- 11.53 Following the survey, 39% of the individual tree population were categorised as 'A' (High Quality), 35% were assessed as 'B' (Moderate Quality), 21% were assessed as 'C' (low Quality), and 4% were assessed as 'U' (Very Poor Quality).
- 11.54 In terms of the combined tree groups and woodland, 6% were classified as category A, 40% as category B, and 54% as category C. In terms of hedgerows, these are not allocated within a category due the fact that BS:5837 does not include categorisation for hedgerows.
- 11.55 The Arboricultural Impact Assessment also identifies the loss of trees as part of the proposed development. This would include the loss of 25 trees, 15 tree groups and 2 hedgerows. Of the trees to be removed 7 are considered category A, 12 as category B and 6 at category C. Of the tree groups these are divided into category B and C.
- 11.56 The realignment of the Slough Road will require removal of the highway plantation group G7 (C1) and the majority of G28 (B2). The slip roads will require the removal of plantation groups G4B, G5 and G27 and regenerated tree groups G24B and ash T66. Most are semi mature or early mature. Utilities will require removal of parts of G12. There are 2 groups of low quality semi mature trees with symptoms of from Dutch Elm disease, and other individual trees.
- 11.57 The parking area serving the MSA will require the removal of a number of tree groups namely G9 (C2 category), G10 (C2 category) and parts of G11 (c1 category).

- 11.58 A number of group trees and individual trees will be required to be removed to facilitate the slip roads on and off the M25, together with internal access roads to the MSA facility. Group G4b and G5 (C1 category) which are in the location of the southbound access slip would require removal. G5 contains two category A trees T-11 and T-12 (both oak trees). On the eastern side of the M25, the slip roads and internal access roads would result in the loss of Group G24B (category C1) and individual trees T59 (oak) (B category), T60 (oak) (A1 Category) and T61, T65, T66 (all C1 Category and Ash).
- 11.59 Representations (including the Woodland Trust) have been made in relation to the following trees T4 and G6 (which are to be retained as part of the proposed development) and T11, 12, T60 and T65 (which are to be removed as part of the proposal) which states that 3 veteran trees and a group, G6, should be categorised as ‘veteran’ trees and would be lost and 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 contest the assertions made.
- 11.60 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. All ancient trees are veteran trees but not all veterans are ancient. The age at which a tree becomes ancient or veteran will vary by species because species ages at a different rate”*
- 11.61 In terms of identifying and evaluating veteran trees this is a matter based on judgement, experience and knowledge. The applicant’s arboriculturalist has reviewed the trees in accordance with guidance material on the subject of veteran trees (D Lonsdale 2013, Ancient and other

Veteran Trees: further guidance on management). It is considered that T4 is not of veteran status, and in any event is proposed to be retained as part of the proposed development with a sufficient root protection area. T65 has been identified as a notable tree, but in a state of decline. However, this tree is due to be removed owing the fact the area is required for a surface water attenuation pond. In terms of G6, the arboriculturist has categorised this group of Alders as ancient trees which are to be retained, except one. However, an appropriate buffer has been placed around the affected trees, which are indicated as being retained.

- 11.62 In terms of the removal of T11, T60 and T65, the applicant's arboriculturist 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.
- 11.63 The Council's Tree officer has reviewed the applicant's supporting documentation and agrees with the supporting information that trees T11, T12 and T65 would be regarded as a notable trees. However, in terms of tree T60, the Tree Officer disagrees with the applicant's assessment and considered that this should be categorised as a veteran tree. This veteran tree lies in the vicinity of the proposed petrol filling station and affected by the change in level levels arising from the extraction and construction phase, and would need be felled to facilitate this development. The loss of this tree and its irreplaceable habitat is harmful to both visual and biodiversity which is afforded negative weight. Paragraph 180 c of the NPPF requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. This is also echoed in the PPG. Paragraph 33 of the PPG states: *'When assessing whether 'wholly exceptional reasons' exist that may justify a loss or deterioration of ancient woodland, ancient trees or veteran trees, it will not be appropriate to take any compensation measures into account. These should be considered only once the existence of 'wholly exceptional circumstances' has been ascertained.'*
- 11.64 In relation to the foot note 63 above, there is not an exhaustive list of what constitutes an infrastructure project. However, it would be reasonable to consider that an MSA would form a strategic infrastructure project on one of the busiest stretches of the strategic road network (M25) to meet the need, the public benefits of which would clearly outweigh the loss. Even if it is not regarded as an infrastructure project officers consider that there would be wholly exceptional reasons because the public benefits of meeting the need for an MSA are so very substantial as to be wholly exceptional.
- 11.65 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 Appeal decision (APP/X0415/W/21/3272171) on the 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.'*

- 11.66 Turning to the question of suitable compensatory strategy as set out in paragraph 180, a tree planting scheme is proposed including extensive woodland planting to the northern side of the Slough Road both on and off site as mitigation and in addition to the provision of off-site land and for the purposes of biodiversity net gains (as noted earlier in the report above). New native woodland planting is proposed in numerous areas throughout the site, linking existing woodlands (including ancient woodland), and a long-term management plan for the nearby ancient woodland is proposed to be secured through s106 agreement, this would include the off-site areas of proposed planting.
- 11.67 Officers consider that these measures align with the NPPF in respect of the loss of the veteran tree and other trees on site by ensuring there is a suitable compensation strategy. Generous new woodland areas across the site will further compensate and provide net enhancements to the tree population.
- 11.68 The trees and hedgerows that are to be retained on the site will be protected during the proposed works with appropriate tree protection fencing. A condition will ensure that an Arboriculture Method Statement (AMS) and tree protection measures are carried out in accordance with the AIA.
- 11.69 Overall, the loss of trees either as a result of construction or to make way for the proposed development is considered negligible, though one Veteran Tree is proposed to be removed, the ES identifies the effect of which would be minor adverse.
- 11.70 The proposed both on and off-site access arrangements would involve the loss of a number of notable category A trees, the effect of which would be minor adverse. There would be a net gain of over approx. 14.29 hectares of new native woodland planting both on and off site (4.2ha of which is off site) along with the creation of approx. 15.57 b hectares of habitat enhancement works as well as the biodiversity net gain outlined above. Proposed replacement planting to provide a suitable compensatory tree planting and biodiversity net gain for the loss of the veteran tree and other tree loss will be secured through planning conditions and secured through s106 agreement. No objection to the proposal is raised on arboriculture grounds. The minor adverse effects identified are balanced out by the proposed mitigation and compensation measures. The harm arising from loss of this veteran tree and its habitat will be weighed against the public benefits. Overall, it is considered that the proposal would broadly align with Core Policy 9 of the Cores Strategy, IV13 of the Ivers NP and the NPPF.

12.0 Raising the quality of place making and design: Proposed Design and Layout

Core Strategy Policies:

Core Policy 8: Built & Historic Environment

Local Plan Policies:

EP3: The Use, Design and Layout of Development

EP4: Landscaping

Ivers Neighbourhood Plan:

IV13 : Colne Valley Regional Park

12.1 Core Policy 8 of the Core Strategy requires new development to be of a high standard of design and make a positive contribution to the character of the surrounding area.

12.2 Policy EP3 of the Local Plan states that development that is of a high standard and complies with other policies of the Plan will be permitted; the policy notes that design is about the appearance of the development and its relationship to its surroundings. The Policy sets out the criteria for assessments of planning applications such as scale, height, relationships, appearance of car parking and servicing areas, materials, form and designing against crime.

12.3 Policy IV13 of the Ivers Neighbourhood Plan relates to development in the Colne Valley Regional Park. Amongst other things policy IV13 states that developments should conserve and enhance biodiversity within the park through the protection and management of its species, habitats and geological features and enhancement of habitat connectivity and promotes excellent connectivity in terms of walking and cycling routes and green infrastructure. It also seeks to protect and enhance water bodies, their water quality and ecology/riparian habitats.

12.4 The NPPF places a well-designed and safe built environment as being an intrinsic part of the three overarching objectives to achieving sustainable development. Paragraph 126 states that the “creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

12.5 NPPF paragraph 130 b says that “planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping”.

12.6 The application has been submitted in outline form with an illustrative masterplan and parameter plans indicating the access, layout, scale and appearance (matters reserved for subsequent approval) of the proposed development. The parameter plans fix parameters within which the development must sit. This level of detail provided with the outline application does provide a level of comfort about the design intentions and

demonstrates the standards of design and sustainability that are aiming to be achieved for the development (these can be found at Appendix G).

12.7 The following set of key design principles have been developed and are set out in the Design Principles document and embodied within the Design and Access Statement. These principles helpfully establish a clear set of criteria against which matters of detailed design, at Reserved Matters stage, can be assessed. They will also help to give an element of control over the design quality that comes forward at Reserved Matters stage, which will help to ensure that high standards of design quality are achieved.

12.8 The submitted design and access statement (D&A) highlights that the appearance of the built forms is driven by the objective of limiting the visual and spatial aspect of the scheme on the surrounding rural landscape. As such, the following principles of design are used for the proposed MSA development:

- The design explored the extent to which existing contours could be “gently manipulated” to integrate the built form into the landscape and use the existing site topography and features. Regards is paid to the excavation of the mineral to create a development platform which sets the MSA down into the landscape.
- The blocks of woodland and several existing hedgerows adjacent to the site are retained and provide vegetation buffers the proposals. These are linked with new woodland planting to the southern edge that will effectively wrap the MSA site.
- The built form incorporates green roofs that will help to assimilate the MSA into its surroundings.
- The landscape proposals reflect the local landscape typologies as set out in the landscape character guidelines and include hedgerow trees, hedgerows and small woodland groups.
- The design includes on-site and off-site planting and management proposals to enhance the integration of the MSA into the wider landscape and to diversify local habitats.

12.9 The supporting D&A sets out how the proposed MSA has been designed to limit the visual impacts on the wider landscape. The proposed earthworks to the western side of the site would ensure that the main amenity building is set down within the landscape. Illustrative sections are provided to show the indicative changes in levels relative to existing. The proposed amenity building would also be located as such, that it would be effectively screened by the existing woodland located to the north west of the site. As highlighted previously there would also be significant woodland and boundary planting which would further reduce visibility and help the proposal integrate with the existing landscape.

12.10 The submitted Parameters Plan define land use zones and sets maximum building heights and envelopes seek to provide a level of certainty about the site layout, physical form, arrangement of buildings, extent of

landscaping/green infrastructure and appearance of buildings that are likely to come forward at reserved matters stage. The submitted parameters plan also defines land use zones within the site, and this plan is to be a condition of approval.

- 12.11 The Illustrative Landscape Masterplan provides a landscape strategy with sufficient detail about the extent of proposed landscape enhancement and connectivity. It indicates wooded edges would be planted around the site peripheries – which would help contain the development, reduce visual impact and contribute towards biodiversity enhancement. This plan also shows the layout of the access roads and the diverted public bridleway. The principles set out in the submitted plan are considered acceptable. However, further details would be required and assessed at the reserved matters stage.
- 12.12 In terms of the proposed built form of the main amenity building, indicative plans show that this would be of a contemporary design using a palette of natural materials and the use of full-length glazing. The proposed building would feature a saw tooth design, which would also incorporate a solar array for purposes of energy generation. The drive thru and fuel filling station would follow the same principles in terms of design approach but would feature a horizontal green roof to ensure that these elements blend into the surrounding landscape. Green roof details can be secured via planning condition to ensure the design, specification and proposed maintenance regime is appropriate.
- 12.13 In addition to the buildings, the proposed illustrative landscaping also shows the indicative hard and soft landscaping around the parking areas and buildings. This would include a public plaza, picnic areas, play zone and dog walking area. Overall, the approach to external materials would ensure a coherent design approach across the site, that ties together the main building elements on site through a commonality of materials, which are sensitive to their context. Whilst it is recognised that the appearance is reserved for subsequent approval, the appellant seeks to demonstrate that a contemporary form of architecture as illustrated for the main facilities building can be achieved, resulting in a high-quality development that would be sympathetic to its surroundings.
- 12.14 In terms of 'Scale', the Parameters Plan establishes maximum building heights. A maximum building height of 14.3m is proposed for the facilities building, with a maximum height of 7m proposed for the Fuel Filling Station and 5m for the drive thru building. These maximum heights would be controlled via planning condition, which would ensure that the detailed proposals to come forward at Reserved Matters stage are in accordance with the plans that have been submitted as part of this outline submission.
- 12.15 The illustrative masterplans and parameter plans indicate the car parking layouts and the access slip roads, these are likely to be dictated by safety requirements. The combined road bridge for the slip road and Slough

Road would also need consideration in terms of design. However, these details could be secured at reserved matters stage.

- 12.16 It is envisaged that design details of the buildings and structures would be sought at reserved matters stage. A planning condition would also be recommended to ensure that the development is carried out substantially in accordance with the illustrative master plans and parameter plans provided at outline stage.
- 12.17 The proposal also includes realignment of the bridleway and enhancements to pedestrian footways, signalised crossing to improve connectivity in line with the Ivers NP.
- 12.18 Conditions would be recommended with any grant consent, which fix the Parameters Plans details of the scheme and ensure that the development comes forward at the detailed design stage, in substantial accordance with the design principles as established by the Design and Access Statement and illustrative masterplan. This would ensure that there is sufficient information to allow for the likely significant environmental effects of the scheme design to be assessed, whilst ensuring sufficient flexibility in terms of the final proposal design.
- 12.19 Overall, the principles of the design and landscape and layout are considered to be acceptable. Therefore, subject to appropriate conditions being imposed to agree the detailed access, layout, scale, appearance, landscaping, levels, materials and lighting. Officers consider that subject to the conditions outlined, the proposed development would be acceptable in terms of compliance with the Core Strategy and Local Plan policies and the Ivers NP policy IV13 terms of design and the NPPF provision on design.

13.0 Residential Amenity

Local Plan Policies:

EP3: The use, Design and Layout of Development

EP5: Sunlight and Daylight

- 13.1 Local Plan Policy EP3 (f) states that:
'The use of land and buildings should be compatible with the uses of adjacent land and buildings and with the character and amenities of the locality in general. Permission will not be granted for uses which would be, or which would have the potential to be detrimental to the character and amenities of nearby properties or the locality in general by reason of noise, vibration, smell, pollution, disturbance, visual intrusion, loss of privacy, the impact of traffic, or other nuisance.'
- 13.2 Local Plan Policy EP5 indicates that development will only be permitted where it would not result in a significant loss of daylight or sunlight to adjacent buildings or land.
- 13.3 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.

13.4 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.

Residential Amenity – outlook, privacy-and light

13.5 The nearest residential properties to the application site are White Cottage (located on the north side of Slough Road), and Mansfield Lodge, New Cottage and Mansfield Farm (located on the west side of the Mansfield Farm Access Track).

13.6 White Cottage is adjacent to the application site, close to the proposed staff access on the north side of Slough Road. To the east of White Cottage is the existing bridleway, and to the north is agricultural land and the area of ancient woodland. The north elevation of White Cottage would be separated from the southern perimeter of the main MSA site by approx. 170m. Properties located on the western side of the farm track (adjacent to the eastern parcel of the application site) would be between approx. 80 and 100m from the proposed slip roads on the southbound carriageway of the M25. At a greater distance from the application site are residential properties on the south east side of Slough Road (over 260m from the southern perimeter of the application site) and on the east side of Bangors Road north, which are approx. 400m from the south east perimeter of the site.

13.7 The access from Slough Road lies to the west of White Cottage and would be used for the establishment phase by HGVs and staff for a period of c 6 months and in the operational phase used to access the staff drop off/ pick up area. Due the separation distances outlined above and the retention of the existing woodland to the west, north and north east, officers consider that the views would be limited to views entering and exiting White Cottage access and thus a minor perception of visual change would arise. As a result, officers consider that no unacceptable impacts would occur to the occupants of White Cottage during the short-term construction or operational phases. Officers note that from illustrative landscaping plans, further planting would result in an increased buffer between the application site and White Cottage in the long term. Therefore, it is considered that no adverse impacts would occur in terms of loss of light, privacy or visual impact. As such, the scheme

could be designed at reserved matters stage to ensure that amenities would not be unduly impacted. The impact on other amenities such as noise is dealt with later in the report.

13.8 Due to the large separation distances from the MSA, together with the intervening landscape features, it is considered that the properties to the south of Slough Road and east of Bangors Road North would not experience undue impacts would occur in terms of visual prominence, loss of light or privacy.

13.9 Properties located on the Mansfield Farm Access Road would be in close proximity to the proposed south bound access slips to the site. The rear elevation of Mansfield Lodge and New Cottage would be approx. 80m from the proposed access slips. At present the outlook from the rear of the properties is towards a relatively flat field which adjoins the M25, an area of trees adjoins the boundary of the M25. There would be a landscape buffer on the embankment of the slip road, which is closets to those properties. The proposal is considered not to result in any undue impacts on terms of overshadowing and daylight. As highlighted earlier details of the proposed landscape buffering for the slip roads would be assessed at reserved matters stage and would soften the outlook towards the slip roads and would not result in unacceptable harm to adjacent occupiers. However, these effects are considered to be not significant. In term of matters relating to outlook, overshadowing/ light and privacy, officers consider that the proposal would align with local plan policy EP3 and the NPPF in this regard.

Noise and Vibration

13.10 Noise impacts of the proposed development are considered in detail through Chapter 7 of the ES (and updated during the course of the application), this considers the impact of noise on key sensitive receptors during construction and operation phases.

13.11 In term of the different activities associated with potential noise.

Consideration has been given to the following aspects;

- Effects of noise during the construction phase on existing sensitive receptors
- Potential effects of noise during the operation phase on sensitive receptors
- Noise contribution from proposed access slips from M25 Motorway to MSA
- External Plant noise from the proposed MSA .

13.12 The following sensitive receptors were identified in terms of recording existing baseline noise levels. The ES sets out that the noise survey was carried out on a Thursday through to Monday (24th-28th Sep 2020).):

- East from site – Mansfield Farm House (approx. 80m to the north)
- East of the site - New Cottage and Mansfield Lodge (approx. 5m to the rear gardens)

- West of the Site - White Cottage (rear of property)
- West of the Site – Ensby's, off Bangors Road North
- West of Site - Iver Heath, eastern edge of settlement.

13.13 Baseline background noise levels were determined at each of the sensitive receptor locations above. The existing background sound survey was carried out in accordance with BS:4142. This is a recognised standard for assessing sound from industrial processes, fixed installations, unloading and loading of goods, mobile plant/machinery and vehicles.

13.14 BS:8233: 2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', gives recommendations for the control of noise in and around buildings and suggests appropriate criteria and internal noise limits for existing residential dwellings.

13.15 The below 'Table 3: Noise Predictions for Highest Likely Noise for existing NSRs (daytime activities)' extracted from the ES (Table 7.18) sets out predicted noise levels at the noise sensitive receptors.

Table 3: Noise Predictions for Highest Likely Noise for existing NSRs (daytime activities)

Position	Approximate Distance to Receptor (m)	Activity	Predicted Noise Level, LAeq dB _{1hr}	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).

13.16 The below Table 4: Noise Predictions for Highest Likely Bridge Construction and Demolition Noise for Existing NSRs (night-time periods)' (ES table 7.19) sets out predicted noise levels at the noise sensitive receptors.

Table 4: Noise Predictions for Highest Likely Bridge Construction and Demolition Noise for Existing NSRs (night-time periods)

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	59	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) Ensbys	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	59**	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	59**	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.

13.17 The ES states that the demolition of the existing bridge would be a one-off short duration night time impact and effect and presents it as the worst case.

13.18 The ES considers that the earthworks and construction activities have the potential to create short term increases in noise, and this would be experienced by those receptors closest to the site, including White Cottage to the south which would be adjacent to the temporary access road for the purposes of the initial construction compound and properties at Mansfield Farm and off Mansfield Farm Access, including Iver Environment Centre. However, based on the predicted noise levels for construction traffic and on-site works, it is considered that the magnitude would be negligible to slight with a level of significance of neutral to minor. Furthermore, the introduction of appropriate mitigation measures would ensure that resultant noise levels would be within appropriate guidance and standards. Mitigation measures would be in the form of a construction environmental management plan which would outline measures such as hours of operation

and vehicle routing. Officers consider that the mitigation can be addressed by way of condition.

13.19 In terms of vibrations from earthworks and construction phases, as a worst-case scenario, earthworks and construction works may potentially take place. The ES states that potential vibration levels during construction have been predicted based on typical percussive piling equipment in accordance with the guidance in BS5228-2 7 The highest levels of vibration generated by plant is likely to include piling rigs, vibratory rollers and compactors, material offloading onto hard surfaces; and concrete vibratory plant. The above results show no significant vibration levels during construction and the highest likely vibration levels are generally below the level of perception at NSRs. At one location the vibration level under highest propagation and an impulse vibratory piling rig may just reach the threshold of perceptibility. The worst-case scenario would show a slight impact magnitude and minor effect. The application of 'best practicable means' would reduce this impact to a negligible impact.

13.20 In terms of the operation of the proposed MSA, the development is not considered to generate significant trips as these would be from existing vehicular movements on the M25. There may be some employee and local residents who travel to the MSA via the M25, however these trips are likely to be minimal. As highlighted in the highways section, staff movements are not considered to have significant impacts. The proposed MSA has the potential to generate noise from HGV and cars in terms of movement and closing of doors. The proposed buildings on site have the potential to generate noise in terms of mechanical plant and ventilation. The potential increase in noise in terms of operation is considered not to change significantly and would have a neutral impact of significance. Mitigation would be proposed in terms of acoustic fencing adjacent to the HGV parking. In terms of plant, the types of equipment are not yet known. However, details can be sought by condition and dealt with at a later reserved matters stage.

13.21 The proposed slip roads from the M25 to the proposed MSA have the potential to create additional noise above the existing situation, particularly those receptors located on the Mansfield Farm access, including the Iver Environment Centre. The noise surveys reveal that the operational noise impacts from the access are considered to represent a neutral to minor impact of significance. It is noted that ES provides proposed mitigation measures, these would include a range of fencing to the rear of parking areas (to the north of the site) and adjacent to the south bound slip roads. Indicative heights suggest that the height of the fencing would be between 1.8m and 2.1m. Given that this is an outline application with all matters reserved, these details are not submitted for approval at this stage and conditions can be imposed requiring submission of these details at a later stage for approval.

Cumulative and Secondary Effects

- 13.22 The ES and ES addendum has considered the secondary effects of noise in relation to the mineral extraction element of the proposal. The potential noise that would be associated with the extraction has been identified as having a negligible to slight impact magnitude at the nearest receptors with a neutral to minor impact significance. Whilst such disturbance would be for a temporary period, the extraction of mineral and construction of the proposed MSA would last a number of years. as noted previously mitigation measure would be expected as part of planning condition.
- 13.23 Overall, the council's Environmental Health Officers note that the noise climate of the immediate area is already dominated by vehicular movements on the M25. Environmental Health officers have reviewed the noise and vibration section of the ES and ES addendum and have no objections. It is considered that any adverse noise can be mitigated at the detailed design stage and through appropriate conditions such as the CEMP. Overall officers consider that the proposed development would not conflict with development plan policies or the NPSE in terms of noise impacts. Noting this, it is considered that noise impacts attract neutral weight in the planning balance.
- 13.24 In summary, it is considered that the proposed MSA development would not result in any unacceptable impacts in terms of loss of light, outlook, overshadowing or privacy to neighbouring occupiers. A condition can be imposed to secure a lighting scheme to ensure there are no unsatisfactory impacts in accordance with development plan policy. As outlined previously, it is anticipated that some disruption is likely to occur in terms of the construction phase. However, conditions can be attached to ensure that residential and other amenities are maintained. It is considered that at reserved matters stage, the proposal could be designed to align with local plan policies EP3 and EP5 and paragraph 185 of the NPPF.

14.0 Environmental Issues

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

R8 (Floodlighting)

Buckinghamshire Council Waste and Minerals Local Plan:

Policy 23 (Design and Climate Change)

Ivers Neighbourhood Plan:

IV7 (Air Quality)

IV14 PassivHaus buildings

Buckinghamshire Council Air Quality Action Plan (June 2020)

Contaminated Land

14.1 Paragraph 183 of the NPPF advises that planning decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
- b) After, remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) Adequate site investigation information, prepared by a competent person, is available to inform these assessments.

14.2 Paragraph 184 of the Framework advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

14.3 The impacts in terms of contaminated land are addressed within chapter 11 of the ES. In support the applicant has submitted a Phase 1 Geo-Environmental Report. This includes an assessment was undertaken to identify risks of contamination and stability relating to the construction and operation of the proposed MSA development.

14.4 The ES also sets out the potential of any existing contamination being exposed during the construction phase through the mineral extraction. This has been considered as part of any mitigation which is explored further below.

14.5 Historically the site has been in an agricultural use since the 1800's and would have been in the same land use until the M25 Motorway bisected

the area in the mid 1980's. The land remaining on each side of the motorway has continued in agricultural use to date.

- 14.6 In terms of the historic uses of adjacent land, to the east (200m) there were sandstone workings established in 1930's, which were in turn replaced by industrial uses in the 1960's and in 2000 both were filled in as land fill or water. Also, to the east of the site (100m), the Iver electrical substation was established in the mid 1970's.
- 14.7 The submitted Geo-Environmental report deals with potential risks of potential exposed contamination during construction and any impacts of potential underlying contaminates during the operation phase of the development. It is considered that the impacts in terms of potential contamination can be mitigated and would result in no significant effects. The Council's Environmental Protection officer has reviewed the relevant details contained within the ES and supporting information and raises no objection. It is considered that recommendations for further intrusive investigations can be carried out prior to the commencement of development. These measures can be secured by way of condition.
- 14.8 The ES and ES addendum identifies the secondary effects associated with the mineral extraction element of the overall scheme. As highlighted above, conditions would be attached to ensure that intrusive ground condition investigations are carried out prior to commencement. Therefore, with the appropriate mitigation it is considered the mineral extraction work required as part of the overall development would not lead to significant effects on human health.
- 14.9 Noting the above, it is considered that the proposed development overall would not result in significant effects for ground conditions following implementations of the mitigation measures recommended in the ES and conditions as recommended by the Council's Environmental Protection officer. The development is considered to accord with Policy CP13 of the Core Strategy and Paragraphs 183 and 194 of the NPPF.

Air Quality

- 14.10 Policy IV7 of the Ivers Neighbourhood Plan requires development within the Iver Parish Air Quality Management Area to contribute to the actions and objectives set out in the air quality action plan and the Iver Clean Air Zone implementation strategy. Development proposals will be required to demonstrate at least Air Quality Neutral standard during both construction and operation to avoid causing or contributing to worsening air quality. An air quality assessment is therefore required to accommodate development proposals. This policy also details further design requirements which would help lessen impact to air quality.
- 14.11 Core Policy 13 sets out that the Council will seek improvements in air quality, especially in the Air Quality Management Areas adjacent to the

motorways 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.

- 14.12 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 (AQMA's) 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.
- 14.13 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.
- 14.14 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.
- 14.15 There is currently an Air Quality Action Plan (AQAP) in place for the South Bucks Area (dated July 2021) which focuses on tackling air pollution and reducing HGVs along Iver High Street and Thorney Lane North and South.
- 14.16 An Air Quality Assessment was prepared as part of the revised MSA scheme and is contained within Vol. 6, Chapter 8 of the ES and ES addendum. The assessment considers the potential impacts at receptors associated with fugitive dust and vehicle exhaust emissions during the construction and operational phases of the MSA scheme.
- 14.17 In terms of the closest sensitive receptors to the proposed development, the nearest residential properties to the western parcel (main MSA development) comprises of a series of properties on A4007 Slough Road. These include White Cottage on the north side of Slough Road, close to the site of the proposed staff access and Chandlers and the Summerhouse located on the eastern side of Slough Road (opposite White Cottage).
- 14.18 The nearest residential properties to the eastern parcel (slip road access to the MSA) comprises of Mansfield Lodge and New Cottage to the south east and Mansfield Farm to the north east. Further residential development within the settlement of Iver Heath lies approx. 300m to the west and 500m to the east within Uxbridge.
- 14.19 The closest 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.

- 14.20 For the purposes of the impacts of air quality a study area within 200m of the affected roads was used in accordance with the Institute of Air Quality Management (IQMA). For construction dust the IQMA guidance recommends distances up to 350m from the site boundary and 50m of the route used by construction vehicles on the public highway up to 500m from the site entrances.
- 14.21 Background air pollutant concentrations were established as baselines conditions. The Council currently monitors nitrogen dioxide levels within the Iver Parish area using passive diffusion tubes. Predicted background air quality for key pollutants have been obtained from the data held by Defra.
- 14.22 The significance of the proposed MSA development on air quality was assessed both for the construction phase and the operation phase. The construction phase would include the site preparation, the mineral extraction (subject of a separate application), associated earthworks and construction. It is noted that
- the first stage of the site preparation would result in a temporary access being established off Slough Road in order to prepare the site and create the slips roads onto the M25.
 - The second stage of construction for the MSA would result in construction vehicles being routed via the M25 as opposed to the local road network.
- 14.23 The ES states that LGVs and HGVs during this period would therefore travel through either the SBDC Air Quality Management Area (AQMA) No 2 or the HBDC AQMA depending on direction of travel on the A4007 Slough Road. The expected average number of LGVs per working day accessing the Site during the 6-month Stage 1 is 60, resulting in 120 movements (60 in / 60 out). Expanding this across a 12-month period, and assuming a 5.5 working day week, this would result in an annual daily average of 47 LGV movements a day on the local road network during Phase 1. This is therefore well below the relevant Institute of Air Quality Management (IAQM) indicative threshold of +100 LGV AADT2 (where within, or adjacent to, an AQMA) as indicating the need for an air quality assessment, whether this takes the form of a Simple or Detailed Assessment.
- 14.24 The likely average number of HGVs per working day accessing the Site during the first 6-month phase is 20, resulting in 40 movements (20 in / 20 out). Expanding this across a 12-month period, and assuming a 5.5 working day week, this would result in an annual daily average of 16 HGV movements a day. This is therefore below the relevant IAQM indicative threshold of +25 HGV AADT2 (where within, or adjacent to, an AQMA) as indicating the need for an air quality assessment, whether this takes the form a Simple or Detailed Assessment.
- 14.25 Furthermore, the ES states HGV movements will be dispersed on the local road network from the site access point and these maximum movements would not be experienced within either of the AQMAs. It is assumed that 80% of HGVs will arrive / depart to / from the east of the site

and 20% to / from the west, with the resulting maximum daily movements likely to be experienced in an AQMA being 13.

- 14.26 During Phases 2 to 6 all construction vehicle access would be via the temporary slip road and the M25 to the north and south, with movements thereafter being dispersed on the wider network beyond junction 15 to the south and junction 16 to the north.
- 14.27 As such, predicted concentrations of NO² on existing local air quality and sensitive human receptors are considered not to be significant.
- 14.28 In terms of dust during construction (PM¹⁰) mitigation during the construction works would reduce the potential for nuisance dust and particulate matter. It is considered that a Construction Traffic 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. Considering the above, it has been assessed that the overall significance of effects associated with construction dust would not be significant.
- 14.29 In terms of the operational phase of the proposed MSA the majority of journeys would be via the existing M25. It is acknowledged in the ES that the staff-related traffic movements on the A412 Uxbridge Road west of the Five Ways roundabout and Bangor Road South were predicted to be above the IAQM screening threshold of + 100 AADT (where within or near an AQMA) and that these movements would be towards the Slough AQMA and Iver. These movements would however be dissipated on the wider road network, thereby reducing flows at any specific location within Iver. Similarly, a degree of dissipation would be expected along the A412 before the Slough AQMA. Negligible impacts are predicted within Iver Heath.
- 14.30 The predictions for nitrogen dioxide and particulate matter would not result in significant effects on human health or ecological receptors. Aside from minor vehicle generation from employees, servicing and deliveries, the proposed development is not predicted to result in significant vehicle generation. Almost all vehicles travelling into the site would already be on the SRN and would be passing through.
- 14.31 The applicants are proposing a travel plan encouraging sustainable modes of travel for employees and reduce carbon emissions as set out in the highway section above, which would be secured through a S106.
- 14.32 In terms of the MSA buildings no details have been submitted for air handling systems given this is an outline application and an energy and sustainable strategy to set out measures to reduce carbon emissions can be secured through condition.
- 14.33 Additional extensive tree planting as outlined in the tree section is proposed to mitigate the loss of trees, including veteran tree in accordance with the measures set out in the SB AQAP.
- 14.34 It is considered that pollutant concentrations associated with the development would be below the relevant limit values for air quality.

Furthermore, mitigation of potential effects would be achieved by condition or built in mitigation such as the additional buffer planting around the site and the provision of up to 100 EV charging points within the MSA site. The provision in EV charging would have the potential to a reduction in vehicle emissions across the SRN. It is considered that these measures would align with the NPPF whereby planning decisions should sustain and contribute 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 in accordance with paragraph 186 of the framework. Therefore, in accordance with IAQM guidance air quality effect of the proposed development is considered to be not significant on relevant sensitive human receptors.

14.35 Officers would also note that the proposed development would provide mitigation and green infrastructure provision as part of the requirements of paragraph 186 of the Framework and would provide sufficient mitigation to align with the aims of Policy IV7 of the Iver Neighbourhood Plan.

Cumulative and Secondary Effects

14.36 The applicant has also considered cumulative impacts in terms of air quality and dust. Consideration has been given to applications at Pinewood Studios which was recently granted permission. The site is considered to be beyond the screening requirements as set out by the IAQM. Each proposal would require mitigation at construction phase as highlighted previously and therefore the combination of both schemes in terms of impact on human health is considered negligible and not significant.

14.37 Notwithstanding the above, the proposed development would include traffic movements on the local road associated with staff movements. As highlighted previously in the report, these associated traffic movements are considered not to have a significant impact on the local highway network.

14.38 In addition, the ES and ES addendum has identified the secondary effects of the mineral extraction element which is required as part of the overall development. The mineral extraction would form part of the construction phase of the development (as identified previously). It is considered that with the relevant mitigation through the CEMP, the proposed mineral extraction would not result in any significant adverse effects relating to air quality.

14.39 The Council's Environmental Health Air Quality officer has reviewed the proposal and notes that there are concerns about the potential air quality impacts of cumulative developments in the Ivers as many individual schemes, deemed insignificant in themselves, are potentially contributing to a "creeping baseline". There is a concern that in combination the emissions of local planning developments and the National Infrastructure Projects could

result in a significant increase in NO₂ concentrations in Iver and also contribute towards an increase in particulate matter.

- 14.40 The Air Quality Action Plan for the Iver contains a number of measures that should reduce NO₂ concentrations in Iver Parish. The council are requesting a financial contribution from all developments that increase concentrations within the Iver area regardless of magnitude to offset the increase and prevent baseline creep. The contribution amount was calculated using DEFRA's toolkit for Air Quality Damage Costs and deemed to be £19,920.00. A contribution is to be secured through the S106 and would also cover construction traffic for the first phases of construction, as this would be routed on the local road network within the Iver Parish. The final routing of vehicles would be sought via the CMTP plan.
- 14.41 Noting the above, the applicant has agreed to make a financial contribution which has been derived from the predicted staff journeys on the local road network and processed through the Defra toolkit for Air Quality damage costs calculations. The financial contribution would be put towards the AQAP (Iver Parish Area) which would go towards 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).
- 14.42 When taking into account the above mitigation, officers consider that the proposal would align with the aims of Policy IV7 of the Neighbourhood Plan. The proposal would result in contributions to the AQAP both financially and through initiatives via the framework travel plan (both required as part of the contributions discussed in the report below). 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. Whilst part e of Policy IV7 stipulates preferences in terms of air intake systems and flues, officers consider these specific requirements can be dealt with through conditions at the later stage.
- 14.43 Overall, the assessments carried out demonstrate that the impact during the construction phase is considered not to be significant, and at the future year/opening year scenario the proposed development will have a slight impact on concentrations of NO₂, PM¹⁰ and PM^{2.5} at the existing sensitive receptors considered. A potential cumulative impact has been identified which would be limited (not significant) and mitigated in line with Air Quality Damage Costs Guidance. Officers consider that the required payment would meet the tests as outlines in paragraph 122 of the Community Infrastructure Levy (CIL) Regulations 2010. For these reasons, it is considered the proposed MSA would not lead to an unacceptable risk from air pollution, nor would it lead to any breach of development plan, Neighbourhood plan policies or national objectives as required by national policy. 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 construction would give rise to limited harm which would be mitigated through the aforementioned financial contribution to temper this to a neutral effect.

14.44 Noting above, it is considered that the proposed development would be appropriate for its location taking into account the likely effects (including the cumulative effects) of pollution on health, living conditions and natural environment in accordance with para. 185 of the NPPF.

Sustainable Design and Construction

14.45 Core Policy 12 of the core strategy requires that all developments of 10 or more dwellings and 1,000sqm or more non-residential floor space - at least 10% of their energy from decentralised and renewable or low-carbon sources, unless demonstrated that is not viable or feasible.

14.46 Government objective is to achieve net-zero carbon emissions by 2050, Buckinghamshire Council has joined this pledge. Paragraph 8 of the NPPF sets out the three overarching objectives of the planning system. Point C of para. 8 sets out the environmental objective, which seeks to protect and enhance the natural environment and amongst other things, is the aim to minimise waste and pollution, adaptation to climate change and moving towards a low carbon economy. Paragraph 154 of the NPPF (2021) 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.

14.47 Paragraphs 155 to 158 of the NPPF refers to the relevant guidance on low carbon energies and renewable energy. Paragraph 157 of the NPPF states that in determining planning applications, local planning authorities should expect new development to (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved in its design, that this is not feasible or viable; and (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

14.48 Policy IV14 of the Ivers Neighbourhood Plan requires all development to be 'zero carbon ready' by design. Where feasible, all buildings should be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year. Planning applications are required to be accompanied by a Whole-Life-Carbon Emissions Assessment and Energy Statements

14.49 The application is supported by an Energy Statement which aims to address the energy consumption and carbon emissions for the proposed development and compliance with national and local development policies.

- 14.50 Outline permission is being sought for the proposed MSA and therefore it is not possible to produce a detail assessment of energy demands. The submitted energy statement uses a benchmarking approach which calculates the likely energy demand for the site. The benchmarks are provided in accordance with the Chartered Institute of Building Services Engineers (CIBSE) published in Technical Memorandum 46 (TM46), 2008 and Greenhouse Gas Emissions factors published by the Government for 2020
- 14.51 A feasibility study has also been carried out to identify the potential viable technologies that could meet the requirements of core policy 12. These are:
- Wind power
 - Biomass heating
 - Solar Thermal Water Heating
 - Combined Heat & power
 - Ground Source Heat Pumps
 - Air Source Heat Pumps
 - Photovoltaic Panels
- 14.52 The feasibility study has outlined that the proposed scheme would use PV to generate a proportion of the energy requirements. It is expected that the planned PV panels on average to generate 382,268 kWh per annum which accounts for approximately 5.1% of the 10% target required from decentralised and renewable or low carbon sources. The remaining 4.9% would have to be met from a mixture of other low carbon sources (as outlined above). It has been indicated that both Air Source and Ground Source Heat Pumps could be potentially used at site.
- 14.53 It is also noted that building orientation and indicative design has also been considered as part of the outline stage of the proposal for illustrative purposes. This would incorporate a large amount of glazing in order to optimise the use of natural light, the use of oversailing roofs to reduce solar heat gain and the use of green roofs which would aid in thermal performance in both winter and cooling in summer.
- 14.54 In addition to the above, the proposed MSA facility building would feature a saw tooth roof design to enable the incorporation of photovoltaic panels. The building would be orientated as such to maximise the harnessing of solar energy.
- 14.55 The term 'PassivHaus', primarily relates to residential properties, although there are examples where the PassivHaus Standard has been applied to other types of buildings. At present, the buildings in the CV MSA proposal are only at the Outline stage and the full details of the buildings' energy efficiency will only be developed as Reserved Matters and detail design progress. The applicant advises that whilst application of PassivHaus will be kept under review, it is considered likely that a building of the scale of the MSA Amenity building, with the large number of people a day passing in and out of the building, delivering the standard will not be feasible. Officers

agree with this concern that this may not be feasible especially in terms of achieving the appropriate airtightness levels. More detailed feasibility work will need to be undertaken at detailed design stage (Reserved Matters) to establish if this is feasible. For this reason, a condition is required to submit further details, for approval of the proposed Energy/Sustainability Strategy, in order to demonstrate compliance with Core Strategy policy CP12 and the NPPF.

- 14.56 The energy feasibility study referred to above suggests those technologies that could feasibly be used utilised to meet a target of 10% site energy demand decentralised and renewable or low-carbon sources. The full details in relation to a Whole-Life-Carbon Emissions Assessment and more detailed energy statements would be recommended by condition and officers agree with this approach to ensure the proposed details at the detailed design stage for the development is carried out in accordance with the energy strategy set out in the statement and to ensure compliance with the IV14 of the Ivers Neighbourhood Plan.

Waste & Recycling

- 14.57 The site is made up of predominately agricultural land. As highlighted previously, the western parcel of the application site lies above sands and gravels. It is anticipated the underlying sands and gravels would be used as part of the construction process.
- 14.58 The western side of the site would be cut and filled in order to provide a platform for the proposed MSA. It is considered that the reuse of the sands and gravels would lead to less reliance to bring materials on and off site. It is considered that a condition could be attached to require the submission and approval of a Site Waste Management Plan.

Climate Change

- 14.59 Paragraph 154 of the NPPF (2021) 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.
- 14.60 Policy CP13 of the SBCS seeks to promote best practice in design and construction.
- 14.61 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.
- 14.62 Climate Change was not scoped into the Environment Impact Assessment as no significant effect was considered likely to occur as a result

of the proposed development in isolation, or in combination with other developments. Officers are satisfied with this approach.

14.63 In consideration of climate change issues (which includes several topics including energy consumption, renewable energy, sustainable drainage and air quality), the report above covers matters which would contribute towards carbon reductions to tackle climate change. These can be summarised as follows:

- Re-use of mineral (approx. 10,810m³) (extracted to create development platform) which would reduce need for importation of materials and reduce vehicular movements required for construction.
- - Planting scheme which would result in 600m of new native hedgerows, 13ha of neutral grassland, 1.6ha of woodland buffer to the north west of the site, 2.5ha woodland buffer along the southwestern boundary and 1.2ha woodland buffer adjacent to the ancient woodland. Planting of trees would contribute towards carbon absorption and biodiversity net gain
- The proposed MSA would deliver 100 EV charging points as part of the proposed MSA. The submitted ES also highlights that the MSA would be future proofed to ensure further EV charging points across the site as the transition to electric cars (in line with the Government's announcement to end the sale of petrol cars by 2030).
- -Use of energy efficient LED lighting scheme which would be capable of being dimmed to lower levels when not required.
- The proposed MSA amenity building would be designed to incorporate measures for maximising light and ventilation. PV panels and green roofs would feature in the design of the proposed building to ensure for an energy efficient development.
- The proposed MSA development would also incorporate SUDs and flooding mitigation to take into account climate change.

14.64 Noting the above, officers consider that the proposed development is capable of meeting the aims of the NPPF in respect of achieving a low carbon development. In addition, officers consider that the proposed MSA incorporates sufficient measures to address the matters of climate change and the reduction of carbon emissions. It is considered that the development would accord with the aims of NPPF and development plan policies relating to Climate Change and the reduction of carbon emission.

15.0 Heritage, Conservation and Archaeology

Core Policy 8: Built & Historic Environment

Local Plan Policy C15: Sites of Geological Importance

Ivers Neighbourhood Plan: IV5 Local Heritage Assets

15.1 Core Strategy Policy CP8 states that the protection and, where appropriate enhancement of the District's historic environment is of

paramount importance. In particular, nationally designated historic assets and their settings, for example Scheduled Ancient Monuments and Grade I, II* and II listed buildings, will have the highest level of protection. 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.

15.2 Policy IV5 of the Ivers Neighbourhood Plan states the Neighbourhood Plan identifies a number of buildings and structures as set out in Appendix D as Local Heritage Assets. Proposals that will result in the harm to, or unnecessary loss of, a Local Heritage Asset, will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss. There are no buildings identified in Appendix D that would be affected by this application.

15.3 Sections 66(1) and 72(1) of the Planning (listed Buildings and Conservation Areas) Act of 1990 sets out the duties of Local Planning Authorities in respect of the treatment of listed buildings and conservation areas through the planning process. The application of NPPF policy is consistent with the discharge of duties under the above sections 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.

15.4 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.

15.5 The eastern parcel of the application site is adjacent to three designated heritage assets these being:

- Mansfield Farmhouse - Grade II listed
- Barn to the North East of Mansfield Farm House – Grade II Listed
- Dovecote to the East of Mansfield Farm House – Grade II Listed
- 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.)

- 15.6 The western parcel of the application is adjacent to a designated heritage asset, this being White Cottage, a Grade II listed building on the north side of Slough Road.
- 15.7 Heritage impacts are addressed in chapter 9 of the ES and ES addendum. Additional heritage information was submitted following the amendments to the proposal and comments from the Council's Heritage officer. The supporting heritage documents from the applicant highlights that the M25 has already truncated through the land between the listed farm buildings and the wider agricultural land and therefore the construction of an MSA would not further impede the setting of these buildings. The ES and ES addendum states that the relative sensitivity of the wider settings of the Listed Buildings and non-designated buildings historically associated with Mansfield Farm is judged to be low, and overall, the proposed development would constitute a medium magnitude of change and the resulting levels of effect would be minor and not significant in EIA terms.
- 15.8 The Council's Heritage officer has reviewed the submitted heritage documentation and states: *'The submitted Heritage Statement argues that there would be no truncation of the setting or relationships between the buildings in the farm grouping. I must point out whilst the proposed development would not impinge on the architectural characteristics of the heritage assets, it would be a large modern development which would make it difficult to appreciate the buildings in their historic setting and understand their historic relationship. As such this would be another modern development in an already altered landscape which would further remove physical links between the buildings and would result in the loss of the relationship between the buildings and agricultural land. Therefore, this development proposal would lead to further truncation of the heritage assets.'*
- 15.9 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. The Heritage officer assesses the harm in heritage terms as low level less than substantial harm.
- 15.10 However, the heritage impacts of the location of the subject application were judged as part of the comparative exercise carried out by the Planning Inspector in relation to the dismissed appeal at CSP1. At paragraph 107 of the appeal the Inspector notes:

'In terms of other harms, there would be likely to be less than substantial harm to the significance of nearby designated and non-designated heritage assets, including in particular White Lodge, and Mansfield Farmhouse and associated

building, by reason of the effect on their settings. The level harm would be likely to be towards the lower end of the scale’.

15.11 Noting the conclusion of the ES and the comments of the Planning Inspector, and in accordance with the NPPF, it is considered that the harm of the proposed development would amount to low level less than substantial harm to the designated heritage asset. This should be afforded great weight and will need to be weighed against the public benefits of the scheme. It is considered that the harm to the non-designated heritage asset would be at the lower end of the spectrum and a balanced judgement under NPPF paragraph 203 is required. This is explored further in the balancing section of the report.

Archaeology

15.12 The PPG set out guidance on the Historic Environment. Paragraph 39 to 41 describes Non-designated heritage assets and the categories for non-designated assets of archaeological interest. The application site is considered to fall into the second category of the above, not being subject of any scheduled monuments.

15.13 Paragraph 203 of the NPPF highlights the need to take into account the significance of any non-designated heritage asset when determining an application. A balanced judgment will be required in regards to the scale of any harm or loss to the significance of the heritage asset.

15.14 An archaeological assessment was carried out and addressed within the updated ES at chapter 9. The assessment has identified two Archaeological Notification Areas (ANA) which denote areas of palaeo-environmental, prehistoric and early historic remains.

15.15 Following the assessment, it is considered that the proposed MSA would result in a high magnitude of change due to the earth excavations and development across the wider site. As such, the level of effect is considered to be moderate with a significant effect in EIA terms.

15.16 The Council’s Archaeology officer has reviewed the submitted documentation and suggests that with the exception of the mineral void, all of the other areas are shown in the Impact Assessment to have a degree of flexibility in the depth of proposed works, with some areas potentially suitable for preservation in situ. Overall, it is considered that the proposed development would result in potential harm to the archaeological resource which is regarded as a non-designated heritage asset (not of equivalent significance to a scheduled monument), at the medium end of the scale. However, this harm could be mitigated through planning conditions requiring archaeological investigation appropriate methodology for preservation in situ if significant remains found. The harm will be considered in the planning balance. The Council’s Archaeology officer has not raised any objections, and has recommended a suitably worded staged condition requiring the

developer to secure appropriate investigation, recording, publication and archiving of results in order to satisfy paragraph 205 of the NPPF

Secondary Effects

- 15.17 The ES and ES addendum considers the likely significant effects of the mineral extraction on cultural heritage and archaeological assets. The mineral extraction would form part of the construction phase of the MSA.
- 15.18 The heritage officer remarks on that the MSA 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. 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. This would result in less than substantial harm upon heritage assets which concurs with the applicant's assessment. Officers consider this be at the lower end of the spectrum.
- 15.19 Therefore, subject to conditions, it is considered that residual effects as a result of the mineral extraction would not be significant in EIA terms.

Overall heritage conclusion

- 15.20 In conclusion: there would be 'less than substantial harm' in NPPF terms, at the lower end of the scale to the significance of the setting of the listed buildings in National Planning Policy Framework (NPPF) terms. However, great weight is given to this harm as required under paragraph 201. In accordance with paragraph 202 of the NPPF this harm must be weighed against the public benefits of the proposal and this exercise is undertaken later in the report. 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 in accordance with paragraph 203 of the NPPF.

16.0 Healthy & Safe Communities

Core Policy 8 Built & Historic Environment

- 16.1 Core Policy 8 states that development proposals will be expected to accord with Secured by Design principles to achieve crime prevention, reduce the fear of crime and improve other aspects of community safety.
- 16.2 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of

school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces. Paragraph 92 (b) of the NPPF advises that developments should be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

16.3 During the course of the application the proposed MSA development has been amended, which include changes to the slip roads and access. In terms of the secondary access off the Slough Road, this would be a secured vehicular access just short of the boundary of the main MSA area, where the remainder of the route would be a secured pedestrian access. The secondary access has been designed as a response to NH's position, who were very clear, that should an emergency route be provided: there must be no through connection to the associated motorway, otherwise this would conflict with Circular 02/2013 (para B23).

16.4 Thames Valley Police (TVP) remain concerned that the controlled secondary emergency access will slow response times owing to the distance from the access to the main MSA buildings, and that this will affect their ability to respond to incidents at the site. The concerns relate to the ability to deploy resource located within the local community close to the site, who are unable to access the site locally; officers that are not fast road trained would be accessing the site; and that congestion on the motorway could delay site access, with the relevant section of the M25 having no hard shoulder access once converted into a smart motorway. However, this latter concern is given very limited weight due to Central Government removing smart motorways from road building plans, cancelling this scheme's roll out. Furthermore, National Highway's position is to prevent unofficial through routes to the M25 thereby secondary access roads connecting the MSA is strongly discouraged. There is therefore competing policy objectives regarding local road access.

16.5 Notwithstanding the above, the applicant has submitted a Crime Prevention Strategy. This document sets out that the proposed MSA has been designed in a way to limit through routes for pedestrians. As such, there will be no public rights of way running through the site. The purpose behind this being that MSA's are designed for the safety and well-being of motorists and should be treated as destinations in their own right and ensuring no pedestrian routes through the site to reduce opportunity for organised and opportunistic criminal activities.

16.6 The Crime Prevention Strategy also highlights measures in order to create a safe development. These measures include extensive CCTV coverage both internally and externally, fuel prevention measures, secure fencing and barriers. In addition, to the above a financial contribution towards the provision of ANPR cameras covering the entry and exit points to the site would also be of benefit to crime prevention in reducing the risk of

crime to a less likely occurrence. In principle, the above are considered acceptable.

- 16.7 In terms of accessibility, the details submitted demonstrate that proposed MSA can be designed to create a fair and inclusive facility. The Design and Access Statement sets out that the proposed development would be constructed in accordance with Part M of the Building Regulations. The external areas, internal layout and main routes to the building have been designed with a view to being accessible to all users and inclusive. Dedicated disabled parking bays are provided for close to the main entrance. Level access is also provided from the car park area, and the main pedestrian route to the main entrance. Internally the building has been designed with consideration for all user groups in order to ensure the facilities are fully inclusive. Level access is provided into the building, and throughout the ground floor.
- 16.8 Buckinghamshire Fire and Rescue have no objection to the proposed development subject to meeting fire hydrant, emergency parking and clear access requirements.
- 16.9 Part of the proposed development would result in the diversion of the Public Bridleway (IVE/33/2) which currently runs centrally through the western parcel of the application site. In addition, off-site works are proposed including the provision of a signalled pedestrian crossing across Slough Road. Both the Council's Access officer and Highways officers have been consulted as part of the access arrangements. No objections have been raised in terms of the proposed footpath diversion. However, further details would be required as part of design details, of which would be finalised under a Section 278 works agreement with the Highway Authority. The purpose of this would ensure that the re-provided Public Bridleway is constructed to acceptable standard. In addition, the crossing would ensure that staff can access both bus stops on either side of Slough Road and would provide benefits for footpath users traversing Slough Road.
- 16.10 In addition to the above, it is noted that the Canal & Rivers Trust has requested a financial contribution in terms of improvement to pedestrian routes along the towpaths of the Grand Union Canal. The Grand Union Canal is located approx. 910m to the east. Public Bridleway (IVE/33/2) which passes through the application site does not directly link into the towpaths. The Slough Arm of the Grand Union Canal runs east to west between Iver Village and Richings Park, this part of the canal is located approx. 2.9km to the south of the application site. However, the proposed MSA has not been designed to be wider public attraction and would only be accessed by users of the M25, who are unlikely to use the towpath for recreational purposes. Whilst it is recognised that some traffic will be generated by staff movements on local roads, the level of traffic and associated pedestrians on the towpath would not justify the contributions requested. As such, it would not be proportionate to request the contributions and it would not meet the tests of

the CIL Regulations of how the sums are necessary to make the development acceptable in planning terms or how they directly related to the development or fairly and reasonably related in scale and kind to the development. (CIL Regulation 122).

16.11 Noting the above, it is considered that the proposal would comply with the core policy 8 of the Core Strategy and the aims of the paragraph 194 of the NPPF.

17.0 Economic Benefits

Core Policy 10: Employment

17.1 CP10 of the Core Strategy sets out the aims of providing a balanced local economy in terms of jobs, skills and local labour supply. The NPPF (paragraph 81) supports planning decisions that help create conditions in which businesses can invest, expand and adapt, stating that significant weight should be placed on the need to support economic growth and productivity. Paragraph 83 of the NPPF also states that “planning decisions should recognise and address the specific locational requirements of different sectors”.

17.2 Chapter 12 of the ES and ES addendum considers the socio-economic of the proposed MSA development. In the first three year of opening approx. 300 full time jobs would be created. It is anticipated that the proposed MSA when at full capacity would generate approx. 399 full time jobs and that a further 47-50 jobs could be supported by direct or induced expenditure (e.g. services bought-in to the site or spending outside the site by employees). In addition, the proposed development would have a beneficial effect on the construction industry in terms of employment within the area. The construction phase (21 months) is likely to generate approx. 250 people on site at any one time.

17.3 Noting the above, it is considered that the proposal would generate notable employment opportunities. The Council’s Economic Development officer is supportive of the economic benefits, the creation and employment and investment in the local area. This would be subject to a Local Employment Strategy being secured that would ensure the benefits (direct and indirect) are captured for local people. This can be secured via a planning obligation and should provide more certainty around commitments for the local job opportunities and procedures for job vacancies and work placements. In addition to the above, it should be noted that in dismissing the CSP1 MSA scheme the Planning Inspector made reference to the fact that an MSA in Iver Heath would create a number of economic benefits. This also extended to the economic benefits of extracting the sands and gravels as part of the mineral extraction (addressed further in the report below).

17.4 The proposed MSA represents a major new employment opportunity, and there is support for this from the Council’s Economic Development

Officer, subject to a Local Employment Strategy being secured that would ensure the benefits (direct and indirect) are captured for local people. This element of the proposed is considered to accord with the principles of Core Policy 10 of the Core Strategy. Based on the longer-term operational number of jobs, these economic benefits attract significant positive weight in the overall planning balance.

18.0 Minerals

Mining and Waste Local Plan:

1 (Safeguarding Mineral Resources)

10 (Waste Prevention and Minimisation in New Development)

25 (Delivering High Quality Restoration and Aftercare)

27 (Minimising Land Use Conflict)

18.1 The application site is located within a Minerals Safeguarding Area in the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP), for sand and gravel. Policy 1 of the BMWLP requires development within mineral safeguarding areas (which is not exempt) to 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.

18.2 The policy also requires a mineral assessment to accompany the planning application. The applicant has submitted a minerals assessment as part of the application, and a further update which deals with minerals on the eastern parcel of the application site.

18.3 During the course of the application, a separate mineral extraction application was submitted to Council, and this is being assessed under reference CM/0036/21. Application ref: CM/0036/21 seeks planning permission for the prior extraction of mineral and provision of access to facilitate the development of the Colne Valley Services (CVS) and associated works (which is also on this agenda). A separate ES has been submitted in support of the mineral application ref: CM/0036/21.

18.4 The minerals assessment has provided details which utilises site specific geological survey data to establish the existence or otherwise of a mineral resource (detailing resource type, quality, estimated quantity and overburden to reserve ratio) underlying the application site. The assessment also provides commentary on whether prior extraction is feasible for identified mineral resources across the application site.

18.5 The Council's Minerals and Waste planning officer has reviewed the submitted details and considers that the applicant has sufficiently

demonstrated that the proposed method of extraction would result in the majority of the workable resource to the west of the M25 being extracted with limited resources being omitted and thus sterilised by built non-minerals (that is the MSA construction) development proposed.

- 18.6 In terms of the eastern parcel land, further supporting information was submitted during the course of the application. The applicant is seeking to demonstrate the mineral concerned is not of any value or potential value and that the extraction of any underlying mineral would be uneconomical and environmentally unviable. In relation to Policy 1 of the BMWLP, the Council's Mineral and Waste officer considers that the applicant has adequately demonstrated that the mineral underlying the eastern section of the site is not of any value or potential value and therefore satisfied the requirements of policy 1.
- 18.7 It is envisaged that some of the mineral proposed to be extracted under application ref: CM/0036/21 would be reused as part of the construction of the proposed MSA development. It is estimated that 173,000 tonnes of sand and gravel would be removed from site, with 17,300 tonnes being used for the construction of embankments. The transportation and construction impacts have been considered in the report above and the accompanying ES.
- 18.8 In addition to the above, Policy 25 of the BMWLP states that mineral and waste 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. Policy 25 of the BMWLP also highlights that the restoration of sites for economic development purposes will be supported where fully in accordance with relevant planning policy and secondary after-use is included that incorporates an ecologically beneficial after-use within the restored function. Other criteria relating to biodiversity, flood risk and landscape impact of policy 25 are dealt elsewhere within the relevant sections of this report.
- 18.9 The proposed CV MSA development would form part of the restoration of the site and therefore would align with Policy 25 above. However, in the event that the proposed MSA development is delayed or not implemented, the site must be restored to a stable landform and appropriate after-use. The applicant has submitted a fall-back land restoration scheme in the unlikely event that the mineral extraction completes without the implementation of the subject MSA proposal to address policy 25, which is to be considered under the separate minerals application CM/0036/21.
- 18.10 Overall, the proposed MSA development is considered not to constrain the potential for mineral extraction. Whilst the consideration of the mineral application on the agenda would be assessed on its own merits, also a material planning consideration is paragraph 211 of the NPPF, which

states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. It is also noted that in dismissing the CSP1 scheme the Inspector made reference to the benefits of mineral extraction as part of the Iver Heath scheme. As such, this economic benefit would attract limited positive benefit to which the NPPF advises that great weight should be given in the overall planning balance.

19.0 Aviation Safety

Local Plan Policy EP17: Aerodrome/Air Traffic Safeguarding

Minerals and Waste Local Plan:

Policy 23 and Appendix 3: Aerodromes with (statutory) Bird-strike Safeguarding Zones and (non-statutory) Safeguarding Maps

- 19.1 Local Plan Policy EP17 states that the District 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.
- 19.2 Policy 23 of the BMWLP requires developers to demonstrate the proposed development incorporates safety and security measures including taking into account aviation safety.
- 19.3 The application site is within a number of safeguarding zones for airports. Notably, Heathrow Airport which lies approx. 7.2km to the south and RAF Northolt approx. 5.1km to the north east. LPAs are required to consult with all safeguarded airports in relation to the possible impacts of proposed developments within the defined safeguarded area surrounding such airports.
- 19.4 In addition to the above, Denham Aerodrome is located approx. 4.9km to the north of the site. Denham Aerodrome is not officially safeguarded under the Town and Country Planning Direction 2002, although it is unofficially safeguarded, in accordance with Circular 1/2003, by the submission of a safeguarding map with the former Chiltern District Council (now Buckinghamshire Council).
- 19.5 All three airports were consulted as part of the proposed MSA development. No objections were raised on air safety grounds, with Heathrow recommending conditions in relation to building heights and bird management.

20.0 Flooding & Drainage

Core Strategy Core Policy 13: Environmental & Resource Management

- 20.1 Core Strategy Policy CP13 indicates that vulnerable development will be steered away from areas risk of flooding wherever possible. The supporting text of CP13 highlights that a risk-based approach will be taken to allocating sites and permitting development, guiding development towards

areas of lowest flood risk. Developers must submit a site-specific flood risk assessment (FRA) where proposals affect areas which are liable to flood.

- 20.2 The above is broadly in line with the NPPF which states at para 159 that inappropriate development in areas of high risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 161 of the Framework 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 Framework states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 20.3 Where appropriate, applications should be supported by a site-specific flood risk assessment (paragraph 167) and when determining applications LPAs should ensure that flood risk is not increased elsewhere.
- 20.4 The Framework paragraph 169 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 20.5 In addition to the above, the Council has carried out a Strategic Flood Risk Assessment (SFRA) (December 2018). 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.
- 20.6 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.
- 20.7 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.
- 20.8 The Chiltern and South Bucks District Council SFRA identifies the eastern parcel of the application site to be within Flood Zone 3b. The definition of flood zone 3b is functional floodplain.

- 20.9 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.
- 20.10 Chapter 10 of the ES addresses flood risk, and the application has been supported by a Flood Risk Assessment (FRA), Sustainable Drainage Statement (SDS) and an Updated Sequential and Exception Test (SET). The FRA carried out a bespoke hydraulic modelling exercise to understand floodplain extents and flood levels within the site in the absence of such information from the Environment Agency and Lead Local Flood Authority.
- 20.11 The proposed MSA development would be located primarily to the west of the M25. The land east of the M25 would incorporate the slips roads for the purpose of access and ingress to the MSA.
- 20.12 The western section of land is within Flood Zone 1 and features small pockets of surface water flooding areas (low, medium and high), these are located adjacent to the north west boundary of the site and associated with unnamed watercourse and to the southern end of the site adjacent to a small field ditch which flows into the River Alderbourne.
- 20.13 The River Alderbourne flows from east to west across the eastern parcel of the application site. As such, the eastern parcel is located with Flood Zones 2 and 3 at high risk of fluvial flooding and subject to Surface Water Flood Risk from low to high.

Sequential Test

- 20.14 Due to the flood risk associated with the proposed development, the application would require a Sequential Test in line with Paragraph 161 of the Framework. The purpose of the sequential test, as explained by Paragraph 162 of the Framework, is to steer new development to areas of lowest flood risk. These mean that *“development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”*.
- 20.15 In terms of the assessment of the submitted Sequential Test the Planning Practice Guidance (PPG) provides guidance on its application as follows:

“Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest

risk areas, where it is compatible with sustainable development objectives to do so”;

“the approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding”;

It goes on to say:

“The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- *Within medium risk areas; and*
- *Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.*

Initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Climate change will also impact upon the level of protection infrastructure will offer throughout the lifetime of development. The Sequential Test should then consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas, ignoring the presence of flood risk management infrastructure.

It may then be appropriate to consider the role of flood risk management infrastructure in the variation of risk within high and medium flood risk areas. In doing so, information such as flood depth, velocity, hazard and speed-of-onset in the event of flood risk management infrastructure exceedance and/or failure, should be considered as appropriate.”

20.16 The PPG recognises that the sequential test will be defined by local circumstances relating to the catchment area for the type of development proposed. It continues: *‘When applying the Sequential Test, a pragmatic approach on the available of alternative should be taken’. It goes on to state that; ‘The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increase flood risk elsewhere.’*

20.17 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 (e.g. housing density), local plan evidence base documents (including HELAA) and comparing the risk.

20.18 Turning to the approach to the sequential test, the applicant has set out the structure and search area based on guidance from the Environment Agency and DEFRA publication ‘Flood risk assessments: the sequential test for applicants’. The following criteria has been used by the applicant to demonstrate that there are no alternative sites available at the lower risk of flooding: search area between Junction 15 (M4) and Junction 20 (A41) of the M25, including the links between the junctions.

- Stage One: Overview of flood risk, technical and Physical Deliverability of sites, a locational criteria policy i.e., junction separation for highway safety and the preference for on-line services in line with Circular 02/2013.
- Stage Two: Evaluation of sites passing Stage One, identification of planning constraints, ability to resolve need for MSA, identification of flood risk, other considerations i.e. site history
- Stage 3: Identification of potential sites and further assessment against planning, environmental and availability factors

20.19 In terms of flood risk, there are large areas of land between junction 15 and 20 on the M25 which would not be subject to either fluvial or surface water flooding. However, the starting point for the sequential test submitted focuses on the technical deliverability of land for a proposed MSA. Therefore, the appropriateness of the land is given priority. However, flood risk of potential sites is carried forward on stages 2 and 3.

20.20 The table below sets out the locations of potential MSA sites and compliance with technical deliverability and highway safety. It also shows the sites which have been sifted out and not taken forward to stage 2 and 3.

Table 5: Sequential Test Stages

Location	MSA Potential	Technical Deliverability	Highway Safety	Outcome
Link A – Junctions 15 to 16	Yes	Undeveloped land exists adjacent to M25	Link lengths acceptable to include a further junction	Taken through to Stage 2
Link B – Junctions 16 to 17	Yes	Undeveloped land exists adjacent to M25	Link lengths acceptable to include a further junction	Taken through to Stage 2

Link C – Junctions 17 to 18	Unlikely but carried forward	Limited land available and close to junction 17	Link length insufficient – not carried forward	
Link D – Junctions 18 to 19	Yes	Undeveloped land exists adjacent to M25	MSA marginal potential owing to the short links and weaving	Taken through to Stage 2
Link E – Junctions 19 to 20	Yes	Undeveloped land exists adjacent to M25	Link length insufficient	
Junction 15	No	Major free flow interchange with no suitable land to accommodate		
Junction 16	No	Major free flow interchange with no suitable land to accommodate		
Junction 17	Yes	Access feasible and undeveloped land exists	No weaving issues- but off-line	Set aside pending assessment of on-line potentials
Junction 18	No	Tight junction with no land availability		
Junction 19	No	Limited movements to/from M25		
Junction 20	Yes	Access feasible and undeveloped land exists	No Weaving issues – but off-line	Set aside pending assessment of on-line potentials

- 20.21 Stage 1 identified that link E fails in terms of highway safety (weaving length) and held 2 junction locations at J17 and 20 in abeyance as there are online alternatives available to be assessed first. Those carried forward are links A (Junctions 15-16), B (Junctions 16-17) and D (Junctions 18-19).
- 20.22 Stage 2 of the sequential test assesses each of the filtered sites (as highlighted green in the table above) against insuperable planning designations (urban developments, abutting residential settlements, AONB, SSS1, loss of ancient woodland, direct physical effect on statutorily designated heritage asset) , flood risk constraints, ability of location to resolve non-compliant gaps for MSA's, traffic flows and any other relevant planning history. Links A and B had no insuperable constraints to preclude an MSA. However, Link D would not pass stage 2 in terms of constraints.
- 20.23 In terms of meeting the need for an MSA data has been produced in relation to the gaps analysis between existing MSA's and the number of gaps that would be addressed by a new MSA within in each link i.e. A, B & D, together with traffic data from National Highways Webtris which shows the traffic flows through each of links A, B & D:

Table 6: National Highways Webtris Traffic Flows (2019)

Link / junction	Counter Location	CW Counter Ref	CW AADT	ACW Counter Ref	ACW AADT	2 Way AADT
Link A	J15-16	M25/4981A	102,984	M25/4981B	104,832	207,816
Link B	J16-17	M25/5059A	86,056	M25/5059B	80,426	166,482
Link D	J18-19	M25/5135A	95,721	M25/5135B	91,231	186,952

*CW = Clockwise
ACW = Anti-Clockwise
AADT = Annual Average Daily Traffic*

- 20.24 Analysis of this data reveals that an MSA within link A would most effectively meet d MSA need in terms of both the number of gaps resolved, non-compliant gaps addressed and the traffic flow, followed by Link D and Link B.
- 20.25 In terms of flood risk, the applicants state that all three areas are subject to surface water flooding and link A is also subject to fluvial flood risk.
- 20.26 In terms other planning considerations and site history. Link A has been subject to previous proposals for MSA's. One (with three variations) submitted in 1994 known as the Woodlands Park MSA, lying to the north of Palmers Farm. Historic records indicate that this application was refused and dismissed by the secretary of state on issues relating to former landfill areas, scale, residential amenity and flood risk. The second historic MSA proposal was a one-sided MSA located to the east of Bangors Road South, submitted in 1996 and known as Elk Meadows MSA. This was also refused by Buckinghamshire County Council and subsequently dismissed by the

secretary of state on matters relating to Landfill, flood risk, landscape, ecology, amenity and Green Belt.

20.27 In terms of Link B, reference is made to previous planning history for an MSA at the site known as Warren Farm and the more recent appeal at CSP1, which is detailed earlier in the report. It concludes that the Warren Farm site is the worst performing location for meeting the needs of an MSA in terms of gaps, resolving fewer non-policy compliant gaps, leaving longer residual non-compliance gaps and serving far fewer motorway users. The site would result in greater harm to the Green Belt and the Inspectors' conclusions on CSP1 on this and other matters of planning interest.

20.28 The applicants' sequential test, noting the above considerations, concludes that Links B and D are not carried further into stage 3 of the sequential test.

20.29 Notwithstanding the above, officers questioned whether the planning application for CSP2 PL/22/1411/OA should be given further consideration overall in terms of the sequential test and alternative sites assessment as there are differences between the current CSP2 and the appealed proposal for CSP1 in terms of the site area and potential impact including flooding. The alternative sites assessment addresses this in more detail later in this report.

20.30 In response, the applicant has submitted an addendum note on the sequential test following the submission of the latest MSA proposal at Warren Farm and remains of the view that the *"location was the worse performing for meeting the need and also had been the subject of two dismissed planning appeals for different MSA proposals at Warren Farm. The most notable of these was in November 2021 when the Inspector clearly concluded it was not an appropriate location for an MSA. For these reasons, the Warren Farm location was not carried forward to Stage 3"*.

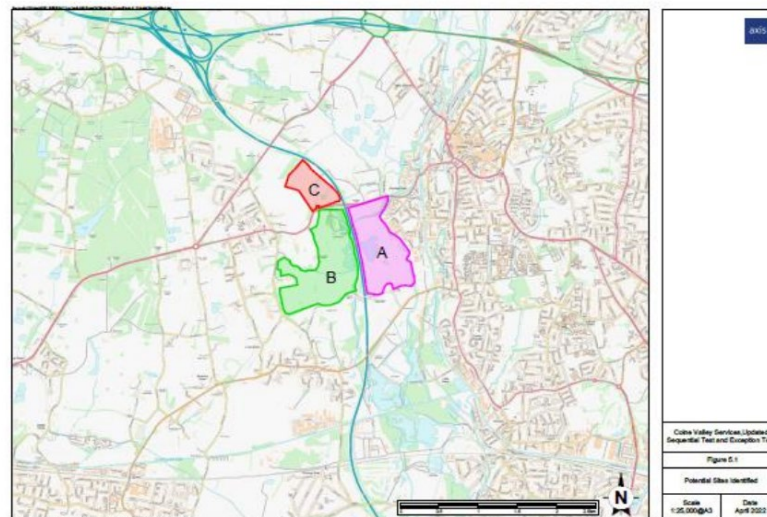
20.31 The applicant considers that the latest MSA proposal under PL/22/1411/OA *"is not appropriate for the proposed development of an MSA to serve the north-western M25 and its adjoining motorways. Accordingly, the findings and conclusions of the Updated Sequential Test and Exception Test report remain robust in relation to the overall Warren Farm site."* As such, Links B and D are not carried through to Stage 3 of the sequential test.

20.32 In terms of stage 3 of the sequential test, based on the considerations above, Link A has been identified by the applicants as the preferred location. At Stage 3 the applicant has identified 3 potential sites within link A setting a parameter of a site size of 10ha minimum. These are then assessed against the assessment criteria (i.e. highway safety, planning constraints and availability) to determine which site is sequentially preferable in terms of lowest flood risk.

20.33 The sites within Link A have been identified as follows:

- Site A: West of Uxbridge (between Slough Road and Palmers Moor Farm)
- Site B: East of Bangors Road (Elk Meadows)
- Site C: Iver Heath West (CV- application site)

Figure 5: Potential Sites within Link A



20.34 It was identified by the applicants that all three sites have the potential to provide an MSA and have the capability to technically deliver the junction requirements for an MSA, but each of the sites have their own sets of planning constraints. Furthermore, it has been noted that all three sites would require junction works which would result incursion into areas within Flood Zones 2 and 3. Therefore, out of three sites, the applicants consider there is no potentially alternative site with a lower flood risk. As such, the sites would be ranked in terms of their planning constraints and availability. All sites fall within the Green Belt and are assessed in terms of their impact. Sites A and B would have the greatest adverse impact as they are located in a narrowest strip between Uxbridge and Iver Heath resulting in urban sprawl, with slightly less for Site B. Site C is more disconnected with the urban edge and would have the lowest impact in a slightly wider expanse of the Green Belt. Site A has been identified as being constrained by the Colne Brook and with a number of pylons crossing the site. In addition, the site is within two land ownerships with the southern half not commercially available. The site is also subject to former landfill workings and has been the subject of previous MSA planning history for a refused scheme.

20.35 Site B has been identified as the most constrained site. The Colne Brook runs parallel to the M25 along the site and is subject of a Grade II*

building, ancient woodland and would require junction access across the southern section of site A (as described above), which is not commercially available.

- 20.36 Site C (application site) has been identified as being adjacent to a number of Grade II listed buildings, would require the diversion of a bridleway and would be commercially available.
- 20.37 Taking the above into account, the sequential test assesses Site C as the being the best site out of the three in terms of planning constraints and meeting the requirements of Circular 02/2013. Site C being the location of the subject proposed MSA (Colne Valley Services).
- 20.38 The competing CV MSA and CSP2 MSA applicants have taken a different approach to their sequential test and conclude that each of their respective sites are sequentially preferable to the other.
- 20.39 Objections have been raised by the applicants for the CSP2 site on the sequential test approach, that there is a preferable site in terms of flood risk which does not involve development in flood zones 2 and 3 and is therefore sequentially preferable, that is sites between junctions 15-17 where CSP2 is located. Beyond the PPG, there is no detailed guidance on the methodology to follow or criteria to use in assessing a sequential test and that this is a matter of judgement for the council as the decision maker.
- 20.40 The CV MSA sequential test sieves out the CSP2 MSA site at stage 2 for reasons that it does have surface water flood risk and performs worse locationally. The approach taken in CSP2 MSA sequential test focuses more on flood risk and places less emphasis on the difference between the number of gaps and traffic flows a specific MSA location would serve. No consideration is given to the traffic flows along the respective stretches of the motorway.
- 20.41 The NPPF makes it clear that all sources of flood risk should be taken into account and to steer development to areas of lowest risk, whilst recognising that some development may need to be placed in such areas. Officers acknowledge that there is surface water risk at both the application site and the CSP2 site and there is fluvial flooding risk at the application site (CV). Officers conclude that there is a greater risk of flooding from the fluvial flooding in addition to the surface water flooding at the CV MSA site, and that the CSP2 MSA site could therefore be regarded as at lower risk of flooding.
- 20.42 In applying the remainder of the sequential test as set out in paragraph 162 of the NPPF, consideration then falls to consider whether the site is appropriate for the proposed development. The “appropriate” test would consider the wider merits of the sites. It would therefore be appropriate for this to be considered in the Alternative Sites Assessment below, where the relevant comparison of the main factors are being assessed in that section.
- 20.43 It is noted that the PPG advice states where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare

reasonably available sites within medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas. In so far as the PPG may be read a comparison is therefore carried out in the same way as set out under the approach under the paragraph above.

Exceptions test

20.44 Paragraph 163 of the NPPF states:

‘If it is not possible to possible for a development to be located in areas with a lower risk of flooding (taking into account wider sustainability objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

20.45 Therefore, in any acceptance of the sequential test the proposed MSA development as development within flood zone 2 and 3 would be required to pass the exception test. Paragraph 164 of the NPPF states the following:

‘The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.’

20.46 In the event that the sequential test is passed, the exceptions test can be applied. In terms of point (a) of paragraph 164 of the NPPF, the proposed MSA would provide benefits to road users of the SRN. As previously highlighted the proposed MSA would address non-policy gaps between existing MSA on the SRN to meet a need. In addition, the proposed MSA would provide economic benefits in terms of jobs, sustainability benefits in terms of electric charging provision, footpath improvements (including a crossing over Slough Road) and biodiversity net gains. When considering the highest flood risk would be limited to slip roads (eastern section of the site), it is considered that the wider sustainability benefits would outweigh the flood risk.

20.47 In relation to point (b) of the proposed MSA development, it has been set out above how the proposed development has evolved to ensure the more vulnerable areas of the site are in the lower flood risk zones. The proposed MSA building and other facilities would be located in Flood Zone 1 and the finished floor levels would be sufficiently raised above the modelled design event floodplain extent, with the access **only** being located in Flood Zone 2 and 3. The proposed slip road is also elevated above the modelled design event flood level in this area. The external ground levels can be

designed to be profiled to direct surface water away from the built development and towards the nearest drainage point. It is considered that the proposal would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

20.48 It is noted that there have been representations from the CSP2 applicants questioning whether the access roads could be classed as 'essential infrastructure' and in particular "essential transport infrastructure which has to cross the area at risk "as laid out in Annex 3 of the NPPF. Annexe 3 sets out the flood risk vulnerability classification relevant to the decision on whether to apply the exceptions test. In this instance the exceptions test has been applied and the conclusion reached that the site would be safe for its lifetime taking account of the vulnerability of its users. The site would be meet tests in a) and b) of paragraph 164.

20.49 The Planning Inspector when dismissing the previous CSP1 MSA proposal under reference PL/19/2260/OA refers to the subject of flood risk at the location of the proposed Colne Valley Services site. Paragraph 109 of the APP/X0415/W/21/3272171 states:

'The area to the east of the M25 which would be used for highway infrastructure includes land that lies within Flood Risk Zones 2 and 3. There is criticism of some of the work undertaken to support the application, including the approach to the sequential test. But focusing on the site itself rather than the application, national policy accepts that, if there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, then the sequential test is capable of being met. Moreover, the need for the development and the ability to make the development safe would mean that the exception test would be likely to be met. The works that would take place in the areas at risk of flooding would not comprise vulnerable development.'

Having regard to the assessment above, it is considered that in the event the sequential test is passed the exceptions test could be passed.

Flood Risk mitigation and drainage

20.50 Chapter 10 of the ES considers flood risk and drainage matters. An updated Flood Risk Assessment, Sustainable Drainage Statement and Hyrdogeology technical note has been submitted as part of the application. These documents demonstrate that flood risk would not be increased elsewhere on site or the neighbouring site. In addition, de-culverting works are proposed for the River Alderbourne on the eastern parcel of the site, this is considered to result in improvements in terms of flood risk. The EA have raised no objection subject to the imposition of conditions as set out in the appendices and officers are satisfied that the proposal will not increase flood risk to the wider area. *Sequential approach to site layout:* It is also noted that the proposed MSA building and associated fuel station and drive thru would be entirely located in flood zone 1 and will be removed from the 1 in 100-

year + 35% design event floodplain based on the hydraulic modelling study. The proposed slip roads on the eastern side of the M25 transecting Flood Zones 2 and 3 and the FRA demonstrates that it can remain safe without off site impacts. As such, the proposal site would appear to have been sequentially laid out to avoid more vulnerable uses within a higher risk of flooding. The EA raise no objection subject to conditions.

SUDs and Drainage

- 20.51 The drainage details designed for the site, incorporating a range of SuDS measures including swales, infiltration soakaway/basins, infiltration trenches, detention basins and underground attenuation tanks. During the course of the application the Local Lead Flood Authority (LLFA) did seek further clarification and details in relation to the existing surface water flow route and the drainage strategy (each of these matters have since addressed by the applicant). The LLFA has confirmed that there are no outstanding concerns in relation to either flood risk or the drainage strategy, and it is recommended that conditions be secured in the event of any approval. These conditions would secure a detailed surface water drainage scheme for the site, and a commitment to adhering to a whole-life maintenance plan for the site.
- 20.52 The proposed MSA development would result in works to a main watercourse and would result in new structures over the River Alderbourne. The applicant has submitted amended details during the course of the application in order to address concerns from the Environment Agency relating to flood risk, biodiversity and de-culverting of the river. Overall, the Environment Agency have removed their objections to the scheme and have suggested a number of conditions.

Secondary Effects

- 20.53 The ES and ES Addendum sets out the potential significant effects of the mineral extraction upon surface waters, groundwater and flood risk. The ES is accompanied by a Flood Risk Assessment and a Hydrogeological and Hydrological Impact Assessment.
- 20.54 The proposed mineral extraction would occur on the application on land to the west of the M25. The mineral content underneath the soil comprises of superficial sands and gravels. The affected area is located within flood zone 1 and low risk of surface water flooding.
- 20.55 Subject to the appropriate mitigation through a CEMP secured by planning condition, it is considered that the proposed mineral extraction would not have any significant impacts upon the local water environment.
- 20.56 In summary, the Alternative Site Assessment section will consider the flood risk sequential test further and flood risk. 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 and therefore flooding impact would not be significant, subject to appropriate mitigation. The sequential test will be dealt with later in the report.

Utilities

- 20.57 A utilities assessment has been undertaken to consider the available capacity for water, gas and electricity at the application site. The assessment has been undertaken assuming potential load requirements of conventional fuels e.g. gas and grid electric, based on similar MSA buildings.
- 20.58 The assessment found existing connections for gas, water and foul waste would be suitable for the proposed development with minimal or no further work required. A number of utilities have been identified which run under the A4007 Slough Road.
- 20.59 In terms of electricity, a number of high voltage cables are available in the vicinity of the site. Connection to these supplies would be subject to permissions via the relevant suppliers.
- 20.60 It is likely that the proposed development would connect to the public water, foul sewage and electricity supply. Thames Water has identified a number of issues with the capacity of the foul water network which would have implications on the discharge of sewage as part of the proposed MSA. As such, a grampian style condition is recommended requesting details of phased connection into the public sewage system so that Thames Water can appropriately plan and allocate infrastructure provision. It is considered that this would be a satisfactory approach.
- 20.61 Affinity Water have also raised no objection to water use of the proposed development. The MSA should also be able to link into existing telecoms and cable operators, again there is existing infrastructure located to the south of the site on the A4007 Slough Road.
- 20.62 Works are likely to be provided within existing highways and would not significantly impact any sensitive areas as defined in the EIA Regulations. Subject to best practice construction measures being implemented, it is not expected that this potential off-site work would result in likely significant effects.
- 20.63 Overall, sufficient utility infrastructure is available in the immediate area to accommodate the development proposal.

21.0 Other Material Considerations - Need Case for MSA Development

Government Guidance provides a policy context for operators and others involved in identifying and filling gaps in the MSA network.

- 21.1 The National Policy Statement for the National Networks (2014) states at paragraph 2.1 that “The national road and rail networks that connect our cities, regions and international gateways play a significant part in supporting economic growth and productivity as well as facilitating passenger, business and leisure journeys across the country.”
- 21.2 National Government policy relating to the strategic road network (SRN) is contained within Department for Transport (DfT) Circular 01/2022 ‘The Strategic Road Network and the Delivery of Sustainable Development’. This sets out Government policy with regard to the function and provision of Motorway Service Areas (MSA) on the motorway network. The Circular advises that a well-functioning SRN enables growth by providing safe and reliable journeys.
- 21.3 Annex A of the Circular sets out the policy on the provision for road facilities (including MSA’s) on the SRN. MSA’s meet a public need on the SRN, this need relates to the provision of facilities which support the safety and welfare of the travelling public. The circular sets out the fact that MSA’s perform an important road safety function by providing opportunities for the travelling public to stop and take a break.
- 21.4 Paragraph 74 of the Circular 01/2022 states that ‘Road side facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours’
- 21.5 For this reason, National Highways recommends that the maximum distance between driver facilities on the SRN should be no more than 28 miles (which is typically 30 minutes travelling time). The distance between services can be shorter, but to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the ‘Design Manual for Roads and Bridges’, including its provisions in respect of junction separation.
- 21.6 In determining applications for new MSAs, Local Planning Authorities (‘LPAs’) should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should LPAs seek to prevent competition between MSA operators; such authorities should determine applications on their specific planning merits. This is interpreted as meaning that once a gap between MSAs

is shown to exist, it is not necessary to have regard to other considerations in determining whether a need exists – a need either exists or it does not.

21.7 The interpretation of the above is considered that once a gap between MSAs is shown to exist, it is then not necessary to have regard to other considerations in determining whether a need exists – a gap of 28 miles is in itself sufficient evidence of need for planning purposes.

21.8 Annex A of Circular 01/2022 also sets out policy, along with the standards and eligibility for signing of roadside facilities on the SRN. In terms of the minimum requirements for a MSA, they must:

- Open 24 hours a day, 365 days a year;
- Provide free parking for up to 2 hours minimum for all vehicles permitted to use the road served by the facility;
- Provide security monitoring equipment including appropriate lighting and CCTV systems
- Provide free toilets/hand washing facilities with no need to make a purchase;
- Provide shower and washing facilities with no need to make a purchase;
- Provide shower and washing facilities for HGV drivers, including secure lockers in the shower/washing area;
- Sale of fuel;
- Serve hot drinks and hot food for consumption; and
- Provide access to a free of charge telephone for emergency use and Wi-Fi power points for device charging.

21.9 Paragraph 84 of the Circular 01/2022 states that on-line MSAs (accessed directly from the relevant motorway), are considered to be more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand to existing Junctions. Paragraph 85 therefore outlines that “where competing sites are under consideration and on the assumption that all other factors are equal, new facilities must be provided at on-line locations”.

21.10 All proposals for roadside facilities should also be considered in the context of the Framework. This is consistent with the policy in Circular 01/2022, as the Framework also recognises (footnote 42, page 31) that the primary function of roadside facilities should be to support the safety and welfare of the road user. Paragraph 109 of the Framework further advises that planning decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages.

21.11 As highlighted above, MSA's exist in order to meet safety and welfare needs on the SRN. The absence of such facilities in areas where there is a demonstrable unmet need places the safety and welfare of the travelling public at risk and increases the chances of fatigue related accidents. In the context of the subject application it is necessary to consider whether there is an existing

unmet need for an MSA facility on the western section of the M25. It is also noted that paragraph 109 of the NPPF which states that planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

21.12 The application is accompanied by supporting information which illustrates the need for a MSA on the western section of the M25. The applicant advises that regard has been paid to the policy guidance in relation to the maximum distance between MSA's which arises from the need to meet safety and welfare of road users as set out in Circular 01/2022.

21.13 The table below, shows the locations of gaps over 28 miles on the Northwest quadrant of the M25 motorway identified by the applicant in the submitted Planning Statement. Gaps outlined in this table are measured by the distances between the centres of MSA car parks and include gaps in both directions. It should be noted that the gaps in provision identified in table 7 and table 8, below, do not take into account the frequent times when it may take drivers in excess of 30 minutes to travel 28 miles due to congestion on a section of the network. Although, average traffic speed is also a relevant consideration, as National Highways recommends, through Circular 01/2022, that the maximum distance between driver facilities on the SRN, should not typically be more than 30 minutes travelling time, as average travelling speeds fall due to traffic capacity during peak period, then gaps in provision of 28 miles or more become significantly worse in terms of meeting the 30 minutes travelling time guidance.

Table 7: Existing MSA spacing exceeding 28 miles

	MSA	MSA	Gap distance in Miles	Route
1	South Mimms	Cobham	44.6	M25
2	South Mimms	Reading	54.4	M25 & M4
3	Cobham	Reading	43.1	M25 & M4
4	Cobham	Toddington	53.3	M25 & M1
5	Reading	Toddington	63.5	M4, M25 & M1
6	South Mimms	Beaconsfield	28.7	M25 & M40
7	Cobham	Beaconsfield	27.0	M25 & M40
8	Beaconsfield	Reading	37.4	M40, M25 & M4
9	Beaconsfield	Toddington	36.6	M40, M25 & M1
10	Fleet	South Mimms	50.5	M3 & M25
11	Fleet	Beaconsfield	33.1	M3, M25 & M40
12	Fleet	Toddington	59.2	M3, M25 & M1
13	Heston	Beaconsfield	15.2	M4, M25 & M40
14	Heston	South Mimms	32.4	M4 & M25
15	Heston	Toddington	41.3	M4, M25 & M1

16	London Gateway	Cobham	46.2	M1 & M25
17	London Gateway	Fleet	52.8	M1, M25 & M3
18	London Gateway	Reading	56.2	M1, M25 & M4
19	London Gateway	Heston	34.1	M1, M25 & M4
20	London Gateway	Beaconsfield	30.4	M1, M25 & M40

21.14 Having identified that there is a need for an MSA on the western section of the M25, the applicant has identified an area where this need could be best met. It should be noted that the table above does not take into account travel times. During peak times and periods of congestion it may take drivers in excess of 30 minutes to travel the 28 miles. As noted in Circular 01/2022 travel time is also a consideration as set out in para. 75 of the circular it states 'The network of signed roadside facilities on the strategic road network is intended to provide opportunities to stop at intervals of approximately half an hour. However, the timing is not prescriptive as travel between services may take longer on congested parts of the SRN.

21.15 Also relevant to the case for need is reference to the report published by the Highway Agency (now National Highways) entitled 'Spatial Review of the Strategic Road Network Services Areas' (2010). The report identified that long separation distances between MSA's in the South East were an issue, with around a third of separations being greater than 40 miles and the majority of gaps identified being around the western side of the M25.

21.16 The report referred to above makes reference to Cobham MSA in Surrey which has since been built. It states at paragraph 4.23 of the report: 'a new MSA at Cobham would not solve the separation issues for all the problem routes identified', and paragraph 5.9 goes on to say: 'the western stretch of the M25 is poorly serviced by MSAs which will only be partially rectified by a new MSA at Cobham'.

21.17 In addition to the above, officers also note 2005 Secretary of State (SoS) decision in relation to the approved New Barn Farm MSA (now known as Cobham Services) and Burtley Wood MSA (now known as Beaconsfield Services). The SoS makes reference to the need for a MSA in the western sector of the M25, indicating that one or two MSA's might be provided for this sector. At paragraph 28 of the decision letter the SoS highlights that the approval of the Cobham services may lead to pressure for further MSA's on the M25 further to the north.

21.18 Noting the above, the applicant has identified the optimum search area for a new MSA between junction 15 of the M25 (M4) and junction 17 of the M25 (Maple Cross). It is also considered by the applicant that further weight to the

need (notwithstanding the non-compliant gaps between MSA's) should be afforded, due to the fact that the western section of the M25 is the busiest part of the UK motorway network and acts as a key link on a number of long distance routes from north to south of England and north to west. An MSA in this location would also address the majority of non-compliant gaps as identified in the table below, with those resolved highlighted in green

Table 8: Gaps met by proposed MSA

MSA	MSA	Route	Current Gap (miles)	Gap with the introduction of CVS MSA
South Mimms	Cobham	M25 (Anti-Clockwise)	44.6	24.2
Cobham	South Mimms	M25 (Clockwise)	44.6	20.2
South Mimms	Reading	M25 - M4	54.4	24.4
Reading	South Mimms	M4 - M25	54.4	30.4
Cobham	Toddington	M25 - M1	53.3	20.2
Toddington	Cobham	M1 - M25	53.3	33.1
Reading	Toddington	M4 – M25 - M1	63.5	30.4
Toddington	Reading	M1 – M25 - M4	63.5	33.1
Cobham	Beaconsfield	M25 - M40	27.0	20.1
Beaconsfield	Cobham	M40 - M25	27.0	7.3
Beaconsfield	Reading	M40 –M25 - M4	37.4	7.3
Reading	Beaconsfield	M4 – M25 - M40	37.4	30
Fleet	South Mimms	M3 – M25	50.5	26.4
South Mimms	Fleet	M25 - M3	50.5	24.6
Fleet	Beaconsfield	M3 – M25 - M40	33.1	26.4
Beaconsfield	Fleet	M40 – M25 - M3	33.1	7.3
Fleet	Toddington	M3 – M25 - M1	60	26.4
Toddington	Fleet	M1 – M25 - M3	60	33.8
London Gateway	Cobham	M1 - M25	46.2	26.2
Cobham	London Gateway	M25 - M1	46.2	20.1
London Gateway	Fleet	M1 – M25 - M3	52.8	26.2
Fleet	London Gateway	M3 – M25 - M1	52.8	26.4
London Gateway	Reading	M1 – M25 - M4	56.2	26.2
Reading	London Gateway	M4 – M25 - M1	56.2	30
London Gateway	Heston	M1 – M25 - M4	34.1	26.2

Heston	London Gateway	M4 – M25 - M1	34.1	8.3
Heston	Beaconsfield	M4 – M25 - M40	15.2	8.3
Beaconsfield	Heston	M40 – M25 - M4	15.2	7.0
Heston	South Mimms	M4 - M25	32.5	8.3
South Mimms	Heston	M25 - M4	32.5	24.2
Heston	Toddington	M4 – M25 - M1	41.3	8.3
Toddington	Heston	M1 – M25 - M4	41.3	33.8

21.19 The applicant considers that the table demonstrates that of the non-compliant gaps on the western section of the M25 the CV MSA would resolve 22 of those gaps and materially reduce all 8 other existing gaps to 33.8 miles or less. This figure includes the gaps between Cobham and Beaconsfield which are less than the 28 miles and are not therefore highlighted in green, thus reducing the number of non-compliant gaps addressed to 20.

21.20 The need for an MSA and non-compliant gaps was considered in the recently dismissed appeal for the CSP1, which is a material consideration. The Planning Inspector highlights that there are no MSA's on the western section of the M25 between South Mimms and Cobham and recognises that there is a clear need for a new service area in the north-west quadrant of the M25 between the junctions with the M1 and M4. At paragraph 66 the inspector states:

'There are no MSAs on the western section of the M25 between South Mimms (junction with the A1) and Cobham (near the A3). Taking into account the wider motorway and strategic road network connected via the M25, including the M1, M40, M4 and M3, there are some 42 gaps between MSAs exceeding 28 miles. Some gaps are upwards of 50 miles. There are a few other gaps close to 28 miles on these heavily congested stretches of the motorway network, where travelling can often take longer than 30 minutes, particularly during peak periods. There is a clear need for a new service area in the north west quadrant of the M25 between the junctions with the M1 and M4.'

21.21 The Inspector recognised that the location of the CV MSA would fall between 32 of the gaps and address 20 of them. It would also reduce the gap between Beaconsfield MSA on the M40 and Cobham, measured at 27 miles to 20 miles or 7 miles depending on the direction of travel.

21.22 In conclusion, it is considered that a clear need for the proposed MSA in this section of the M25 between Cobham and South Mimms has been demonstrated when assessed against Government Policy as set out in Circular 01/2022 and has been accepted by the Inspector in his decision on the recent CSP1 appeal. Whilst there is a difference between the gaps referred to, it is considered that the appeal Inspector's approach that the proposal would resolve 20 of the identified gaps and would have the benefit of reducing the

gaps between Beaconsfield and Cobham in both directions (2) is reasonable to accept. The proposed MSA would respond to the unmet need for a MSA facility on the north west quadrant of the M25 motorway. This facility would address the welfare and safety of drivers using the SRN. This need is a material consideration in favour of the application and is afforded very significant weight.

22.0 Consideration of Alternatives and the Alternative Sites Assessment

- 22.1 It has been established through previous appeal decisions that there is a need for one MSA in the north-west quadrant of the M25. The development proposal gives rise to clear public convenience or advantage, by fulfilling this safety function, but also inevitable and adverse effects or disadvantages to the public, by virtue of Green Belt, landscape and other identified harm. Case law indicates that, in such circumstances, it is considered appropriate to consider the extent to which an alternative site would amount to a preferable approach to meet the identified need. not have such harmful effects, or would not have them to the same extent. As such, the competition between sites for meeting this identified need has prompted the alternative sites assessment as a material consideration. Consideration of alternatives is relevant to the vsc test which, is consider later in the report, at the Planning Balance.
- 22.2 The applicant has included an assessment of the alternatives sites within the submitted planning statement and supplementary planning statement. In addition, the Sequential Test and Exception for Flooding also provides information on the alternative sites. This section of the report will undertake an alternative site comparison of key planning considerations before concluding on whether an alternative site to the CVS MSA would amount to a preferable approach to meet the identified need. The conclusions drawn will then be pulled forward into the Planning Balance at the end of this report.
- 22.3 During the course of the application there have been competing proposals for a new MSA on the western section of the M25, which are included in the assessment and are addressed further in this section of the report.
- 22.4 There is no agreed published methodology for undertaking an Alternative Site Assessment (ASA). Circular 01/2022 provides guidance to the process of identifying an appropriate location for a new MSA and is the starting point for establishing the minimum requirements for MSA development. In addition, EIA Regulations places no obligation on applicants to actively assess alternatives or to justify the choices they have made.
- 22.5 In terms of the site selection the applicants' key considerations of a preferred site on the western side of the M25 were:

- National Highways preference for on-line MSA's as opposed to off-line. Circular 02/2013 makes reference to on-line MSA's. Paragraphs B13 – B15 of Circular 02/2013 states “on-line (between junctions) service areas are considered to be more accessible to road users and a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions”.
- The ability to provide access and egress from the M25 to a new MSA via slip roads that would comply with highway standards or capable of an approval of a departure from relevant standards.
- Seek to address as many non-compliant gaps of MSA's and seek to serve the maximum number of motorway users.
- Finding sufficient land commercially available for a potential MSA.
- Avoid significant environmental constraints in terms of site selection.

22.6 It is noted that Green Belt surrounds the entire M25 (and adjacent sections of the M1, M40, M4 and M3). Therefore, this designation means there are no alternative MSA locations outside of the Green Belt. In terms of justification, the applicants ASA sets out that in order to minimise the harm to the Green Belt the MSA should seek to deliver safety and welfare benefits to the maximum number of motorway users. In terms of the criteria of meeting the best need the following have been applied:

- Number of MSA gaps served
- Number of non-compliant gaps
- Number of Motorway users served.

22.7 Area of search: The ASA identifies the western section of the M25 between junctions 15 and 20 as potential locations for a proposed MSA. The ASA carried out reflects the preference for on-line MSA in accordance with the Circular However, suitable areas for off-line MSA's have been considered. It also considers the size of land parcels required to support an MSA. The ASA splits the M25 (15-20) into a series of links, this also consistent with the approach carried out in flooding sequential test as set out in the previous section of the report. The links are as follows:

- Link A: Junction 15 to 16
- Link B: Junction 16 to 17
- Link C: Junction 17 to 18
- Link D: Junction 18 to 19
- Link E: Junction 19 to 20

22.8 The Design Manual for Roads and Bridges (DMRB) sets out the Standards which will be applied to new slip roads in terms of the safe weaving distances for vehicles entering and leaving the Motorway. The technical definition of a weaving section (Paragraph 1.36 of TD22/06) is:

“the length of the carriageway between a successive merge or lane gain and diverge or lane drop, where vehicles leaving the mainline at the diverge or lane drop have to cross the paths of vehicles that have joined the mainline at the merge or lane gain. DMRB Paragraph 4.35 relates to rural Motorways, which includes the M25. The guidance states that the desirable minimum weaving distance must be 2 kilometres / 1.24 miles.”

22.9 It is however noted that National Highways can allow a departure from the required design standards and the applicants use a minimum of 1.2km weaving to the adjacent junctions. The applicants ASA sifts out link C (junction 17 to 18) in terms of highway safety for reasons that an MSA could not be located between these junctions due to the lack of adequate weaving distances. The ASA also notes distance constraints with Link D and E, this is also consistent with the findings in the flood sequential test. However, for the purposes of the ASA exercise, these sites are carried through for the consideration for non-compliant gaps and traffic levels. It is noted that the current application site does not meet the full weaving distances and National Highways are supporting a departure from the standard as set out above.

22.10 In terms of the assessment against the number of non-compliant gaps fulfilled between each link, these are ranked as follows:

- Ranked 1st: Junction 15 to 16 (Link A): 22 non-compliant gaps
- Ranked 2nd: Junction 18 to 19 (Link D): 21 non-compliant gaps
- Ranked 3rd: Junction 16 to 17 (Link B): 19 non-compliant gaps
- Ranked 4th: Junction 19 to 20 (link E): 18 non-compliant gaps

22.11 In terms of levels of traffic levels, data has been obtained from National Highways webtris database (2019) for each of the links identified above. In terms of two-way traffic flow the following links have been ranked as follows:

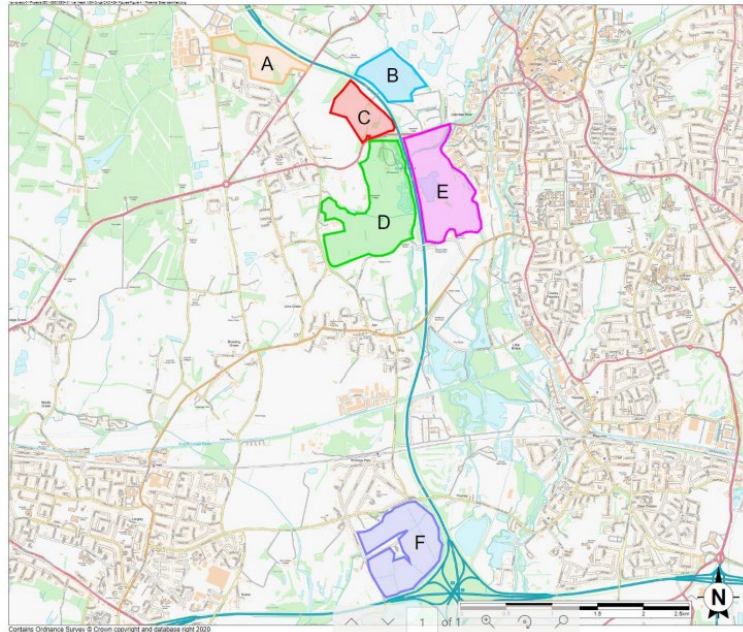
- Ranked 1st: Junction 15 to 16 (link A): 207,816 vehicles passing per day
- Ranked 2nd: Junction 18 to 19 (link D): 186,952 vehicles passing per day
- Ranked 3rd: Junction 16 to 17 (Link B): 166,482 vehicles passing per day
- Ranked 4th: Junction 19 to 20 (Link E): 143,411 vehicles passing per day

22.12 Based on the above, the applicant's ASA identifies that an MSA located between junctions 15 and 16 on the M25 would serve the highest number of routes and non-compliant gaps, together with the highest levels of traffic. It is for these reasons that the applicant has taken forward Link A as the preferred location of an MSA. This includes the application site. Link B which includes the CSP1 and 2 site was sieved out at this stage by the applicant.

22.13 The next stage of the ASA identified potential areas of land between junctions 15 and 16 which would accommodate a potential MSA. The factors used to determine this includes a sufficient size area of land to accommodate an MSA and areas of land which are available and free from substantial development (including vacant land for agricultural purposes). Six sites were identified as potential MSA sites between Junctions 15 and 16 and are set out as follows:

- Site A: West of Denham Road
- Site B: Iver Heath East
- Site C: Iver Heath West
- Site D: East of Bangors Road South
- Site E: West of Uxbridge
- Site F: North West of Junction 15 (M4/M25)

Figure 6: Sites within link A



22.14 Each of these remaining sites were subject to a comparison between them, to enable ranking of them in terms of site suitability for a MSA development. The selection criteria considered:

- Highway safety and access constraints
- Planning & environmental constraints, including Green Belt and planning history
- Deliverability

22.15 In terms of highway safety and access, sites C, D and E were carried forward in the applicants ASA. Sites A, B and F were not carried forward owing to unacceptable spacing to the junctions or weaving distances.

22.16 With the assessment of the remaining sites in terms of planning considerations the ASA sets out that all three sites are located within Green Belt, Colne Valley Regional Park and the South Bucks District AQMA. In addition, sites C, D and E have sufficient areas of land within Flood Zone 1. However, any junction works at any of three sites would result in incursion into flood zones 2 and 3.

22.17 In terms of site D the ASA highlights that this is the most constrained site, due to the fact that ancient woodland and heritage assets are within the site boundaries. The site is also judged to have adverse impacts when assessed against the purposes of the Green Belt and would require land on the opposite

side of the M25 which is not commercially available (within Site E). Site D also has negative historic planning history in terms of MSA developments.

22.18 For site E, this site is more constrained by flood Zone 3 owing to the presence of the Colne Brook in the northern section of the site. The site is also constrained by the fact that it is a historic landfill site, and like site D is subject of historic MSA planning history (which were applications refused or dismissed). The southern section of site E is also not available commercially for the purposes of an MSA development. In terms of Green Belt performance, the applicants consider site E would have the greatest adverse impact in terms of Green Belt.

22.19 Site C is contained within Flood Zone 1, although the ASA also recognises that any junction formation would involve an incursion onto flood zones 2 and 3. The site is adjacent to ancient woodland and designated heritage assets. The ASA identifies site C as having the lesser harm on the Green Belt compared to sites D and E.

22.20 Noting the above, the ASA identifies site C as being the best performing site and would best meet the overall assessment criteria. The applicant states that as site C would represent an on-line MSA site, which the preference in accordance with the locational requirements set out in Circular 02/2013, (replaced by Cir 1/2022). As such, and in similar conclusions to the flood sequential test, potential off-line MSA sites are not given any further consideration as an alternative site. It is also noted that one of the potential off-line sites highlighted by the applicant has been the subject of a recently refused application. This is explored further in the report below.

The Alternative MSA Sites

22.21 As highlighted earlier, during the course of the application, there have been three alternative proposals for MSA's on the western section of the M25. Whilst the applicants sieved out the CSP site in their criteria based on the number and gaps and traffic levels, officers consider that it is appropriate to consider the Warren Farm/ CSP site as part of the alternative assessment.

22.22 In terms of the recently dismissed appeal at CSP1, the Inspector carried out a review of the alternative sites. At the time of the appeal this included the CSP1 site between junction 16 and 17 of the M25 (on-line MSA), Hunton Bridge (off-line MSA) junction 20 of the M25 (known as Moto and refused by Three Rivers District Council), and the subject application at Colne Valley Services (on-line MSA) between Junction 15 and 16 on the M25. A copy of the CSP1 appeal is attached at Appendix D.

22.23 The CSP1 scheme was dismissed on the grounds that the scheme would cause substantial harm to the Green Belt. Other harm was raised in terms character and appearance of the area, loss of BMV agricultural land and to aviation

safety. In coming to his conclusion, the Inspector also gave consideration to the other two proposals for MSA's on the western section of the M25.

22.24 At paragraph 79 of appeal reference APP/X0415/W/21/3272171 the Inspector states:

'It is common ground that there is a need for one MSA on the north-west quadrant of the M25. The proposal before me gives rise to 'clear public convenience or advantage' but also inevitable and adverse effects or disadvantages to the public.' Case law indicates that, in such circumstances, it is necessary to consider whether an alternative site exists for the same project which would not have those effects or would not have them to the same extent.' (cited Secretary of State v Edwards Court of Appeal 1995).

22.25 The inspector went onto to compare each of the proposed MSA schemes as part of the appeal. In terms of the off-line Junction 20 scheme (known as Moto) this had been refused permission by the time the Inspector reviewed the alternatives. Of the scheme, the Inspector notes at paragraph 92:

'In comparison with the appeal site, the Green Belt, landscape, and veteran tree harms are of a similar magnitude in the round, there is likely to be a greater effect on listed buildings, but advantages in terms of BMV land, aviation safety and accessibility. Biodiversity impacts are likely to be similar. As things stand, the greatest distinction in terms of harm is the effect of the Moto site on the highway network.'

22.26 The inspector goes onto describe the fact that the off-line scheme at junction 20 would produce many of the benefits of the CSP1 on-line scheme in terms of meeting the need, providing jobs and reducing gaps between MSA's. However, due to questions over the outstanding highway matters and deliverability the Inspector concluded that the Moto scheme would not provide a persuasive alternative.

22.27 It should be noted that the Moto scheme at Junction 20 was not appealed nor has an alternative proposal at this site been put forward. As such it is reasonable to conclude that the junction 20 MSA scheme would not remain as a viable alternative scheme to the subject application.

22.28 In terms of the comparison of the dismissed CSP1 scheme and the subject application the Inspector recognised that overall, the proposed Colne Valley Services MSA site would have:

"clear advantages in terms of Green Belt in that whilst the impact on Green Belt purposes would be broadly comparable, the impact on openness would be less".

22.29 The Inspector recognised that there would be major adverse visual effects in terms of changes to landscape impacts in respect of the Colne Valley scheme (reduce to major by new planting) (paragraphs 104-105). However, due to the

site circumstances the Inspector considered Colne Valley MSA had advantages over the CSP1 scheme, stating at paragraph 106:

'However, the Iver Heath site can be distinguished from the appeal site because the landscape overall is not as sensitive as that at Warren Farm, the amount of change to the landscape fabric would likely to be considerably less and the extent of visual containment by woodland features and other features is greater, other than that for an area to the east of the M25. Of particular note is the different relationship with the users of the M25 – those passing the appeal site would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.'

22.30 In concluding on the alternative site, the Inspector was clear that the Colne Valley Services MSA had the potential to fulfil the need for the MSA and other benefits, but with less harm to the Green Belt than the CSP1 proposal. However, the Inspector was clear that only the comparative merits were being considered as part of the appeal. At paragraph 119 he states:

'The decision on the CVMSA site is for someone else, including deciding whether the very special circumstances test is passed. I can only make a judgement on the comparative merits. However, based on what is before me, the CVMSA site would provide similar benefits but with appreciably less harm. Therefore, the feasible alternative of the CVMSA site is a weighty other consideration.'

22.31 Since the dismissed appeal, an amended scheme in the vicinity of the Warren Farm site, albeit further south, has been submitted to the Council, known as CSP2. The main difference between CSP1 and the revised proposal at CSP2 is that the MSA has now been re-located to the eastern side of the M25, adjacent to the current HS2 workings on the Chiltern Tunnel.

22.32 The proposed MSA scheme at CSP2 would continue to be located in roughly the same location between junction 16 and 17 of the M25, but with the MSA building located on the eastern side of the M25. The CSP2 MSA scheme would continue to be an on-line MSA and served by a similar access slip roads as per CSP1. The current scheme is undetermined and can be differentiated to the CSP1 scheme as follows:

- MSA facilities building, parking and fuel filling relocated to the eastern side of the M25 (adjacent to the current HS2 compound for the Chiltern Tunnel)
- Reduction in overall site size from 59.52 hectares to 35.87 hectares
- Reduction in the scale and footprint of the facilities building
- Removal of hotel
- Reduction in car parking

22.33 The subject MSA scheme and the revised CSP scheme are making their case for why their site is the best placed and best suited to meet the need. However,

only one of the MSA proposals can, in reality, come forward to meet the identified need.

22.34 When it comes to judging acceptability of the Colne Valley Services proposal, it is reasonable and proper to take into consideration the circumstances of the other proposed MSA at CSP2, as this is a material consideration for the decision maker.

22.35 A review of the two current MSA proposal are summarised in table 9 below, together with the summary of the Inspector’s conclusions from his report on the appealed Chalfont St. Peter (CSP1) site in **bold** relating to either that site or to the other locations he considered at that appeal:

Table 9: Alternative MSA Comparison of Main Considerations

Topic Area	Iver Heath (Colne Valley Services)	Warren Farm (Chalfont St. Peter 2)	Warren Farm (Chalfont St. Peter 1 – Dismissed on appeal) Comments by Inspector in comparison to Iver Heath in bold	Summary
Site Size	The site comprises approximately 45ha of agricultural land immediately adjacent to the M25 motorway between J15 and 16. 13.25ha of developed area	The site comprises of approximately 35.87ha of agricultural land on either side of the M25 between J16 and J17. Part of the eastern area is currently used as HS2 compound for the Chiltern Tunnel 8.71ha of developed area	59.52ha of medium scale arable fields on either side of the M25. Developed area is 11.6 hectares	CSP2 proposed MSA has a smaller land area and smaller developed area. CV MSA has a larger land take to accommodate for parking required by additional traffic flow on the M25.
Green Belt	Inappropriate GB development. Will result in significant harm to openness of	Inappropriate GB development. Will result in significant harm to openness of the GB in both	Yes CSP1 limited harm to GB purposes a); significant harm to c) and no	Each proposal is inappropriate development in the GB and will impact on

	<p>the GB in spatial terms and moderate visual impact .</p> <p>Limited harm to GB purposes a) and b) and moderate adverse harm to c)</p> <p>Overall harm: moderate</p>	<p>spatial and visual impact. No harm to purpose a) and b). Moderate harm to purpose c)</p> <p>Overall harm: significant</p>	<p>material harm to b)</p> <p>Iver Heath Limited harm to GB purposes b)</p> <p>Development at Iver Heath broadly comparable and spatial dimension of harm would be similar.</p> <p>Iver Heath adverse impact in visual dimension from local viewpoints Overall CV MSA would have clear advantages in Green Belt terms compared to CSP1. Although broadly comparable in terms of purposes, there would be considerably lesser impact on openness</p>	<p>openness of the GB.</p> <p>CV MSA less harmful in visual impact terms of openness, due to reduce visual prominence. Overall moderate harm .</p> <p>CSP2 less harmful in terms of conflict with Green Belt Purposes. Overall significant harm</p>
<p>Scale and Height Parameters (indicative)</p>	<p>Facilities/Amenity Building – up to 14.3m maximum</p> <p>Fuel Filling Station – up to 8m</p>	<p>Facilities/Amenity Building – up to 9.1 maximum</p> <p>Fuel Filling Station – up to 7m</p>	<p>Facilities/Amenity Building 13.5m maximum</p> <p>Fuel Filling Station - Up to 7m</p> <p>Hotel - Up to 13.5m</p>	<p>CSP2 MSA has a smaller scale buildings and lower overall heights. Both are indicative</p>

<p>Building Footprint</p>	<p>Facilities/Amenity Building – 4,500sqm</p> <p>Fuel Filing Station – 500sqm</p> <p>Drive-Thru Coffee – 300sqm</p>	<p>Facilities/Amenity Building – 4,700sqm</p> <p>Fuel Filling Station – 480sqm</p>	<p>Facilities/Amenity Building – 7,800sqm</p> <p>Fuel Filling Station - 450sqm</p> <p>Hotel – 3,570sqm</p>	<p>CSP2 MSA has marginally less buildings and lower quantum of building footprint.</p>
<p>Biodiversity</p>	<p>The site is not subject to any statutory designated ecological sites. Two sites of SSSI within 2km. Biodiversity Opportunity Areas to west and east. No protected species found on site. GCN Pond within 500m- District License procedure followed and 3 tests passed. No significant effects.</p> <p>Demonstrated that >10% biodiversity net gains achievable; 85.92% habitat and 58.35% hedgerows-significant</p> <p>Loss of Veteran Tree</p>	<p>The site is not subject to any statutory designated ecological sites. Two Sites of Special Scientific Interest located within 2km.</p> <p>No protected species on site. No significant effects.</p> <p>Demonstrated that >10% biodiversity net gains achievable; 15% habitat and 29% hedgerows</p>	<p>Loss of a Veteran Tree. Demonstrated that >10% biodiversity net gains achievable (35.8%).</p> <p>Iver Heath - Harm in relation to veteran tree at Iver Heath would be comparable. Any loss of veteran trees could be compensated for or replaced</p>	<p>CVS MSA GCN District Licence process and 3 tests followed, to mitigate</p> <p>CVS MSA proposal would result in the loss of a veteran tree.</p> <p>No loss of veteran tree at CSP2 or protected species affected</p> <p>CV secures higher BNG.</p>
<p>Water</p>	<p>Flood Zone 1 - Western Parcel Flood Zone 2 and 3 (a and b) and Surface Water</p>	<p>Flood Zone 1 – both parcels Two small pockets of Surface Water Flooding</p>	<p>Flood Zone 1 – both parcels Pockets of Surface Water Flooding on western section</p>	<p>CV experiences fluvial flooding. CSP2 does not experience fluvial flooding.</p>

	<p>Flooding on eastern parcel</p> <p>Flood impact mitigation included</p>	<p>comprising low ditches on western section</p> <p>Flood impact mitigation included</p>	<p>Iver Heath - Works that would take place in zones 2 and 3 would not comprise vulnerable development. If there are not reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding, then sequential test is capable of being met</p>	<p>Both CVS and CSP2 have areas of Surface Water Flooding.</p> <p>Flood impact mitigation included in both CV and CSP2 MSA –</p> <p>Sequential test dealt with later</p>
Air Quality	<p>Site is located in x2 Air Quality Management Areas – M25 and Iver Parish. Iver Parish AQMA relates to a residential area</p>	<p>Site is located in Air Quality Management Area – M25</p>	<p>Site is located in Air Quality Management Area – M25</p>	<p>CP2 located in one AQMA, CV MSA in two.</p>
Cultural Heritage	<p>One Grade II listed building adjacent to the southern area of the site. White Cottage</p> <p>A further three Grade II listed buildings are located within 120m east of the site. Barn to North East of Mansfield Farmhouse, Mansfield Farmhouse and Dovecote east of Mansfield Farmhouse</p>	<p>Three Grade II listed buildings at Mopes Farm - located within 250m south west of the site.</p> <p>Two Archaeological Notification Areas (ANAs) within the southern extent of the site.</p>	<p>Three Grade II listed buildings at Mopes Farm - located within 250m south west of the site.</p> <p>Two Archaeological Notification Areas (ANAs) within the southern extent of the site.</p>	<p>Less than substantial harm in terms of setting on designated and non-designated heritage buildings and archaeology with CV MSA proposal at lower and low to medium end of the scale respectively.</p> <p>CSP2 no harm identified</p>

	<p>A Grade II* listed dairy is located approximately 390m south of the site. Dairy in grounds of Elk Meadows</p> <p>Two Archaeological Notification Areas – western and eastern areas of the site.</p> <p>Second ANA extends into the western area of the site</p>		<p>Iver Heath - There would be less than substantial harm to the significance of designated heritage assets. The level of harm would likely be towards the lower end of the scale</p>	
Landscape Character	<p>Located on land elevated above the M25.</p> <p>Located within the Thames Valley National Character Area (NCA).</p> <p>Within the Colne Valley Regional Park</p> <p>Site located at the boundary of two LCAs. In places the strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts will be localised and predicted to be moderate. No residual</p>	<p>Topographic effects, built development would create platforms which cut into the sloped landscape below the M25.</p> <p>Located within the Thames Valley National Character Area (NCA).</p> <p>Within the Colne Valley Regional Park</p> <p>Site located within boundary of four LCAs.</p> <p>Landscape impacts would be localised and predicted to be</p>	<p>Located on smoothly rounded undulating land from small valleys.</p> <p>Within a landscape of mixed farmland with hedgerows, hedgerow trees</p> <p>Site within the Colne Valley Regional Park (CVRP)</p> <p>Within two LCA's.</p> <p>The strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts will be localised and predicted to be significant</p>	<p>Both sites are within the Colne Valley Regional Park</p> <p>The proposed developments would result in negative change to landscape character however, neither would result in major adverse harm in the long term.</p>

	significant effects in the longer term.	moderate. No residual significant effects in the longer term.		
Visual Effects	<p>ES identifies that the combination of topography and local woodland naturally screen most of the views into the site from the surrounding area, particularly that part of the site lying west of the M25.</p> <p>Four PRoW footpath routes through or adjacent to the site.</p> <p>Residential properties located adjacent to southern boundary and south western boundary.</p> <p>No long term impact, moderate harm identified.</p>	<p>Site relatively well-contained, no intervisibility with Chalfont St Peter.</p> <p>Localised impact, with no significant impact in the longer term.</p> <p>East-facing part of the site would be visible from the valley and higher residential areas in Harefield and Maple Cross. Considerable harm identified</p>	<p>ES identifies that local views into the site are limited to the west due to undulating topography and wooded landscape.</p> <p>Three public rights of ways (PRoW) Footpaths located within or adjacent to the site.</p> <p>visual receptors north of the site. Glimpsed views, through vegetation, from Denham Lane, located approximately 400m west of the site.</p> <p>Long distance views towards from the Chiltern Way</p> <p>Significant effects predicted from 4 viewpoints.</p> <p>Iver Heath is relatively well-contained by Woodland to the north east and south. There</p>	<p>CV MSA will be well contained within the landscape. Moderate harm identified in the long-term.</p> <p>CSP2 MSA will be integrated into the landscape through existing / proposed earthworks and planting, it will be more widely visible across the Colne Valley. Considerable harm identified in the long-term.</p>

			<p>would be localised effects.</p> <p>Iver Heath overall is not as sensitive as Warren Farm. Of note is the relationship with users of the M25. Those passing the appeal site (CSP1) would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.</p>	
Noise	<p>Residential properties adjacent to both the south and east of the site. The nearest property is located approx. 80m to the east. Residential receptors are also located on the edges of Iver Heath.</p>	<p>Nearest potential noise sensitive receptors are the residential receptors located on the edges of Chalfont St Peter, fronting Denham Lane and West Hyde Lane. The Orchards traveller site is also located 220m to the north of the site.</p>	<p>Nearest potential noise sensitive receptors are the residential receptors located on the edges of Chalfont St Peter, fronting Denham Lane and West Hyde Lane. The Orchards traveller site is also located immediately north.</p>	<p>Both MSAs considered acceptable on noise grounds.</p>
Residential Amenity	<p>Mansfield Farmhouse located approx. 100m to the east,</p>	<p>The Orchards traveller site, located 500m to the north west</p>	<p>The Orchards traveller located 200m to the north</p>	<p>Both MSA proposal broadly comparable in</p>

	<p>(when measured from the closest slip road (southbound M25).</p> <p>Mansfield Lodge and New Cottage approx. 80m to the east, (when measured from the closest slip road (southbound M25).</p> <p>White Cottage located adjacent to the south (approx. 170m from main MSA buildings, 200m from slip road and 40m from new Slough Road access)</p>	<p>when measured from the closest slip road.</p> <p>Aviary Cottage, Denham Lane, located 500m to the south-west when measured from closest slip road.</p> <p>Mopes Farm located 600m to the south east, when measured from closest slip road.</p>	<p>Mopes Farm located 200m to the south west</p>	<p>terms of separation distance to neighbouring properties from main MSA buildings and slip roads</p> <p>No significant impact to neighbouring residential amenity from either MSA.</p>
Ground Conditions and soil	No loss of BMV Land	<p>8.89ha of BMV Land</p> <p>BMV Land would be restored as part of the HS2 restoration</p>	<p>Historic landfill sites adjacent, and others in close proximity.</p> <p>Iver Heath would not result in the loss of BMV.</p>	<p>CSP2 would result in the loss of BMV land.</p> <p>CV MSA would not result in loss of BMV land.</p>
Mineral Extraction	The site is located within a Minerals Safeguarding Area for sand and gravel. The Minerals Assessment (Land and Mineral Management, 2020) identifies that the western	Located within a Minerals Safeguarding Area for sand and gravel	Located within a Minerals Safeguarding Area for sand and gravel – subsequently identified to be too isolated and of insufficient quantity to be commercially	CVS MSA proposal would result in mineral recovery which is a benefit.

	area of the site contains the larger reserve of the mineral resource which could be extracted prior to construction.		viable for extraction.	
Disadvantages of Mineral Extraction	Short term impacts on the landscape	No extraction of mineral	Mineral extraction would meet local and national polices and would be benefit due to shortfalls in sands and gravels in the south east	
Advantages of Mineral Extraction	Contribution to the Council's land bank		Unlikely that mineral extraction would significantly delay the site coming forward	
Aviation Safeguarding	4.9km from Denham Aerodrome 8km from Heathrow Airport 6km to RAF Northolt	2km from Denham Aerodrome 15km from Heathrow Airport 10km to RAF Northolt	2km from Denham Aerodrome Inspector concluded likely to be some harm to aviation safety but did not see the risk being of a magnitude which would be sufficient in itself to justify dismissing the appeal. Iver Heath site would not have an adverse impact on aviation safety	Objection from Denham Aerodrome. CSP2 has no significant impact on aviation safeguarding. CVS MSA has no safeguarding issues
Online/Offline	On-line	On-Line	On-line	Both comparable as on-line

HGV Parking	150 Spaces	142 Spaces	Up to 200 spaces	Both MSA's comparable in terms of HGV parking
General Parking	941 Car Parking including 51 Disabled Spaces 50 Staff Spaces 30 Coach Spaces 30 Caravan Spaces 28 Motorcycle Spaces	759 Car Parking including 38 Disabled Spaces 38 Staff Spaces 19 Coach Spaces 23 Caravan Spaces 23 Motorcycle spaces	1030 Car Parking Spaces including 52 Disabled Spaces 18 Coach Spaces 22 Caravan Spaces 22 Motorcycle spaces 1 Abnormal Load Space	Comparable provision. CV marginally more parking relative to traffic flow
Electric Charging	100 active	120 Active/ 20 Passive	Up to 20 active, spaces and up to 100 passive	Both proposed MSA's are comparable in terms of electric charging provision
Carbon Reduction	Yes	Yes	Yes	Both site capable of carbon reductions.
Sustainable Drainage	Yes	Yes	Yes	Both sites would incorporate SUDS.
Renewable Energy	Yes – to be explored at design/Reserved Matters stage	Yes – to be explored at design/Reserved Matters stage	Yes – to be explored at design/Reserved Matters stage	Both MSA proposals would be comparable
Passive Building Design	Yes	Yes	Yes	Both proposed MSA have potential to achieve passive building design. To be explored at design/Reserved Matters stage
BREEAM	Yes	Yes	Yes	Both proposed MSAs would

				achieve BREEAM building standard
Green Roofs	Yes	Yes	Yes	Both proposed MSA schemes would include Green Roofs
Sustainable Travel	<p>Staff Access pedestrian and cycle on to Slough Road</p> <p>Public Transport accessibility to bus stops on Slough Road</p> <p>Shuttle bus to Uxbridge</p> <p>CVS site is close to local areas of population</p>	Potential staff connection onto wider PROW network and Denham Way	<p>Footpath/staff access onto Denham Lane. Workers minibus proposed as part of the Travel Plan</p> <p>Iver Heath – The site is capable of being accessed by foot and cycle. There are buses serving the A4007 and Uxbridge Tube Station is 1 and half miles to the East. Proposals would include a staff shuttle bus. The site is capable of achieving a good level of accessibility</p>	Both MSAs provide pedestrian and cycle access. CV MSA provides for shorter distances, and more opportunities in terms of sustainable accessibility. 300
Secondary/Rear Access	<p>Yes</p> <p>No secondary vehicular access for TVP. Rear Access from Slough Road for staff drop off and emergencies.</p>	<p>No</p> <p>No secondary vehicular access.</p>	<p>Yes</p> <p>Footpath/staff access onto Denham Lane.</p>	<p>.</p> <p>CV MSA would provide for a secondary access road for emergency vehicles only</p> <p>CSP2 would provide for no secondary vehicular access.</p> <p>It is considered that there are</p>

				benefits and disbenefits to each approach.
Weaving Assessment	Non-compliant weaving distance Departure approved in principle by National Highways	Compliant weaving distances	Compliant weaving distances	National Highways raises no objection to either MSA.
Highways impact and safety	No Objection From National Highways subject to recommended conditions. No objections from Buckinghamshire Highway Authority – subject to conditions and/or S106 obligations	No Objection From National Highways subject to recommended conditions. No objections from Buckinghamshire Highway	No objection from Highways England or Buckinghamshire Highway Authority subject to conditions and/or s106 obligations	No objection on highway grounds on either MSA
Traffic Flows	207,816 vehicles (junctions 15-16)	166, 482 vehicles (junctions 16- 17)	166, 482 vehicles (junctions 16- 17)	The greatest traffic flows are through the link between J15 and 16. CV MSA captures a greater number of traffic movements, and therefore users
No. of Non-compliant Gaps	20 (plus reduce 2 further gaps)	19	CSP1 – 19 and Iver Heath - 20 The Iver Heath scheme would be better placed in addressing more gaps than CSP, would reduce the gap between Beaconsfield and Cobham and would serve more motorway	CV MSA proposal would address one more gap than CSP2 (and reduces 2 further gaps)

			users owing to traffic flows.	
Economic Benefits	c300 FTE Jobs in the first year of opening rising to c399 FTE jobs when fully operational	c300FTE jobs	Once fully operational c.340 full time equivalent jobs estimated	Both MSA proposals are comparable in term of economic benefits. CV MSA would be located in close proximity to population centres including Uxbridge and Slough
Deliverable Timescales	21 months estimate; Mineral extraction to be resolved first. See below on deliverability.	24 months See below on deliverability.	15 – 18 months estimate. Iver Heath – reasonable prospect of delivery and realistic timescales in 2026/27	Both MSAs are comparable in terms of delivery times. <i>It is considered appropriate to allow an opportunity for the consent process to take its course, in order that a fully informed decision can be taken.</i> See below on deliverability.

22.36 Comparative Analysis - Summary of Key Findings:

CV MSA

22.37 CV MSA would be inappropriate development in terms of Green Belt and would result in significant spatial harm and moderate visual harm to the openness of the Green Belt and is relatively well self-contained. It would result in harm to 3 out of 5 purposes of the Green Belt of which purpose a) and b) are and c) is moderate. Overall, the harm to the Green Belt is moderate.

22.38 CV MSA is the largest site overall and extent of built development with parking and HGV parking, a max footprint of 5,300sqm and 8m-14.3 max heights.

22.39 During mineral extraction and construction there would be significant effects reducing operationally to localised and moderate effects on landscape character and landscape visual effects, and having regard to mitigation this would overall result in a moderate harm.

22.40 There would be less than substantial harm to the setting of a number of listed buildings at the lower end of the scale to be weighed against public benefits. There would be harm at the lower end of the spectrum to the setting of the non-designated heritage asset to be weighed in the planning balance.

22.41 It would result in the loss of a veteran tree for which wholly exceptional circumstances can be attributed, and compensatory planting is proposed to mitigate this loss. A protected species GCN District License can be secured.

22.42 The western section of CVS MSA is within Flood Zone 1. However, the eastern section is within flood zones 2 and 3 (high risk) and all three surface water flood area. Flood risk can be effectively mitigated.

22.43 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.

22.44 It would serve a high volume of traffic flow (207,816 - approximately 41,000 vehicles more than between junctions 16-17) and vehicle users travelling along this stretch of the M25. It would also serve 20 non-compliant gaps on the 44 mile gap in provision along strategic highway network and reduce 2 further gaps.

22.45 There are other economic, social and environmental benefits arising from the removal of mineral in the form of sands and gravel in a minerals safeguarding area creation of jobs and investment during and post construction with a Local Employment Strategy, rights of way enhancements, a significant net gain in biodiversity.

22.46 100 EV charging points are to be provided, with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.

22.47 No objections subject to conditions from National Highways and Bucks highways.

CSP2 MSA

22.48 CSP2 MSA would be inappropriate development in terms of Green Belt and would result in significant spatial harm and significant visual harm to the openness of the Green Belt and is relatively well self-contained. It would result in harm to 1 out of 5 purposes of the Green Belt of which purpose c) is moderate. Overall, the harm to the Green Belt is significant.

- 22.49 CSP2 MSA is the smaller site overall and extent of built development with parking and HGV parking, a max footprint of 5,180sqm and 7m-9.1 max heights set.
- 22.50 During construction there would be significant effects reducing operationally to moderate effects on landscape character and considerable landscape visual effects, and having regard to mitigation this overall would be considerable harm.
- 22.51 The eastern has surface water flood area. Flood risk can be effectively mitigated.
- 22.52 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.
- 22.53 It would serve a lower volume of traffic flow (166,482 -approximately 41,000 vehicles less than between junctions 15-16) and vehicle users travelling along this stretch of the M25. It would also serve 19 non-compliant gaps on the 44-mile gap in provision along strategic highway network.
- 22.54 There are other economic, social and environmental benefits arising from the creation of jobs and investment during and post construction with a Local Employment Strategy, rights of way enhancements, a net gain in biodiversity.
- 22.55 100 EV charging points are to be provided with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.
- 22.56 CSP2 MSA would result in loss of BMV agricultural land.
- 22.57 No objections subject to conditions from National Highways and Bucks highways.

Summary

- 22.58 An overall summary is to be drawn having regard to all the relevant key issues.
- 22.59 In Green Belt terms CV MSA is less harmful in terms of Green Belt harm and landscape visual impact, with CSP2 performing marginally better on purposes resulting in an overall lesser impact from CV MSA of moderate compared to CSP2 which is significant. The issue of VSC will be dealt with later in the overall assessment.
- 22.60 In terms of landscape CV MSA is less harmful resulting in a moderate localised impact compared to CSP2 which is considerable.
- 22.61 There would be other harm, in respect of CV MSA, including less than substantial harm to designated heritage assets, and non-designated heritage assets, including archaeology, which can be weighed in accordance with paragraphs 202 and 203 and the loss of the veteran tree which can be considered in accordance with paragraph 180 of the NPPF. These are matters which are capable of being overcome in the aforementioned exercise.

- 22.62 In respect of CSP2 there would be limited harm through the loss of BMV.
- 22.63 The comparison on flood risk will be dealt with below in considering the sequential test.
- 22.64 In terms of meeting the need, officers consider that the CV MSA site is locationally better placed compared to CP2 site to serve the greatest number of gaps and traffic flow on this section of the motorway which would deliver the most benefits in terms of the safety and welfare of drivers (and their passengers) and meeting the need. Turning now to the flood risk sequential test, the test in paragraph 162 of the NPPF for this MSA is whether there is a reasonably available site that it appropriate for this development at a lower risk of flooding.
- 22.65 In considering the sequential test, CSP2 MSA site is accepted as being at lower risk of flood, however there are wider factors that need to be considered in applying paragraph 161 of the NPPF. A judgement is required on whether the site under consideration is appropriate for the development. Regard is paid in applying the sequential test to the “without mitigation” impact on the issues considered. Taking all the factors into account, in particular having regard to the area of search, highway technical matters, locational factors including gaps served and traffic flow, constraints including impact on the Green Belt purposes and openness, deliverability and the availability of sites, officers consider that although CSP2 is at lower risk of flood, the CV MSA site would optimise the number of gaps resolved and reduce 2 further gaps, is on a stretch of the M25 with the highest volume of motorway users to maximise the associated safety and welfare benefits. It would cause less harm overall to the Green Belt, moderate harm to the landscape, harms to a veteran tree, less than substantial harm to the setting of heritage assets and non-heritage asset.
- 22.66 Officers consider that CV MSA would be an appropriate development as it would meet the identified need with less harm. Officers consider that the sequential test and exceptions test is capable of being passed in respect of CV MSA as being appropriate for an MSA to optimise the benefits for motorway users. A sequential approach to site design has been taken in both of the MSA applications. The flood risk in both schemes can be satisfactorily mitigated to ensure the development is safe for its lifetime taking into account the vulnerability of users without increasing flood risk elsewhere, incorporating SUDS.
- 22.67 There are a number of matters where both sites are broadly comparable as listed in the table above.
- 22.68 Turning now to benefits, both sites would have benefits in terms of jobs and economic growth with CV being closer to population centres with more opportunities in terms of sustainable accessibility, both would have some limited benefits in terms of rights of way enhancements and HGV parking. CV would provide greater benefits in terms of biodiversity net gain and minerals

extraction. This would reinforce the conclusion that CV has less harm and is an appropriate development to meet the need for an MSA on this part of the M25 and delivers greater benefits.

22.69 Deliverability is dealt with in the section below.

23.0 Deliverability

23.1 The CV MSA applicants estimates a 21month period, including mineral extraction for delivery of the MSA. Chapter 4 of the ES sets out the Scheme Description and Construction Methods for the proposed MSA development. Figures 4.4a, 4.4b and 4.4c set out the construction phasing for the proposed development, which is broken down into 6 phases and summarised as follows:

- Stage 1 - Establishment/Enabling (Months 1 to 6): This would include the formation of temporary access points to enable the formation of the construction compound
- Stage 2 – Groundworks (Months 6 to 10): This would include soil stripping and the extraction of the underlying sands and gravels (the mineral)
- Stage 3 – Main Compound/East Bound Link (months 10-11): This would include removing the initial compound in the south of the site and creating a new compound in the location of the new car park.
- Stage 4 – MSA Works 1 and Junction Completion (months 11-14): This would include the completion of the permanent M25 Junction and new Slough Road overbridge
- Stage 5 - MSA Main Works 2 (months 15-20): This would include construction of the main amenity building and fuel service station
- Stage 6 – Completion Works (month 21): This would include final fitout of buildings and the completion of the emergency access and staff drop off point and the permanent completion of the diverted right of way.

23.2 The CSP2 MSA applicants estimates a 24-month period, for delivery of the MSA.

23.3 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 a material to the determination of a planning application.

23.4 However, it may not always be appropriate to treat this distinction as absolute when taking into account material considerations in the determination of a

planning application. Deliverability of a scheme is capable of being a material consideration where it relates to the planning benefits 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.

- 23.5 Deliverability is considered to be material on this basis in the circumstances of this case. The land within the red line boundary of the CV 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 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.
- 23.6 Given the purpose of the Act, it appears that the focus of the consent procedure will be on whether to prevent industrial or building development on the Green Belt, and although it can be anticipated that national Green Belt policy will be relevant to that decision, officers are unaware of any published and up-to-date criteria that the Secretary of State will apply when reaching his decision. Further, it is not known what approach the Secretary of State would take to the provision of exchange land.
- 23.7 In such circumstances, the need to obtain the consent of the Secretary of State represents a potential impediment to the delivery of the CV MSA scheme, however without further information on the specific basis upon which any application for consent will be decided, or the outcome of the consent process, it is difficult satisfactorily to decide on the weight to be accorded to this issue.
- 23.8 In circumstances where (for reasons explained later) the CV MSA application is considered to be otherwise preferable on land use grounds to the alternative CSP2 MSA proposal, it is considered appropriate to allow an opportunity for the consent process to take its course, in order that a fully informed decision can be taken. Officers do not consider that it would be preferable either to proceed simply to grant permission for the CV MSA scheme instead of the CSP2 scheme, when the degree to which the consent process relating to the MSA scheme might affect its delivery is unclear, or conversely reject now the CV MSA scheme in favour of the CSP2 scheme, given that the MSA scheme holds in prospect the ultimate delivery of an otherwise preferable scheme to meet the identified need.
- 23.9 It is recognised that allowing the consent process to be followed itself has possible timing implications. However, any potential adverse effects on the delivery of a scheme to meet the clearly identified need which arise from an initial delay relating to the consent procedure are considered to be outweighed by the advantages in ensuring that a final decision on the MSA scheme, and the

CSP2 scheme as an alternative, are made with improved knowledge of whether there is an actual constraint to delivery of the MSA scheme.

23.10 If consent is obtained, then for the reasons given later in this report, officers' current view is permission should be granted, subject to any further material considerations that arise out of the consent process (or generally before the final decision is taken). If consent is withheld, this is likely to alter the balancing exercise relating to the competing alternatives in this case, again subject to any further material considerations.

23.11 The resolution recommended at the end of this report therefore acknowledges that a final determination of the CV MSA application will not be made at this stage. It also recognises that in any event 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".

24.0 Other Matters raised in representations

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

EIA process:

24.2 Objections have been raised in the minerals application by the CSP2 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 which is not the case here. 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.

24.3 Officers are satisfied that the applications for the MSA and minerals are clearly treated as a single project in the environmental statement (ES) with 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.

Uncertainty over highway access:

- 24.4 Objections have been raised over the lack of detail on access and uncertainty that this will be acceptable if left to the reserved matters stage. National Highways and BC highways have raised no objections from a highway impact or safety to the proposal when considering the information provided at this outline stage. As such, officers are content that the level of detail provided would be acceptable in order to justify the principle of the development. Conditions can be imposed to require the submission of further details to be submitted for approval to ensure the access arrangements would be acceptable in highway terms and this meets the test for imposing conditions.

Smart motorway implications:

- 24.5 Representations were made in relation to the fact that the subject MSA scheme does not take into consideration the potential widening of the M25 in conjunction with the SMART Motorway scheme earmarked for the south western quadrant of the M25. Officers note that the running lanes between junctions 15 and 16 were included in the Second Road Investment Strategy, and specifically the M25 south-west quadrant strategic study stage 3 report. However, on the 15th April 2023 the Government confirmed that all future and paused SMART Motorway schemes would be cancelled. Therefore, this does not require further consideration as part of the proposed MSA.

Validation requirements:

- 24.6 The CSP2 applicants raised concerns over insufficient information provided on access contrary to validation requirements. As set out above, National Highways and BC highways have raised no objections from a highway impact or safety to the proposal. The CSP2 applicants have not raised any objection to the level of information and in circumstances where access may be treated as a reserved matter Officers consider that there is sufficient information in relation to the access to accept the principle of granting an outline planning permission with details to follow and secured through condition. Conditions can be imposed to require further details to be submitted for approval to ensure the access would be acceptable in highway terms and this meets the test for imposing conditions.

Colne Valley Regional Park:

- 24.7 A number of representations have been made by CVRP during the course of the application. The majority of the issues raised are dealt with in the report above. Other matters are addressed as follows and in the CIL section below.

- 24.8 Reference has been made to guidance on Local Nature Recovery Strategies (LNRS) and the fact that this has not been taken into account as part of the application. However, LNRS are the responsibility of the Local Planning Authority and the Buckinghamshire LNRS is not yet in place.
- 24.9 Issue of land ownership and covenants has also been raised. This is addressed in the deliverability section and alternative sites assessment above.

Ecology

- 24.10 Representations have been received in relation to incomplete ecology submissions and shortfalls in information in relation to great crested newts. However, the applicant provided supporting information during the course of the application. It is envisaged that the applicant will be entering into the County District Licence scheme for GCN. This is set out in the ecology section within the report. In consultation with the Council ecology officer, this is being addressed by way of planning condition.

Noise

- 24.11 Comments have been received which suggest that mitigation would be required as part of the development in relation to noise. The suggestions include acoustic barriers along Iver Heath Fields and Richings Park. The officers report deals with the noise impacts on adjoining residents. It is noted that Richings Park is located some 3.6km to the south of the application site and therefore it is considered that there would be no impact on the residents of Richings Park in terms of noise, nor is there any identified need for such mitigation to along to Iver Fields.

25.0 Infrastructure and Developer Contributions

- 25.1 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 section 106 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”*

- 25.2 The following draft obligations are agreed by the applicant:

Employment and Skills Strategy:

A written strategy containing targets to facilitate the employment and training of local people on the land during the construction and operation

of the development which shall be submitted to an approved in writing by the Council at the same time as the first Reserved Matters application.

SUDS Scheme Whole Life Maintenance Plan:

A plan detailing how and when to maintain the sustainable drainage systems scheme for the Development in perpetuity which is to be submitted to and approved in writing by the Council in accordance with conditions to be attached to any Planning Permission.

SUDS Management Company:

A Management Company to implement the SUDS Scheme Whole Life Maintenance Plan.

ANPR Cameras Contribution:

A sum of £44,000 to as a contribution towards the provision of four ANPR Cameras on the land.

Air Quality Management Area Contribution:

A sum of £19,920.00 to benefit the Ivers Air Quality Management Plan as a contribution to initiatives to improve air quality in the area.

Off-Site Highway Works Scheme:

A scheme for the Highway Works Agreements pursuant to Section 38 and/or Section 278 of the Highways Act 1980 to be submitted to and approved to the Council including upgrades to Bus Stops on Slough Road, a financial contribution for a Puffin Crossing and the realignment of Slough Road (including the footways and cycleways)

Full Travel Plan:

An over-arching travel plan informed by the submitted framework travel plan aimed at promoting sustainable transport options for the Development, to be submitted to and approved in writing by the Council.

Off-Site Landscape Strategy:

A written strategy for the landscaping and future management and maintenance in perpetuity of the Biodiversity net gain Land (land which is under the applicants control, situated adjacent to the application site, north west of the proposed development) by a body to be created and fully funded by the developer which shall have been submitted to and approved in writing by the Council at the same time as the first reserved matters application.

Public Rights of Way Strategy:

A written strategy for the provision of new and improvement and maintenance and management of the diverted and existing rights of way over the Land which shall have been submitted to and approved in writing by the Council at the same time as the first Reserved Matters application.

- 25.3 The draft obligations are a material consideration in this case. These are designed to mitigate the impact of the proposed development and provide wider enhancements, including, but not limited to the surrounding landscape.
- 25.4 It is noted that representations have been made from the Canal and Rivers Trust and the Colne Valley Regional Park suggested a raft of required mitigation measures in the form of the following:
- Relocation of Iver Environment Centre from the current location to the western side of the M25 (at the applicant's expense).
 - Delivery of active travel routes around the site, including Uxbridge to Black Park
 - Mitigation for the River Alderbourne
 - Maintenance and management for the Biodiversity Netgain land
 - Financial contributions towards CVRP, open space and recreation
 - Improvements to the canal towpath in association with the sustainable travel options (to be captured by legal agreement)
- 25.5 Noting the CIL regulations as set out previously, it is considered that the majority of the suggested mitigation measures would fail to accord with section 122 (2) of the CIL regs. It should be noted that the proposed MSA is intended to serve the users of the SRN and would not be a local attraction in its own right. Whilst it is recognised that a proportion of staff would use local routes to access the site, the improvements sought above would not be considered proportionate or reasonable when noting the intended staff movements.
- 25.6 As previously outlined, the proposed development would result in the diversion of a public right of way and a drop off point/staff access from the north side of Slough Road. In consultation with Council Highway and strategic access officers a number of improvements will be made to rights of way, together with improvements to bus stops and the provision of a pedestrian crossing. These elements are considered to accord with the regs and would be necessary when noting the required changes to the rights of way and staff access provision to the south of the MSA Development.
- 25.7 As set out in the report above, the proposed development is considered to be acceptable in both ES and planning terms in regard to biodiversity. Land is to be provided as part of the proposed bio-diversity net gain measures and the ongoing management of this land is to be secured through the S106 and considered necessary.
- 25.8 In terms of the suggestion of the re-location of the Iver Environment Centre, impacts on adjoining sites are considered acceptable in ecology and visual amenity terms. The Centre is outside the applicants red edge site and outside their control. There would appear to be no justification for the movement of this facility as part of the proposed development, as it not necessary to make the development acceptable. It is noted that the existing location in close

proximity to the SRN. This suggested mitigation measure is considered not to meet section 122 of the CIL Regs.

25.9 The representations in terms of the River Alderbourne biodiversity are noted. As noted from the Environment Agency consultation, conditions have been suggested in this regard and therefore a legal agreement would not be considered necessary.

25.10 The suggested financial contributions towards CVRP, open space and recreation would not be necessary to mitigate the development as the conclusions reached in relation to any harm the CVRP do not identify the need for mitigation other than those outlined above. There is not pressure on open space or recreation as a result of this development identified above.

25.11 The CIL Charging Schedule was adopted by (former) Chiltern District Council on 7 January 2020. It came into effect on 17 February 2020. A CIL Correction Notice was subsequently approved (March 2020) to amend a correctable error in the previously adopted CIL Charging Schedule. The proposed development would be CIL liable.

26.0 Overall Assessment

26.1 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.

26.2 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:

- Provision of the development plan insofar as they are material,
- Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- Any other material considerations

26.3 The proposed MSA development is inappropriate development, which by definition is harmful to the Green Belt and would result in both significant spatial harm and moderate visual harm to the openness of the Green Belt. The proposal would result in conflict with three out of the five purposes of the Green Belt a resulting in limited harm to purposes a) and b) and moderate harm to purpose c). The proposal would not accord with Local Plan Policy of GB1 of the South Bucks District Local Plan (1999) to which moderate weight is afforded to this policy conflict.

- 26.4 The proposal would result in less than substantial harm at the lower end of the spectrum to the setting of listed buildings at Mansfield Farmhouse, Barn to the NE of Mansfield Farmhouse, Dovecote and White Cottage and low-level limited harm to the setting of the non-designated heritage asset and moderate harm to the non-designated archaeological interest contrary to policy CS8 of the South Bucks District Core Strategy (2011). To which moderate weight is afforded to this policy conflict.
- 26.5 The 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) and Policies IV1 and IV13 of the Ivers Neighbourhood Plan. However, this conflict could be overcome in considering the importance of the need for an MSA and whether this would outweigh this harm. Regard has been given to the impact Colne Valley Regional Park in this landscape assessment.
- 26.6 The proposal would result in the loss of a veteran tree which would be balanced against the need for an MSA and the appropriate mitigation and compensation proposed and as such would not conflict with CS9 of the South Bucks District Core Strategy (2011) or IV 13 of the Ivers Neighbourhood Development Plan (2022).
- 26.7 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 (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the exception of biodiversity net gain and landscape), well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, and residential amenities.
- 26.8 Overall, 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. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.
- 26.9 Turning to other material considerations, there are a number of factors that should be considered.
- 26.10 Circular 01/2022 is a material consideration and provides guidance on the process for the process of identifying an appropriate location for a new MSA and criteria. The proposal would accord with this Circular.
- 26.11 The National Planning Policy Framework NPPF is a material consideration in determining applications. Paragraph 11 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 the need to include minerals application 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.

26.12 In considering paragraph 11 of the NPPF, there are relevant development plan policies that apply to this application and the report identifies where those 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 Core strategy policies CP8, CP9, Local Plan policy GB1, EP3, BMWLP policy 1 and 6 and IVNP policy IV13 relating to the principles that go to the heart of the development in respect of Green Belt, landscape character and context, prior extraction of minerals. As set out above policies CP8, CP9 and GB1 are not fully consistent with the NPPF however moderate weight can still be attached to this policy having regard to paragraph 219 of the NPPF.

26.13 Overall, the suite of the most important development plan policies are not considered to be up-to-date for determining the application, and as such paragraph 11d) of the NPPF is considered further below. 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 in the following paragraphs, including the requirement in considering Green Belt harm to consider whether very special circumstances exist, quantifying the heritage harm and weighing any the harm against public benefits and planning balance, and the weight to be given to harm and benefits where referenced.

26.14 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to trees and hedgerows (other than veteran trees), parking and access, public rights of way (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the exception of landscape), well-designed places, crime prevention and safe communities, contamination, air quality, energy, lighting, aviation, and residential amenities.

26.15 In terms of access arrangements, details are reserved for subsequent approval and illustrative only at this stage. National Highways as the Strategic Highway Authority and Buckinghamshire Highway Authority as the local highway authority do not raise a 'severe' impact or unacceptable impact on highway safety having regard to paragraph 111 of the NPPF subject to conditions. There are some positive benefits resulting from the rights of way enhancements which are afforded limited positive weight.

26.16 In considering paragraph 11c) of the NPPF the proposal would conflict with the Development Plan, however given the most important policies are out of date

this reduces the weight given to that conflict to moderate. Consideration is now given to paragraph 11d) which requires consideration to policies in the NPPF which protect areas or assets of particular importance which provides a clear reason for refusal of the application. Footnote 7 specifies those, of which land designated as Green Belt, irreplaceable habitats, designated heritage assets and areas at risk of flooding are relevant to this proposal.

- 26.17 Turning firstly to Green Belt harm, As set out above the proposed MSA development is considered inappropriate development, and would result in moderate harm overall to the Green Belt which is afforded substantial negative weight in accordance with paragraph 148 of the NPPF.
- 26.18 The NPPF states at paragraph 148 that 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. The assessment of other harm and benefits are considered further below, and the consideration of the VS will follow on from that.
- 26.19 In relation to irreplaceable habitats, as set out above, there would be harm arising from the loss of a veteran tree. Paragraph 180b of the NPPF highlights that development resulting in the loss of ancient or veteran trees should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. The loss of this veteran tree and its irreplaceable habitat represents harm which is afforded negative weight. The need for an MSA would represent a wholly exceptional reason for this loss. Furthermore, the loss would also be mitigated by suitable compensatory tree planting and a biodiversity net gain. There is no clear reason to refuse the application on this ground.
- 26.20 With regard to the historic environment, special regard has also been given to desirability of preserving the setting of nearby 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 the conclusion is that the proposal would result in 'less than substantial harm' at the lower end of the scale to the setting of these listed buildings to which great weight is given under paragraph 202 of the NPPF. The harm to the setting of designated heritage assets should be weighed against the public benefits of the scheme in accordance with paragraph 202 of the NPPF. This weighing exercise will be carried out following the consideration of all the relevant matters and a conclusion reached at that stage on whether there is a clear reason for refusal relating to designated heritage assets. Great importance and weight is given to the harm to the heritage assets.
- 26.21 Turning to the risk of flooding, Officers conclude that taking all other factors into account as set out in the report below the proposal would meet the identified need, and pass the flood risk and exceptions sequential tests, and provide for flood mitigation measures in accordance with paragraphs 161-164,

166 and 168 of the NPPF. For a comparison of all main matters please see Table 9. Officers therefore consider there are no clear reasons to refuse the proposed development on flood risk under paragraph 11d)i.

26.22 Turning next to the test in paragraph 11d)ii this requires a balancing exercise as to whether the harm significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole.

26.23 In addition to the harm already identified above, moderate harm to the character of the landscape and visual impact which attracts moderate weight. There is also harm at the lower end of the spectrum to the setting of the non-designated heritage asset at Mansfield Lodge which is attributed limited weight given the existing presence of the M25. Harm at the medium end of the scale has also been identified in terms of non-designated archaeological interest which is weighed in the balance in accordance with paragraph 203 of the NPPF.

26.24 Turning then to other material considerations and benefits, there is a clear need for an MSA in this section of the M25 and associated safety function, which is a significant positive consideration. Alternative land and sites for MSA provision have been considered as a material consideration. Officers consider that CV MSA would be an appropriate development having regard to all the matters considered above to fulfil this need as the preferred site. Significant positive weight is given to this factor.

26.25 In addition to the benefits arising from the need for an MSA the proposed development would also create economic benefits through the creation of jobs and investment during- and post- construction phases, with a Local Employment Strategy to maximise the opportunities locally and this benefit is afforded significant weight. A significant net gain in biodiversity has been demonstrated to be achievable, and this attracts significant weight in the planning balance. A positive benefit resulting from the rights of way enhancements and provision of HGV parking are afforded limited positive weight.

26.26 The proposed development would involve the prior extraction of mineral beneath the western section of the site and not sterilise the mineral. The extraction relates to circa 173,000 tonnes of sand and gravels of which 17,300 would be used on site. It is considered an advantage that the sand and gravel can be won and contribute to the council's landbank supply in accordance with BMWLP policy resulting in a limited benefit given the amount with delivery through the separate minerals application. This is considered an economic benefit to which great weight is given in the balance in accordance with paragraph 211 of the NPPF.

26.27 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.

27.0 Very Special Circumstances

27.1 Taking the above into account, it is concluded that having due regard to the need for an MSA in this quadrant of the M25, the benefits identified above delivered by the proposed development clearly outweigh the identified harm to the Green Belt and other harm. Officers consider that 'Very Special Circumstances' do exist in this case.

Balance relating to Heritage

27.2 In considering paragraphs 202 and 203 of the NPPF in relation to the harm to heritage assets, it is concluded that the need for an MSA, economic benefits for employment and creation of jobs, and biodiversity net gain as public benefits would outweigh the less than substantial harm at the lower end of the spectrum to the setting of the nearby designated heritage assets as a result of the proposal to which great weight is given.

27.3 There is harm to the non-designated heritage assets at Mansfield Lodge and archaeological asset which is outweighed by these benefits.

Summary on Green Belt VSC and Heritage

27.4 Having regards to the above, Officers now turn again to paragraph 11d)i. of the NPPF there is no clear reason to refuse the proposed development on either Green Belt or heritage grounds.

28.0 Conclusion

28.1 When considering the overall balance, it is acknowledged that this is judgement and that the need for an MSA is an important factor with its associated public safety benefit and other benefits. Officers in making a judgement consider that the adverse effects of the proposal would not outweigh the benefit on a normal balance. In applying the tilted balance in paragraph 11d)ii. the harm would not significantly and demonstrably outweigh the benefit.

28.2 Whilst the proposal would conflict with the Development Plan as outlined above, having regard to the material considerations outlined above, officers in making a judgement consider that there are significant material considerations that weigh in favour of the proposal which would indicate a departure from the development plan.

28.3 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

28.4 *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 an MSA that would meet the needs of motorway users. The services would be provided in a facility which is fully accessible for all visitors, regardless of any relevant protected characteristics as stated above and no discrimination or inequality is considered to arise from the proposal.*

Human Rights

28.5 *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.*

29.0 Working with the applicant / agent

29.1 In accordance with paragraph 38 of the NPPF (2021) 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.

29.2 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.

30.0 Recommendation

30.1 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). The application shall be referred back to the Strategic Sites Committee in the event that:
 - (i) the application has not been called-in by the Secretary of State and 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, 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
- (c) 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
- (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;

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.

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APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr. Paul Griffin:

Strongly object to this proposal on the following grounds:

1. This is Greenbelt. Buckinghamshire Council has made a commitment to retain Greenbelt unless an Exceptional Circumstance prevails. I do not believe that a service area on the M25 is an Exceptional Circumstance.
2. The proposed development will compromise the Iver Conservation Centre which has been in situ for some 30 years and unlike this proposal it provides education on and celebrates nature rather than detracting from it.
3. The land is highly likely to flood, as it is flooded right now. Where will this water go and how will we cope with extra millions of gallons flowing into our already overwhelmed water system? This water will have to go somewhere and I don't see where it can go!
4. The residents of The Ivers by way of a survey on social media have voted and 3 out of 4 do not want this application to proceed.
5. This site is approximately 20 to 25 minutes drive from a similar facility.
6. This is a 24-hour facility which will generate considerable noise and pollution to the area and particularly at night when all noise 'travels' more than at any other time. Residents within a mile of this facility will have their sleep patterns disturbed and their air quality compromised.
7. The Ivers are an AQMA - this will make the situation worse regardless of how many electric vehicle charging points it has!
8. There is no need for this facility and it is being promoted purely to make a revenue stream for the Council and the developer. No amount of money will bring the Greenbelt back and if we keep chipping away at it will soon all be gone.

Response dated 18th August 2021

There are so many reasons to object to this application but they boil down to two major factors. Firstly, there is no need for this facility as agreed by Parish Council, public opinion, Highways England and Buckinghamshire Council. Secondly the proposal is for lands that are designated as Greenbelt and to develop land with such a categorisation requires an exceptional circumstance. An exceptional circumstance cannot be called where a 'need' has not been defined. The proposal fails on the most basic of criteria, as it has over the years. This is not the first, nor will it be the last but all have been rejected as there is no defined need. The leadership of Buckinghamshire Council supports this proposal purely for the potential revenue stream.

Cllr. Luisa Sullivan:

Firstly, I would like to register my objection to this application. This site sits on the boundary line of Green Belt protected land. Protection to prevent the urban sprawl of London into the rural communities and villages of Buckinghamshire and surrounding counties.

Whilst the location of the site affords connection to the M25, we have defended any development of an MSA over many years in this specific area of Green Belt, as the Highways England and DFT have suggested that the area is already over congested and populated with road network. The application states there will be no local road access, but the site proposes access, deliveries, and staff entrances at the A4007, Slough Road. This is a single road and access to this road would only be achieved through bringing traffic along Iver Heath residential roads which currently there are vehicle weight restrictions in the locality.

Why is there not a proposed staff access route from the other side of the proposed site. On a dual carriageway link road (Denham Road A412) that is closer to the motorway and A road network, without the density of properties. Thus, avoiding the residential built-up area of Iver Heath. The application design states that there will be no local traffic access for the proposed MSA as the customer access to the MSA will only be on and off the M25 directly. However, the application states that goods deliveries, staff access and associated works will be through a single designated barrier-controlled access along the A4007/ Slough Road. At the Chandlers Hill area of Iver Heath. This area and the access to this point from Buckinghamshire access roads will mean the traffic will need to pass through the Ivers AQMA, an air quality management area, designated to protect and regain controls of the air quality in the parish. This application has not considered this point that any increases to pollutants in the parish of Iver needs to be mitigated and controlled. The site has not considered the carbon footprint of the scheme whereby bringing goods delivery and staff traffic up into a village from the motorway and A road network has been ill considered and not planned properly with the local network inefficiencies.

For many years local Cllrs have been engaging at parish, district, and county council levels to formally recognise, agree and move forward on plans to create a blueprint for a highway network of congestion relief for the Ivers locality. South Bucks District Council had engaged with the DFT, government ministers and Highways England, to consult and consider this blueprint of additional road network. Those authorities were supportive of an additional connection to manage local congestion. This application site drives through that suggested local desire that could help to alleviate local traffic congestion for the Ivers which is under road network pressures. This is due to the lack of any local member input into this application.

Lastly, I wish to put forward mitigation requests on this application.

- Requesting acoustic sound barrier protection along the length of the proposed site from Richings Park and along to Iver Heath fields to protect all parish residents.
- Lighting protection, to ensure the glare and distraction of the lighting on the proposed development is not detrimental to residents.
- Restrictions and strict control on delivery times. No deliveries on Sundays and formal holidays. No deliveries outside daytime hours.
- Mitigation funds/ financial legacies towards enhancing and developing surrounding green space and investment in leisure and recreational facilities for the local community.

- Mitigation funds/financial legacies towards the Iver Environment Centre, to enhance and protect their educational activities for current and future generations.
- Mitigation funds/ financial legacies for the Regional Colne Valley Park CIC to continue their environmental work projects and allow future projects in the site locality.
- Mitigation for enhancements and upgrades to surrounding footpath network in allowing access to the proposed open green spaces. Improvements and upgrade to local drainage and water waste.

I would support the many letters registered by residents, expressing their concerns, and ask that these are considered carefully. And any further elements of mitigation requests are fully considered.

Response dated 18th October 2021

After perusing the content submissions of this application I wish to register objection points for consideration by officers and committee. whilst the primary application for this site is for an MSA, we believe locally that this application will be detrimental to the locality as the exit and entrance routing is detailed, Denham Road A412 into Bangors Road North (weight restricted road) up joining the Slough Road A4007.

This routing is detrimental to the AQMA zone and detrimental to the local residents quality of life. The better routing would be in using already existing current quarry land routing across the bottom of the dual carriage way Denham Road land accessed through Summerleeze quarry site.

This would prevent excessive vehicle journeys into the Iver Heath settlement. I object to this application as the application does not comply with the councils mineral extractions policy. This site does not comply with a need to extract for special circumstances. a revenue scheme, to supply an MSA on this site, will not be compatible as the motorway network cannot safely accommodate this infrastructure at this site. As historically confirmed in public enquiry documents from years past.

Cllr. Wendy Matthews:

I object to this application on which is sited our valuable green belt. It will have a significant impact on this narrow corridor of green belt between Iver Heath and Uxbridge and will therefore contravene one of the purposes of the green belt. It will result in a loss of agricultural land therefore impact on the economic viability of the local business.

The impact on the local community in terms of increased traffic, noise and light pollution is unacceptable.

It will directly impact on the adjacent Environmental Centre which serves our local community well and exacerbate the flooding issues which already exist in the area.

This site is in green belt and on good agricultural land. It is located within a narrow strategic gap in the green belt which is all that separates Iver and Uxbridge. The junction onto the M25 is too close to others causing problems for traffic on the motorway and there are other service areas that can be used within an acceptable distance. The impact on the local area will be significant with no benefit. There are low levels of unemployment in The Ivers and staff will inevitably have to travel to the site from some distance via our local roads. I am totally opposed to this scheme.

Response dated: 28th September 2022

This site is in green belt and on good agricultural land. It is located within a narrow strategic gap in the green belt which is all that separates Iver and Uxbridge. The junction onto the M25 is too close to others causing problems for traffic on the motorway and there are other service areas that can be used within an acceptable distance. The impact on the local area will be significant with no benefit. There are low levels of unemployment in The Ivers and staff will inevitably have to travel to the site from some distance via our local roads. I am totally opposed to this scheme

Right Honourable MP for Beaconsfield – Joy Morrissey

I am writing to object, in the strongest possible terms, to the planning application (referenced above) for a motorway service area to be built in Iver.

First and foremost, this development would destroy a swathe of Green Belt land in an area where green spaces are already under very significant pressure. The loss of this land would have a cascading effect, weakening the protection of other nearby land, which would be orphaned by this development. Further to this, there is no possible mitigation that would compensate for the loss of this amount of Green Belt land, in this location.

This development would compound a number of issues that are already putting pressure on the health and wellbeing of local residents. The level of traffic flow through the surrounding area is very high, causing problems of road safety, congestion, noise pollution, and air quality. Every one of these problems, which are without sufficient mitigation before this development, would be substantially worsened were it to be approved.

Further to this, a similar proposal was made for an Iver MSA previously, which was subject to a full public enquiry. The result of that process was a determination that an Iver MSA would be inappropriate, for a number of reasons, most of which are still extant. In fact, pressure on the Ivers and particularly their natural environment and green spaces has increased since that time. If it was not appropriate then, it certainly wouldn't be now.

Specifically, the placement of the proposed site will eradicate the one remaining buffer of green space between Iver Heath and Uxbridge. This is not only an intrusion into the countryside but a clear example of the kind of urban encroachment that the Green Belt was implemented to stop. I have no desire to see London start to swallow up the south of Buckinghamshire, an unwelcome but inevitable consequence of approval being granted to this application.

The Ivers Parish Council Comments

Letter dated 10th March 2021:

The Ivers Parish Council objects strongly to this proposal for a Motorway Service Area following the extraction of minerals and connection to the M25.

1. Green Belt

The site comprises 46ha of Green Belt farmland in the Colne Valley Regional Park (CVRP) which provides buffers between the M25 and Iver Heath and between Iver Heath and Uxbridge. The purposes of Green Belt are well known and set out in the NPPF which is intended to afford Green Belt the highest possible protection against development. This area has been identified in the emerging Ivers Neighbourhood Plan as a Corridor of Significance to be protected from development.

The Motorway Service Area (MSA) is no exception, it is inappropriate development in Green Belt

2. Colne Valley Regional Park

The Ivers sit entirely within the CVRP, supports the CVRP objectives and endorses the CVRP response to this application. The CVRP exists to protect and promote the countryside, farming and biodiversity and in this very narrow region of the Regional Park these objectives are vital to ensure the integrity and functionality of CVRP for people, the environment and biodiversity.

The removal of 'pasture grassland' is the removal of an irreplaceable resource that currently contributes to mitigation of climate change. Undisturbed by development it has potential for improvement.

The proposal will remove and build over at least 46ha of Green Belt, together with the destruction of established planting along the M25, removing a functional biodiverse feature and wildlife corridor that has taken 25 years to establish.

The MSA will destroy Mansfield Farm, it will no longer be viable. The economic loss of this business and the consequent loss of employment needs to be weighed against any assessed benefits. It will be impractical to farm the remaining northern section. This leaves the land vulnerable to the sort of urban fringe degradation all too common in The Ivers where fly tipping is out of control and unlawful uses of 'pasture grassland' defy enforcement action.

Another application for the temporary use of Green Belt for a construction site will also be required. There will be cumulative destruction of Green Belt in The Ivers, an area already under extreme pressure from development

The ability of the CVRP to fulfil its objectives will be compromised in The Ivers.

3. Iver Environment Centre and Mansfield Farm Buildings.

Access to both sites will be so threatened, first by construction traffic using the access road and then by the operation of the MSA, that there is a risk to their continuing existence and function

The significance of the farm's historic buildings appear to have been dismissed by Historic England though all three are Grade II listed. They must not be allowed to deteriorate.

The Environment Centre is an environmental educational charity that also attracts volunteers and raises funds providing the classes and hosting children's parties.

The mitigation proposed extends only to screening and accepts that noise will be increased both for the Environment Centre and Mansfield Farm.

Any changes that Highways England require to the slip roads will impact Mansfield Farm and the Environment Centre - these impacts will need to be assessed and compensated. A full assessment of the effects on these assets is required and a comprehensive long term mitigation plan developed.

4. Ecology and Biodiversity

Field surveys were carried out for reptiles, bats, birds and mammals but not for invertebrates. As there are bats foraging on site there will be insects and the larval stages are often found in soils. The removal of soils and the organisms living there will deplete the food source for birds and bats.

Invertebrate field surveys are required to assess the baseline insect population and inform the planting scheme to optimise a recovery of the population.

The damage to the Alder Bourne caused by additional culverting requires a different solution. It is vital that the many drains and ditches that eventually feed the Alder Bourne are unimpeded and not contaminated. They should be improved if necessary so that wildlife continuity is enhanced and risk of flooding reduced. Specialist advice is essential.

An environmental monitoring and management plan for at least 30 years is necessary to guarantee the success of all biodiversity measures on the entire Mansfield Farm site as it exists now. Reporting regularly to a liaison group.

Biodiversity net gain in excess of the minimum is welcome and should aim to improve on the variety of species of animals, insects and flora on residual Mansfield Farm.

5. Mineral Extraction

The Buckinghamshire Minerals and Waste Local Plan (To 2036) does not identify Mansfield Farm as a mineral extraction site. This proposal for the extraction of minerals is contrary to Buckinghamshire Council's policy. Despite the enabling work required to extract minerals to create the level site, the details are not easy to find.

In the Planning Statement, 1.4.9 refers to a Minerals Assessment in support of the application. It states that that "... there could be circa 341,000m³ of saleable mineral won and exported from the western parcel of the Site to achieve the desired landform. This would effectively equate to recovery of the full, workable mineral deposit." ES Vol1 ch 4 describes the construction phase at 4.14.4 Groundworks in months 3-6, soil stripping and extraction; for the retention of some material for use in construction. "The remainder would be exported off site." HGV traffic to export the material is expected to peak at around 250 trips per day. This to be the subject of a separate planning application.

As the construction of the MSA is dependent upon the excavation of minerals the permission for that should be in place first. When will the separate planning application come forward?

The destination and route for the material is critical, there must be none of the associated aggregate, construction and HGV traffic on The Ivers' roads.

If the route to Summerleaze is "cross country", as stated at a public webinar, that will require a haul road on land in Buckinghamshire Council's ownership and further loss of Green Belt in The Ivers.

The enabling works for the MSA will be as devastating to the environment, ecology and Green Belt and as disruptive to residents of The Ivers, particularly in Iver Heath, as the construction and operation of the MSA.

Vol 5 of the Environmental Statement, Non-Technical Summary at para 3.2.7 includes the information, "the Applicant did not study further sites in great detail, as other locations self-evidently did not / could not meet the same determinants" Did those determinants not include the opportunity to exploit the mineral resource?

6. Transport Assessment

Due to Covid 19 disrupting normal traffic patterns, 2019 data has been extracted from the Pinewood application for realignment of Seven Hills Road.

One conclusion from that is that junctions at Five Points with Church Road and at Church Road with Bangors Road North are known to be over capacity regardless of the proposed redesigned junction on the A412 at Seven Hills Road. This indicates that the A412 is an unsuitable route through Iver Heath for any additional construction traffic.

The whole of The Ivers is an Air Quality Management Area (AQMA). The A4007, between Five Points Roundabout and Bangors Road North/ South junction is a residential road included in The Ivers AQMA. It serves Iver Heath Infants' School and Nursery, a parade of shops and has seven road junctions to residential roads or cul de sacs. From the A4007, a footway near the shops and Footpath IVE4/1, both lead through residential roads to Iver Heath Junior School, Iver Heath Medical Centre, Library and Village Hall.

There is permitted redevelopment for housing and road re-alignment at Grosvenor Close. Neither the A412 nor the A4007 through the village of Iver Heath are suitable for any construction traffic.

ENVIRONMENT VOL 1 13 TRAFFIC AND TRANSPORT - ES VOLUME 1 - MAIN REPORT

There appear to be some errors in this report.

Two tables labelled 13.7:-

Table 13.7: 2030 Baseline 2-way Traffic including Committed Developments

Table 13.7: Sensitivity of the Assessed Highway Links

Table 13.7 Sensitivity of the Assessed Highway Links

Link ID Ref 5, (Pinewood Road, north of A4007 Slough Road junc), Is shown as not sensitive to change for the reason "No footpaths close to the junction and limited residential properties."

This is incorrect, there are footways connecting all the single carriageway roads and a shared use path from the A4007 junction, Five Points Roundabout, north along Pinewood Road to Pinewood Studios and Black Park.

Link ID Ref 5 is sensitive to change.

Link ID Ref 6, (A412 Uxbridge Road, west of A4007 Slough Road junc) also shown as not sensitive to change.

It is sensitive to change between Five Points Roundabout and Black Park equestrian and cyclist entrance to the bridleway WEX/21/1 at Black Park on the eastbound A412.

It is sensitive to change westbound on the A412, between Five Points Roundabout and just west of Billet Lane and the equestrian entrance to the bridleway WEX/24/2 at Langley Park.

Cyclists and horse riders cross the central reservation of the A412 to the bridleways. The presence of horse riders is indicated by a road sign on the A412.

There is also an informal pedestrian gap in the central safety barrier, between the petrol station and shop and the properties on the eastbound carriageway.

The section of the A412 west of Five Points Roundabout, both carriageways, is sensitive to change between Five Points Roundabout and the bridleways into Langley Park and Black Park. The footways are used by pedestrians, runners and cyclists.

Link ID Ref 6 is sensitive to change. Any increase in traffic will increase intimidation and danger for pedestrians, cyclists and horse riders.

Link ID Ref 14 (A4007 Slough Road east side of M25) "No residential properties close to the road. Although there is a footway along the southern side it is considered that this is infrequently used."

This cannot be assessed as not sensitive to change if it is intended to install a shared use path and a central pedestrian refuge to provide for staff access to the MSA. This route is also shown to have the greatest increase in traffic of 800+ vehicles to 2030 in a 60mph limit.

The sensitivity assessments must be corrected.

Table 13.4: 2020 Baseline 2-way Traffic

There are concerns at the HGV counts at Link 2 and 10. Both refer to Bangors Road North between The A412 and A4007 where there is a 7.5t weight restriction. With no major development this seems a high number to be requiring access/loading.

The weight restriction must be recorded in the transport assessment and observed by contractors.

Similar comments apply to Link 11, Bangors Road South where there is also a 7.5t weight restriction.

The additional aggregate and construction traffic must not be routed through The Ivers. Existing developments in The Ivers and HGVs based at industrial sites within the villages, already contribute to excessive HGV movements, poor air quality, noise, pollution, damage to roads, highway infrastructure and verges. The 'significance' figure being less than 10% is entirely due to the existing high proportion of HGVs on unsuitable roads.

7. M25

Many documents refer to potential M25 improvements, the responsibility of Highways England (HE). HE have raised questions about the structural requirements for the bridges affected should the MSA be approved and have questioned the design of the slip roads to serve it. More land may be required in order for HE to approve connection to the M25.

As the construction of an 'on line' MSA, is dependent upon decisions by HE, there must be certainty about the M25 improvements and design before the MSA is approved.

8. Motorway Service Area

The development of a destination MSA on the outskirts of Slough and Uxbridge is unnecessary. The hotel is not necessary in such a location and it should be removed from the plans. The expected traffic during the operation of the MSA, over a 24-hour period for 365 days a year, will impose an additional burden on The Ivers. Not only traffic but noise, light, pollution and disturbance.

While the HGV provision may be welcomed by some drivers, there are many who will not afford the facilities, some drivers who cannot afford them. The space provided is excessive and, as arranged, lighting will disturb any wildlife remaining at the northern edge of the site.

The drive through element will almost certainly increase the amount of litter, both in the immediate vicinity but also distributed by fast moving traffic and some will arrive in The Ivers. The embankment of the A4007 overbridge is an example. Litter on such sites is difficult to clear.

Given the global concern with Climate Change and the Government emphasis on protecting and improving landscape for people, and biodiversity; the Government commitment to a Green Economy; it is incomprehensible that 46ha of Green Belt in a vulnerable and fragmented section of a Regional Park should be considered as a suitable place for a car park of about 20 ha with added attractions.

This application is dependent upon the potential M25 widening and engineering considerations outlined by HE. It is also dependent upon a successful application to extract and remove minerals. Though only in outline this application for a Motorway Service Station is premature and must be refused until there is certainty with M25 widening and other applications to enable the MSA are approved.

There is a risk that mineral extraction will progress before all other permissions are in place. A bond must be negotiated to ensure restoration of the site with associated biodiversity net gain, off site if necessary, should the MSA not be built.

In the event that this application is recommended for approval, substantial mitigation will be required.

- i) Any development proposal that will generate an increase in traffic in the Richings Park, Thorney, Shreding Green, Wood Lane, Iver Village, Iver Lane and Iver Heath areas will be required to contribute to public realm improvements and traffic mitigation measures at Key Locations. (Emerging The Ivers Neighbourhood Plan)
- (ii) Provision of cycleway between Potters Cross and Uxbridge, giving access to the canal towpath.
- (iii) A contribution of £250,000 to progress the development of active travel routes in The Ivers See WGFC Report (The Working Group on Footpaths & Cycleways) adopted by TIPC.
- iv) Any disadvantage to Iver Environment Centre as a result of mineral extraction must be compensated.
- v) Financial Contribution of £100,000 to install green energy technologies at TIPC buildings
- vi) Financial Contribution of £215,000 for the development of open spaces and playing fields throughout the parish.
- vii) Welcome Break and its partners agree to offer 5 apprenticeships per year for each of the first 5 years of this development and operation to residents of the Ivers Parish. The apprenticeships are to be offered in the professional fields of Project Management; Construction; Hospitality; Business and Management. These apprenticeships will be at least of a Level 4 qualification, including a funded degree apprenticeship approach.
- viii) Once the site is ready to be operational - all jobs available be advertised first to local residents of The Ivers Parish.

Letter dated 16th August 2021

We note the recent changes made to the original development application and that these address some concerns. However, our key concerns remain and on this basis our objection to the development application is submitted.

In summary:

This development on the Green Belt is unnecessary with significant adverse impacts on biodiversity. This view is supported by numerous well qualified and appropriate bodies who have also submitted objections to this development.

Significant extraction of non-renewal minerals, this is inconsistent with United Nations Sustainable Development Goals (UN SDG) and UK Government legislation and a policy of “Build Back Green” announced by the Government. In terms of the UN SDG we draw your attention to goal 12 – Responsible consumption and production, and to goal 15 Life on Land. Both of these goals are severely compromised by this development application.

Increase in traffic through the local communities both during construction and operation – where roads are already stressed, and the level of HGV traffic is excessive. Once again numerous other bodies have provided evidence on this and data is available to show the current over capacity loading on some of the local roads that will be impacted by this development, especially during the construction phase.

It is noted in the technical assessments filed with the development application that there will be a negative impact on local air quality. This would occur in an area with existing poor air quality and indeed Buckinghamshire Council has declared the local area as an Air Quality Monitoring Zone. The technical assessments note that air quality will further decline and then the author attempts to dismiss this decline as insignificant. Therefore, the applications own study shows that the development would contribute to poor air quality.

To illustrate our point regarding existing air quality issues please refer to figure 1 (below), which shows the results of the Iver Heath Residents Association monitoring of air quality (2017 -2019). On many occasions 40µg/m³ level has been exceed and on many more occasions this level is nearly reached. Recently monitoring undertaken during Covid-19 lockdown period (April 2020 to April 2021) show that 4 areas still exceed / nearly exceed the 40µg/m³ threshold. These sites are Junction of Pinewood Rd and Pinewood Green; Junction Bangors Rd South and Slough Rd; Junctions of Church Rd and Pinewood Rd; Junction of Church Rd and Bangors Road North.

4.2 Results: sites with highest monthly readings

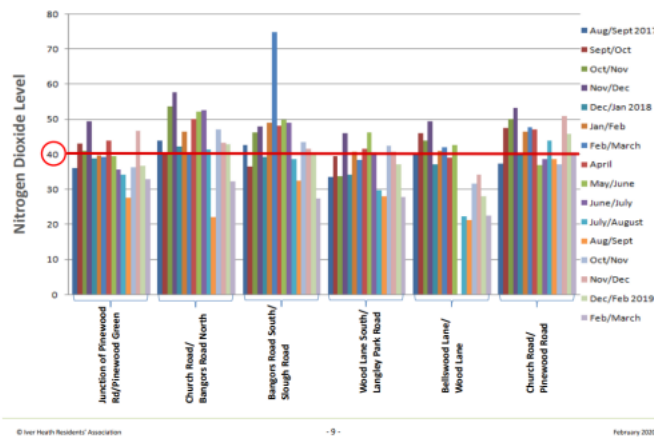


Figure 1. Air Quality Monitoring undertaken in Iver Heath – frequently exceeding legislated limits

We also note that the Highways England response included in the submission states that the site of the services will be “... beneficial to a limited portion of drivers” (item 3 Highways 2021). Therefore, the site is not desirable for its stated purpose, nor has the case for its need been adequately made. Additionally, this point was also considered and found to be relevant in relation to the MSA proposal in the Chalfont area. That proposal was not supported by Council.

This development application provides little benefit to drivers and has significant detrimental impacts to the environment and quality of life for those who live nearby. We submit our objection to this development application.

As required, we have set out a range of mitigations should Buckinghamshire Council be minded to approve this development application. Please see attachment A which has this listing.

In the event that this application is recommended for approval, substantial mitigation will be required.

i) Any development proposal that will generate an increase in traffic in the Richings Park, Thorney, Shreding Green, Wood Lane, Iver Village, Iver Lane and Iver Heath areas will be required to contribute to public realm improvements and traffic mitigation measures at key locations. (Source: Emerging The Ivers Neighbourhood Plan).

(ii) Provision of cycleway between Potters Cross and Uxbridge, giving access to the canal towpath.

(iii) A contribution of £250,000 to progress the development of active travel routes in The Ivers See WGFC Report (The Working Group on Footpaths & Cycleways) adopted by TIPC. iv) Any disadvantage to Iver Environment Centre as a result of mineral extraction must be compensated.

v) Financial Contribution of £100,000 to install green energy technologies at TIPC buildings to assist to offset the emissions generated from this development.

- vi) Financial Contribution of £215,000 for the development of open spaces and playing fields throughout the parish to assist to offset the emissions generated from this development and provide quality of life offsets to the community.
- vii) Welcome Break and its partners agree to offer 5 apprenticeships per year for each of the first 5 years of this development and operation to residents of the Ivers Parish. The apprenticeships are to be offered in the professional fields of Project Management; Construction; Hospitality; Business and Management. These apprenticeships will be at least of a Level 4 qualification, including a funded degree apprenticeship approach.
- viii) Once the site is ready to be operational - all jobs available be advertised first to residents of The Ivers Parish. This exclusive recruitment period is to be of sufficient duration for the recruitment process to consider and select these applicants before advertising more widely. Local employment results in less emissions when travelling to work and will assist to offset the emissions generated from this development.
- ix) Significant contribution to be made by the developer to the Colne Valley Regional Park for implementation of the Colne Green Infrastructure Strategy

Letter dated 30th June 2022

The Ivers Parish Council objects to this application, we also request a call in. The previous comments we have provided as grounds for our objection to the earlier version of this application continue to apply. We note that there have been changes to the application however, these are insufficient to change the Parish Council's view.

The new application fails to address some significant material planning concerns. The environmental impact statement does not note the presence of the Great Crested Newt. The application also claims the area is not impacted by flooding, our earlier comments noted that flooding was common knowledge within the local community. We note that others who have commented on this application have provided photographic evidence of the flooding.

We also note that Thames Valley Police have objected to the application, noting their experience with the difficulties in policing a nearby motorway services and access issues to the proposed services area. Equally, Highways England is not supportive of this application. Added to these significant objections are the important groups such as the Cole Valley Regional Park, Iver Environment Centre and the Woodland Trust all note the damage this proposed development would have on the local area.

The application fails to draw on and take significant account of the Air Quality Action Plan (July 2021) that exists for this local area. The action plan notes "... priorities are in the short term to reduce emissions from HGVs (page 2)...". The action plan also notes "...the primary sources of air pollution are transport -related including the motorways (page 6)...". Further in the document it is noted "...that a 1% reduction in HGV movements on the M25 is likely to bring about a reduction approaching 5% in terms of total NO₂ road traffic emissions (page 7)...". Given the information and intent of the Air Quality Action Plan, The Ivers Parish Council is of the view that this proposed development would be inconsistent with paragraph 181 of the NPPF(2018). This paragraph states; "Planning policies and decisions should sustain and contribute toward compliance with relevant limits values or national objectives for pollutants, taking into account the presence of air quality map management areas and

clean air zones, and the cumulative impacts of individual sites in local areas. 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.” To restate our position The Ivers Parish Council objects to this application and seeks to have this application called in. The comments in this document and our previous comments still apply. The application fails to take account of material planning concerns and does not make a case for exceptional circumstances to release the greenbelt.

Letter Dated 17th August 2023

Additional Objection statement to PL/20/4332/OA (original and amended applications) Motorway Services Area at Land to The North Of A4007 Slough Road (Between Junctions 15 and 16 Of The M25) Iver Heath Buckinghamshire

The applicants’ document dated 21 June 2023 asserts that policy IV1 – Corridors of Significance, (The Ivers Neighbourhood Plan, adopted 2023), would not be breached by this development. The Parish Council disagrees with the narrow interpretation that the applicant has applied. We maintain that the development is not in keeping with the policy.

The Parish Council also notes that the applicant has had limited engagement with us. Indeed, the only engagement was an online meeting held on 26 November 2020, which was chaired by Cllr Martin Tett. This meeting clearly pre-dates the adoption of the Neighbourhood Plan.

This area of greenbelt is narrow and the MSA development will substantially reduce the greenbelt. In July 2023, we were advised that the National Grid intend to build a new substation in the same greenbelt corridor near the proposed motorway services area. This will have a further significant negative impact on biodiversity, we note the presence of the Great Crested Newts in the area and the loss of over 1600 mature trees from the MSA proposal. We understand that the Ivers Environment Centre has provided extensive evidence relating to the Great Crested Newts to Buckinghamshire Council in 2022.

The Air Quality in the Ivers parish area remains poor. Information provided to the Wexham and Ivers Community Board in August 2023 show that the annual 2022 figures for all sites remain well above the World Health Organisation guidance of 10ug/m³. Indeed the majority of monitoring sites exceed 30ug/m³. No PM_{2.5} monitoring is occurring – and this is heavily impacted by construction activities, road surface, vehicle brake dust and similar.

The Parish Council maintains its objection to this development.

If the Strategic Sites Committee determines to permit the development, The Parish Council has previously identified s106 mitigations that we believe are appropriate. In addition, we add: Funding for significant biodiversity projects be available and that these projects are to be determined by Colne Valley Regional Park and Ivers Parish Council. The Iver Education Centre be relocated to a suitable nearby site with all costs of redevelopment met by the developer and compensation for the loss of any revenue as a result of the relocation (this includes ongoing loss of grant revenue from National Grid).

The current site of the Iver Environment Centre is to be maintained as an appropriate biodiversity refuge area including the protection of the Great Crested Newts located in the area, this service to be fully and adequately funded in perpetuity.

Adjoining Authorities

London Borough of Hillingdon (dated 17th March 2021)

The London Borough of Hillingdon objects to the application which is an inappropriate development within a large area of Green Belt requiring very special circumstances to be robustly justified. The applicant has failed to provide evidence that there is a need for commercial development to the scale proposed. It is requested that further detail is provided on the need for the scale of scope of commercial development and traffic routing for the construction. Further information is required in relation to the minerals extraction work and the importation of inert material for site restoration. The London Borough of Hillingdon should be consulted on the additional information provided. Further details relating to construction traffic is also required.

It is recommended that a strategic approach is taken by Buckinghamshire Council and Hertfordshire County Council in consultation with the relevant authorities to identify the need for an MSA and allocate a suitable site through the local plan process.

Three Rivers District Council (dated 4th February 2021)

This Council has considered the above application and raises NO COMMENTS to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained within the National Planning Policy Framework.

Slough Borough Council (dated 15th February 2021)

Green Belt

The proposal appears to be inappropriate development in the Green Belt. It does not appear the proposal would benefit from Very Special Circumstances.

Air Quality

If you are considering permitting the development, it is recommended that Slough support a requirement for a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) by condition. No framework documents are provided for these plans with the outline application. We would recommend that Slough request construction routing in Stage 1 (prior to dedicated M25 construction access slip road) to access Strategic Road Network via M40 Junction 1, A412 Denham Road and Fiveways Roundabout and not from the south impacting on Air Quality Management Areas (AQMA) in Iver (Bucks Council) and Brands Hill (Slough, AQMA 2) and Slough town centre (AQMA4).

There is a limited study area to the operational phase assessment. Appendix 8.2 to Volume 2 of the Environmental Statement indicates that in the operational phase +372 Annual Average Daily Traffic (AADT) vehicle movements are projected on the A412 Uxbridge Road west of the Five Ways Roundabout and +149 AADT on Bangor Road S. The former route heads towards the Slough town centre AQMA, while the latter route is to/from the Iver AQMA and ultimately the Brands Hill AQMA. The number of additional average daily vehicles assigned to these road links indicates that the development will exceed the threshold of +100 AADT particularly in the Iver AQMA where a detailed air quality assessment should be made of the impacts. Air Quality levels in the Iver will be higher than in the immediate environs of the application site and vehicle speeds lower therefore small increases in traffic and vehicle exhaust emissions could have a more significant impact.

It is noted from the Framework Travel Plan that core shift patterns mean that shift changes (6am, 2pm and 10pm) for the majority of employees will fall outside of peak travel hours. About 100 full time equivalent staff will work either a cross shift 11am-6pm or management shift 9am-6pm. Given the location of the site access to the site is likely to be predominantly by private car, particularly given the unconstrained availability of parking at the site. The Framework Travel Plan includes potential measures of a car sharing scheme and a dedicated staff bus service to transport hubs such as local bus and rail stations. These are not committed measures and we would recommend that these be confirmed within a Detailed Travel Plan (secured by condition) and in the case of the staff shuttle bus secured within a S.106 agreement to ensure that impacts on the location transport network and air quality from the development are reasonably minimised. It is noted that in the non-technical summary and other documents the provision of the staff shuttle service appears committed in contrast to the unconfirmed status in the Framework Travel Plan, which is potentially misleading to members of the public and stakeholders, especially given the number of technical documents being consulted upon.

Consultation Responses

Buckinghamshire Fire & Rescue Service (x 2 responses dated 17.06.2022)

Further to the planning consultation amendment for the above development Buckinghamshire & Milton Keynes Fire Authority seek to request your early consideration for the incorporation of an appropriate automatic water suppression system (i.e., Sprinklers) within the planning conditions for the project.

Buckinghamshire & Milton Keynes Fire Authority firmly believes that automatic water suppression systems and in particular, sprinklers provide huge benefits to our communities.

The main purpose of fire sprinkler systems, which conform to the relevant standards, is to control and contain fires throughout a building. In so doing, they protect the premises from the effects of fire and contribute to the safe evacuation of persons from the premises. They significantly help to:

- Reduce death and injury from fire
- Reduce the risks to fire-fighters
- Protect property and heritage
- Reduce the effects of arson
- Reduce the environmental impact of fire
- Reduce fire costs and the disruption to the community and business
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture

Design Freedoms

Architects are able to design more innovative, open, light and airy buildings. Please look at the following advantages: larger compartment sizes; more open spatial designs; extended travel distances; reduced exit door widths; reduced periods of fire resistance to elements of structure; reduced space separation constraints for example, distances between buildings; reduced design fire size allowing for alternative smoke management strategies; overcoming firefighting access constraints; allowing more flexible building management plans for the end-user.

Myth Busting

Each sprinkler head is fitted to cover a designated area of the property and designed to work independently, only releasing water if its thermal element is activated by the heat from a fire. The operation of one sprinkler head does not mean that all heads in the system will activate, this is a misconception that is popularly believed. Only very specific systems needing such operation are designed in this way and in virtually all internal sprinkler systems, only the head actuated will release any water.

A further protection from unwanted operation is the thermal capacity of the sprinkler bulb. Generally, these are designed to operate at a fixed temperature not less than 30 degrees Celsius above the ambient temperature which makes it very unlikely indeed that operation will occur other than in fire conditions. Recent surveys indicate that the possibility of an accidental sprinkler head operation due to malfunction of the system is 1 in 16 million.

Once a sprinkler head has operated, it will typically discharge between 40-45 litres of water a minute to control the fire. This represents between 1 and 4% of the amount of water that would be used by the fire service to control a similar sized fire. So the sprinkler will reduce water damage and the consequent repair costs.

In Summary

The nature of protection provided by a sprinkler system can be summarised as follows:

- It is automatic
- It detects fire in the early stage of development and will operate before the fire or the products of combustion become life threatening;
- The system will operate when a fire raises the temperature to a predetermined level and will sound an alarm both internally and externally as well as indicating the fire location
- Water will be discharged at a predetermined rate over the affected area only

- Water from the activated sprinkler will cool the atmosphere around the fire including the hot gases released from the flaming area
- Directly reduce the rate of burning of the ignited material
- Directly reduce the production of smoke and hot gases
- Cool the surrounding materials limiting fire spread

Research illustrates that the vast majority of fires controlled by a sprinkler system have involved just one sprinkler head activating.

Sprinklers are installed to BS EN 12845:2003 for non-residential premises.

In the United Kingdom, no one has died in a fire where properly maintained fire sprinkler system has been installed.

The vision of the Authority is to make Buckinghamshire and Milton Keynes the safest areas in England in which to live, work and travel. One of our core strategic objectives includes protecting the public, the buildings, and businesses from the effects of fire.

Further to your recent consultation relating to the subject development, this Authority's comments are as follows:

1. A suitable and sufficient subsidiary emergency vehicle access via Slough Road to the MSA will be maintained as described within the proposal
2. The application must give due consideration to Approved Document B, Section 15 (Vehicle Access) and Section 16 (Fire Mains & Hydrants)
3. The Authority encourages the early consideration for the inclusion of automatic water suppression (i.e., Sprinklers) into both the design of the MSA, Hotel and ancillary accommodation
4. Particular attention must be given to parking facilities to prevent chronic parking issues, which could ultimately affect the attendance of the emergency services
5. Where a gated access is included within the application it is preferable that a digital lock is fitted, it is then the responsibility of the property owner to inform Buckinghamshire Fire & Rescue Service of the access codes and update these details should there be any changes

Further comment will be made during any pre-consultation and full plans submissions via the BCB. The Authority reminds the Client & BCB to follow the Building Regulations and Fire Safety Procedural Guidance, July 2020 when engaging in the consultation process

Environment Agency (Response dated 1st July 2022)

Thank you for consulting us on the amended application. We have reviewed the new information and are now able to remove our objection if the following conditions are applied to the grant of any planning permission. Without these conditions the application would pose a risk to the environment, and we would wish to object.

Condition 1

No development shall take place until detailed designs for the structures impacting the River Alderbourne and its riparian zone have been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The scheme shall include:

- Detailed cross sections and planform drawings of the River Alderbourne through the newly created underbridges.
- Detailed cross sections and planform drawings of the newly de-culverted section of the River Alderbourne and watercourse enhancements.
- Detailed designs of the riparian zone and wetland areas including the newly created Aquatic Habitat Creation Area and Flood Compensation Area
- Details of embedded mitigation in line with CIRIA best practice; such as lowered invert levels to provide a minimum 200mm depth naturalised river substrate, mammal ledges, and inclusion of habitat niches.
- Details of how newly created underbridges will tie-in with the proposed open sections of watercourse.
- Details of how the underbridges will be managed and maintained for the lifetime of the development.
- Assessment of the lighting availability to the river as a result of the new structures (considering both increased lighting and increased shading) and consideration of how this will impact on habitat connectivity and establishment, sediment transport and species migration.

Reasons

New and modified structures over watercourses can pose a significant risk to the Water Framework Directive (WFD) status of a watercourse; this proposal on the River Alderbourne has been assessed at the outline stage, but detailed designs are required to fully assess the impact. The creation of the new underbridges, and extended underbridge adjacent to the M25 must be designed in line with best practice guidance and include embedded mitigation to offset potential WFD impacts.

This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

Condition 2

No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- Details of maintenance regimes.
- Details of any new habitat created on site including planting schemes for native species.
- Details of treatment of site boundaries and/or buffers around water bodies.
- Details of management responsibilities.
- Details of how biodiversity net gain is to be delivered on site.
- Management plan for the treatment of any invasive species on site
- Details of the accessibility of the site for the ongoing WFD monitoring by the Environment Agency. A 100m stretch of river is required for the macrophyte survey, current upstream point at TQ0417283573.

Reason

To ensure the protection of wildlife and supporting habitat. To secure opportunities for enhancing the site's nature conservation value in line with national and local planning policy, and to ensure there is continuous monitoring of the Alderbourne WFD status. The management plans should be informed by up-to-date ecological surveys including any required species mitigation.

Advice on Condition 2 - Landscape and ecological management plan

This condition has been requested as there are several elements to the development that require more information, these include:

- Ecological enhancements that have been proposed will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.
- Delivery of biodiversity net gain through the proposed development, this should be quantified through a calculation such as the Biodiversity Metric 3.0 and approved in writing by the Local Planning Authority.

The Thames River basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery. Without a landscape management plan, the proposal's ecological impact may prevent a water body quality element from attaining good ecological status in the Alderbourne. This is because it could lead to the spread of invasive non-native species, and the watercourse may provide a pathway for pollutants.

Condition 3 – Deculverting detailed design

No development shall take place until detailed designs of the deculverted and enhanced sections of the River Alderbourne has been submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority in consultation with the Environment Agency, in which case the development shall be carried out in accordance with the amended scheme. The scheme shall include:

- Detailed cross sections and planform drawings of the opened sections of the River Alderbourne.
- Details of biodiversity enhancement; such as a minimum 200mm depth naturalised river gravel substrate, in-channel enhancement to improve the hydromorphology, and inclusion of habitat niches.

- Details of the naturalised banks and riparian buffer zone, to include; 'soft' engineering options, details of any new habitat created on site including planting schemes for native species and details of treatment of site boundaries and/or buffers around water bodies. •
- Details of maintenance regimes and management plans.
- A Biodiversity Net Gain calculation of the whole development site to ensure a minimum 10% net gain for the river metric.
- Details of how the deculverted sections will tie-in with the newly created underbridge sections of the River Alderbourne through the development.
- Details of surface water drainage and SUDs schemes impacting the river, including detailed designs of any proposed outfalls.

Reason

The proposed deculverted sections of the River Lea has been adequately assessed at the outline stage, but detailed designs are required to fully assess the impact. The river must be designed in line with best practice guidance and include embedded mitigation to offset potential Water Framework impacts, and to maximise biodiversity net gain.

This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Advice on Condition 3

The proposed development includes a plan to deculvert at least 69 linear metres of the Alderbourne to the South of A4007 Slough Road. Detailed designs of the proposed 'daylighted' watercourse are required to ensure that the development is compliant with the Water Framework Directive and the Thames River Basin Managements plan, and maximises opportunities for biodiversity gain.

Condition 4

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To protect groundwater. The site is located on a principal aquifer and is proposing a large fuel filling area. This condition will ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework.

Advice on condition 4

We note from the application documents that the fuel filling areas will include 25 fill points for cars, HGVs and light vehicles, however there is no further details about the fuel fillings areas and associated tank farms.

The Phase 1 Geo-environmental reports and Hydrogeological Technical Notes both recommend further site investigation and groundwater monitoring for a least 12 months to establish the groundwater elevations, flow directions and seasonal variations.

As part of this condition, we will require a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed. Specifically a hydrogeological risk assessment which considers the following;

1. all previous uses and proposed fuel filling and storage activities along with the potential contaminants associated with those uses,
2. A conceptual site model of the site indicating sources, pathways (including surface and foul drainage systems and foundations) and receptors potentially unacceptable risks arising from contamination at the site
3. Changes to the seasonal groundwater variations and of flows due to the proposed associated mineral extractions and subsurface obstructions.
4. The total volume of fuels stored and their composition.
5. The fuel filling points and tank farms which include the full structural details e.g. number of tanks and capacity, tank surrounds, associated pipework and monitoring system.

Condition 5

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 183 of the National Planning Policy Framework.

Condition 6

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 183 of the National Planning Policy Framework.

Condition 7

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework.

Condition 8

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference

number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Buckinghamshire Council Ecology (dated 27th October 2022)

Summary:

No objection subject to conditions.

A holding objection was made to this application in August 2022 due to insufficient information provided on great crested newts (GCN).

The matters that remained to be satisfactorily addressed for the CVS application included:

- Assessment of presence/absence of great crested newt and potential impacts;

The further GCN information required was:

- Proof of entry into Buckinghamshire Council's District Licence Scheme – via provision of a NatureSpace Report or Certificate; or
- European Protected Species Mitigation (EPSM) Licensing for GCN.

Background

The applicant submitted a Position Statement (22nd July 2022) to address a number of concerns in relation to Ecology that were raised in a previous response. The Position Statement satisfactorily addressed the following matters:

Assessment of impacts on roosting bats in structures e.g. culverts potentially directly or indirectly impacted by construction activities;

Assessment of impacts for bats, reptiles and badger;

Evidence that habitat condition assessments have been undertaken in accordance with DEFRA Metric V3.0. However, the objection was upheld in August 2022 due to insufficient information being provided within the Position Statement on GCN. The objection letter set out the different options available to the applicant, including undertaking their own population estimate surveys to inform an EPS licence application or by using the Buckinghamshire District Licence Scheme.

Additional information

The applicant has subsequently provided information to confirm that they have progressed with the District Licence Scheme and has provided a District Licence Report (Nature Space Partnership, October 2022).

The report provides details of the assessment undertaken by NatureSpace Partnership on 17th October 2022 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).

This provides sufficient information to overcome the previous reason for upholding the objection, including the need for additional surveys (which are not a requirement of District Licencing).

The report provides the wording to be attached to any granted permission as a condition and this is provided in the following section, a long with other condition wording required for the proposal.

Conditions

There are no further objections to this application on ecology grounds, subject to the following conditions:

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Proposed Colne Valley Services (CVS) Site: Impact Plan for great crested newt District Licencing (Version 1)", dated 12th September 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WMLOR112.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

4. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

5. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and

approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species using the site, specifically bats, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

6. The development shall be implemented in accordance with the agreed mitigation, compensation and enhancement measures, as described in Chapter 6; Ecology and Nature Conservation, of the Environmental Statement Regulation 25 Update – Volume 5 (May 2022). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the measures having been implemented correctly.

Buckinghamshire Council Minerals & Waste (dated 3rd August 2022)

Summary:

Policy 1 of the Buckinghamshire Minerals and Waste Local Plan (BMWLP) sets out the Mineral Safeguarding policy stance for the county. Proposals for development within Mineral Safeguarding Areas (MSAs) other than 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.

The policy also requires the submission of a Mineral Assessment detailing a number of matters.

Discussion:

Policy 1 of the BMWLP in summary seeks to prevent needless sterilisation of mineral resources of local and national importance by non-minerals development.

With respect to the criteria listed in Policy 1, the applicant has submitted planning application ref: CM/0036/21 which seeks to secure planning permission to extract mineral underlying the proposed MSA development on the western side of the M25 amongst other matters. Effectively, in the area to the west of the M25 where development would likely sterilise mineral resources the applicant seeks to evidence that prior extraction of the mineral resource is practicable, environmentally feasible and does not harm the viability of the proposed development.

Application ref: PL/20/4332/OA is supported by a mineral assessment (Updated Mineral Assessment, Version 4, dated July 2022, prepared by Land & Mineral Management) which utilises site specific geological survey data to establish the existence or otherwise of a

mineral resource (detailing resource type, quality, estimated quantity and overburden to reserve ratio). The assessment also provides commentary on whether prior extraction is feasible for identified mineral resources.

Western Area

In consideration of the detail submitted, the applicant has sufficiently demonstrated that the proposed method of extraction would result in the majority of the workable resource to the west of the M25 being extracted with limited resources being omitted and thus sterilised by built non-minerals development proposed.

Eastern Area

With regards to the area to the east of the M25, the applicant is not seeking to extract the mineral underlying the development. Instead for this area the applicant is seeking to demonstrate the mineral concerned is not of any value or potential value (though there is some commentary as to how prior extraction may make the delivery of the MSA development as a whole unviable / would cause lengthy delays to construction). Within the eastern land no site investigation work was carried out as initial evaluation of the area by the applicant concluded that the extraction of any underlying mineral would be uneconomical and environmentally unviable.

The two historic British Geological Society (BGS) Boreholes within the eastern area were used by the applicant to estimate the potential deposit size. The applicant also notes that BGS boreholes used to estimate the reserve in the western area provided estimates of mineral reserves circa three times that which site investigations concluded. This discrepancy is argued to be relevant to the calculated reserve size in the eastern area.

Concerning the quality of the resource, the applicant notes that due to the reserve lying upon alluvium that there was a high likelihood that there is a high clay and silt content. Further, reference to the boreholes conducted in the western area having high silt/fines content is made which may indicate the resource lying upon alluvium may have a commercially unworkable level of silt/fines content.

Further to this, the applicant sets out a number of complications which would face a mineral extraction operation in the eastern area. These include the difficulties presented to mineral extraction in the eastern area by virtue of: the presence of the River Alder Bourne, potentially high groundwater levels, securing adequate standoffs to veteran trees, the situation of the eastern land within Flood Zone 3 and access.

In sum these arguments look to weigh against the viability of the extraction of these resources. The applicant considers that the constraints on the eastern land are too extensive for the mineral reserve to be viable to extract. Following the construction of buffer zones and standoffs the extractable area to the east of the M25 is calculated to be circa 1.77ha with an extractable resource of roughly 100,000 tonnes (without reduction via the arguments made over BGS borehole accuracy in the surrounding area).

Finally, it is stated that the works proposed under application ref: PL/20/4332/OA do not include extraction within the eastern area and the applicant makes the following argument:

“if it were prior extracted, in the limited areas identified as potentially unconstrained to do so, then importation of the same volume of material that had very similar characteristics to the material extracted would have to be sourced to infill the void created and reinstate ground levels. It is critical that the formation layer for the highway infrastructure is stable and the likelihood is that these materials would be similar quarried aggregates, making prior extraction to prevent sterilisation a meaningless exercise.”

In view of the above, it is hence argued by the applicant that the safeguarded mineral resource underlying the development to the east of the M25 is not viable to extract, is not practical to extract nor environmentally feasible.

Revisiting policy 1 of the BMWLP, regarding the eastern area, the applicant is considered to adequately demonstrate that the mineral underlying the site is not of any value or potential value and therefore satisfied the requirements of policy 1.

Suggested Condition:

Prior to the commencement of development a mineral recovery plan for the management of sand and gravel resource recovered incidentally from excavation work throughout the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The mineral recovery plan shall include details of methods for ensuring that all viable minerals excavated during the construction phase are put to beneficial use on site as part of the development. A method to record the recovery of minerals shall also be included within the plan. Records of the amount of recovered material shall be made available to the Local Planning Authority. The development must accord with these approved details.

National Air Traffic Safeguarding (dated 26 July 2022)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en-route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Heathrow Airport Limited (dated 26th July 2022)

I refer to an email received from you, dated Monday 22 July 2022. Following submission of additional information the development has been examined from an aerodrome safeguarding perspective and we maintain our previous position that it could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below.

1. Height Limitation on Buildings and Structures

No building or structure of the development hereby permitted shall exceed 138m Above Ordnance Datum (AOD).

Reason

Development exceeding this height could have the potential to impact the Instrument Flight Procedures (IFP's) surrounding Heathrow Airport and endanger aircraft movements and the safe operation of the aerodrome.

2. Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

-management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards' (available at http://www.aoa.org.uk/wp_content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf).

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason

It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

Information

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airport Ltd Airside Operations staff. In some instances, it may be necessary to contact Heathrow Airport Ltd Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

We will need to object to these proposals unless the above-mentioned conditions are applied to any planning permission.

We would also like to make the following observations:

1. Wind Turbines

Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 5, 'Renewable Energy' (available at http://www.aoa.org.uk/wp_content/uploads/2016/09/Advice-Note-5-Renewable-Energy-2016.pdf).

2. Construction Aviation Warning Lights Although it is not anticipated that the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or Radar. We would like to advise the developer that if a crane is required for construction purposes, then red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib if a tower crane.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Heathrow Airport Ltd, or not to attach conditions which Heathrow Airport Ltd has advised, it shall notify Heathrow Airport Ltd, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Denham (Bickerton's) Aerodrome dated 19th January 2021

I refer to your letters of 13 and 18 January 2021 to Denham Airport inviting comments on the above planning application. The Aerodrome Manager has asked me to send this reply on behalf of Bickerton's Aerodromes Limited.

Denham Airport has no objection to this application, on site C of those examined in the Alternative Sites Assessment. Although close to the southern edge of Denham Airport's Air Traffic Zone (ATZ) this site is not adjacent to the ATZ (unlike site A).

I note that your pre-application advice to the applicant, dated 9 October 2020, recommended the applicant to give consideration to the safeguarding of Denham Airport and suggested engagement with the Airport owners.

The applicant has not given consideration to aerodrome safeguarding. However, I can confirm that this proposed development, as described in the application, would not adversely affect the operations or safety of the busy Denham Airport.

The applicant did not approach the Airport, however on behalf of the Airport I contacted the applicant prior to submission of the application to understand more about the application and the timing of its submission.

Denham Airport understands that there is a need for a new Motorway Service Area on the M25 motorway, which indicates that one of the three sites being promoted, the third being that within the Three Rivers Council area, will be brought forward

Within Buckinghamshire, the Airport has raised strong objection to application PL/19/2260/OA which is very close to the Airport, well within its ATZ, beneath the flying circuits and which would have a significant adverse impact on airport operations and aviation safety. Denham Airport is a key transport and connectivity infrastructure hub as well as an important employment centre.

The Alternative Sites Analysis submitted in connection with application PL/19/2260/OA is flawed as it failed to consider the impact of development of a site between Junctions 16 and 17 on Denham Airport. Supplementary information submitted on behalf of the applicant, Extra, has not properly or adequately addressed the aviation safety issues.

Aviation safety is a material planning consideration and the need to protect General Aviation Aerodromes is set out in Government policy, including NPPF paragraph 104(f) as well as in Civil Aviation Authority (CAA) policies including CAP168 and CAP738.

Therefore, taking account of the need for a new facility to serve the M25, the site to the north of the A4007, at Iver Heath, Application PL/20/4332/OA, is significantly preferable in respect of airport safeguarding and aviation safety to the site between Junctions 16 and 17 of the M25, near Chalfont St Peter, Application PL/19/2260/OA.

Ministry of Defence – RAF Northolt Safeguarding (dated 21st September 2022)

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

This is an outline application, with all matters reserved, for a motorway service station between Junctions 15 and 16 on the M25. Indicative plans submitted in support of the application portray a facility building with a maximum height of approximately 14.3m above ground level, a drive thru building and fuelling station with no indicative height, and landscaping that includes biodiversity planting and waterbodies. The application site occupies the statutory safeguarding zones surrounding RAF Northolt. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 6.3km from the centre of the airfield at RAF Northolt.

Aerodrome Height

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches, and the line of sight of navigational aids and transmitters/receivers are not impeded.

There are no aerodrome height safeguarding objections with the proposals.

Birdstrike

Within this zone, the principal concern of the MOD is the creation of an environment that may attract and support populations of large and/or flocking birds hazardous to aviation safety close to an aerodrome. The development shown on the submitted plans includes a number of elements that might result in the creation of such an attractant environment.

The buildings/structures contain design elements such as green roofs, small ledges, and crannies, which might provide nesting and roosting habitat for feral pigeons, large gulls, and starlings. These species are of particular concern for aviation safety. It is recommended that any subsequent reserved matters application is prepared to minimise the provision of these habitats.

The submitted plans show four basins that form part of a drainage/attenuations system. The provision of open water may attract waterfowl and/or gull species of concern to aviation safety. Whilst the proximity of the site to the Colne Valley and existing waterbodies is acknowledged, any final design submitted at reserved matters stage should seek to minimise the potential for these features to provide an attractant to hazardous species. This may be achieved through basins designed to drain to dry soon after storm events and/or the use of barriers and planting to discourage access for wildfowl to any open water that is provided.

The management of the site is also a concern, given the nature of the development proposed it will be necessary to ensure that measures are taken to minimise feeding opportunities for birds. Necessary measures are likely to include lidded bins and regular cleaning/litter picking. Measures/signage to discourage customers from feeding birds should also be incorporated.

In addition to those measures listed above, a robust results-based Bird Hazard Management Plan (BHMP) should also be provided. The BHMP should identify bird species likely to be problematic, the number of birds that would be considered a concern, measures that would be taken to address the hazard, measures to monitor bird numbers, and to measure the efficacy/result of bird control measures. The BHMP should also set out failure criteria and procedures to review and amend bird control measures to ensure they are effective.

The MOD has no objection in principle to the development proposed.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's documents titled 'Amended Landscape Masterplan', 'Amended Illustrative Masterplan 1 and 2' and 'Amended Design and Access Statement' dated June 2021. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

Buckinghamshire Council Heritage & Conservation Officer (dated 25th July 2022)

Summary:

As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. Given that the proposal would result in harm to the significance of a number of heritage assets, due to the permanent the permanently severing of the historic associations between the heritage assets, further erode of their agricultural setting, adding to the cumulative effect of modern development within their setting and noise and light pollution, there is felt to be insufficient justification for this harm to the significance of these heritage assets. Any harm to, or loss of, the significance of a heritage asset (from its alteration or destruction, or from development within its setting), requires clear and convincing justification. As such the proposals fail to comply with s.16 and 66 of the P(LB&CA)A 1990, heritage policy of the South Bucks Local Plan and South Bucks Core Strategy and heritage advice in section 16 of the NPPF.

Heritage Assets

Mansfield Farmhouse – Grade II listed building (80m east) Barn to north-east of Mansfield Farmhouse - Grade II listed building (70m east) Dovecote to east of Mansfield Farmhouse - Grade II listed building (120m east) White Cottage - Grade II listed building (adjacent to east)
Barn to north-east of Southlands Manor - Grade II listed building (690m north)

The above are designated heritage assets

Mansfield Lodge – Non-designated heritage asset (adjacent to south)

Discussion/Issues

This is my second consultation response and follows on from the submission of a rebuttal in the form of a Heritage Statement in response to my first comments.

There are four Grade II Listed Buildings - Mansfield Farmhouse, Barn to north-east of Mansfield Farmhouse, Dovecote to east of Mansfield Farmhouse and White Cottage, and a non-designated heritage asset - Mansfield Lodge, which lie within close proximity to the proposed site.

These buildings were constructed as part of the post-medieval Mansfield estate. The Mansfield estate is of medieval origin and was an agricultural use; it is recorded on the tithe map and apportionment. The setting of these buildings relates both to their historical relationship, and their historic setting of a rural agricultural environment.

Whilst their setting has been much altered in recent times through the construction of the M25 and other modern developments the proposed development would further truncate these assets by constructing on land between them. This would further erode and destroy the historical associations of these heritage assets, leaving this only to survive in archive records.

The submitted Heritage Statement argues that there would be no truncation of the setting or relationships between the buildings in the farm grouping. I must point out whilst the proposed development would not impinge on the architectural characteristics of the heritage assets, it would be a large modern development which would make it difficult to appreciate the buildings in their historic setting and understand their historic relationship. As such this would be another modern development in an already altered landscape which would further remove physical links between the buildings and would result in the loss of the relationship between the buildings and agricultural land. Therefore, this development proposal would lead to further truncation of the heritage assets.

The Heritage Statement does concur with my assessment that the proposed development would have a harmful effect on the agricultural setting including historic association with the agricultural land. The Statement also concurs that noise, light pollution would be an inherent part of the development proposal. No comment is made on the issue of increased traffic movement. I remain firmly of the view that the harmful cumulative effects of the modern development would have a significant impact on the setting of the heritage assets.

Regarding White Cottage, Mansfield Farmhouse, the Barn, Dovecot and White Cottage and the NDHA Mansfield Lodge are a group of buildings historically related by the post-medieval Mansfield estate. The proposed development would wrap around to the west, east and north of White Cottage and would include proposals to plant woodland in the field immediately to the north which is currently open agricultural land. Modern development of the scale proposed and the need for significant planting would further make it difficult to appreciate the buildings in their historic rural setting and the building would no longer be readily associated with agricultural land.

Therefore, I maintain my view that this harm would constitute less than substantial harm in relation to the policy test required as part of the NPPF. However, I consider that the relative sensitive of the wider settings of the Listed Buildings and non-designated building historically associated with Mansfield Farm is medium given the proximity of the development and that the proposed development would constitute a medium magnitude of change and the resulting levels of effect would be 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.

My assessment is based on the fact that the proposed development would be permanently severing the historic associations of these heritage assets, further erode their agricultural setting, add significantly to the cumulative effect of modern development within their setting, and add to noise and light pollution. As such I consider that would be a negative element within the setting that would erode the significance of the historic assets to a clearly discernible extent.

Para 199 of the NPPF confirms that great weight should be given to the asset's conservation and Para 200 requires that any harm to the significance of a designated heritage asset (from its alteration or development within its setting) should require clear and convincing justification.

The development proposed is considered to cause less than substantial harm to the designated heritage assets. In such circumstances, Para 202 of the NPPF states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As such it is entirely up to the Planning Officer to weigh up the less than substantial harm to the significance of the heritage assets, against the public benefits of the proposal.

Heritage Policy Assessment

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals due to the permanently severing of the historic associations between the heritage assets, further erode of their agricultural setting, adding to the cumulative effect of modern development within their setting and noise and light pollution would not preserve the architectural and/or historic interest of the listed building and therefore does not comply with sections 16/66 of the Act.

NPPF

The proposal due to the permanently severing of the historic associations between the heritage assets, further erode of their agricultural setting, adding to the cumulative effect of modern development within their setting and noise and light pollution would cause less than substantial harm to the significance of the designated heritage asset. Paragraph 202 therefore applies. Paragraph 189/197/199 of the NPPF should also be considered in determining the application.

Conclusion

For the reasons given above it is felt that in heritage terms:

That the application does not comply with the relevant heritage policy and therefore unless there are sufficient planning reasons, it should be refused for this reason.

Buckinghamshire Council Heritage & Conservation Officer (dated 30th August 2023)

Summary:

Heritage assets are an irreplaceable resource, and it is important to preserve them in a manner appropriate to their significance. In heritage terms, Less than substantial harm has been identified to the assets detailed in the discussion below. Any harm or loss of significance to a heritage asset requires clear and convincing justification and should be weighed against public benefits.

Heritage Assets:

Mansfield Farmhouse – Grade II listed building (80m east)

Barn to north-east of Mansfield Farmhouse - Grade II listed building (70m east)

Dovecote to east of Mansfield Farmhouse - Grade II listed building (120m east)

White Cottage - Grade II listed building (adjacent to east)

Barn to north-east of Southlands Manor - Grade II listed building (690m north)

The above are designated heritage assets

Mansfield Lodge – Non-designated heritage asset (adjacent to south)

Discussion:

Consultation responses have been provided by another case officer in relations to these proposals. The purpose of these comments is to clarify the levels of harm in heritage terms to enable the appropriate weight to be given to heritage matters in the Planning assessment.

The previous Heritage Officer (Consultant) has identified Less than substantial harm to the significance of the GII listed buildings at Mansfield Farmhouse, Barn to the NE of Mansfield FH, Dovecote to East of Mansfield FH and White cottage due to the proposed changes within their setting. The landscape and setting changes are discussed in the previous comments using Landscape terminologies. I would expect that the assessment of ‘Moderate adverse change’ was identified through discussion with the Councils Landscape Team by the Heritage Consultant. In order to provide clarification, I have reviewed the proposals against the existing situation and would confirm that in heritage terms I would assess the harm in heritage terms as low level LTSH.

The following are factors in this review:

The existing separation and severing of visual links and shared setting due to the M25, Slough Rd substation and existing green screening.

The temporary nature of construction and excavation stages of the proposal.

The sunken nature of the proposed MSA and vegetation renewal proposed.

The orientation of the farm buildings away from the proposed new slip road.

Heritage Policy Assessment

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals due to the further erosion of their agricultural setting and adding to the cumulative effect of modern development within their setting through noise and light pollution would not preserve the architectural and/or historic interest of the listed building and therefore does not comply with section 66 of the Act. NPPF The proposal due to the further erosion of their agricultural setting and adding to the cumulative effect of modern development within their setting through noise and light pollution would cause less than substantial harm to the significance of the designated heritage asset. Paragraph 202

therefore applies; in applying this policy it is considered that the following paragraphs also apply:

Paragraph 189 – Heritage assets are an irreplaceable resource and should be preserved in a manner appropriate to their significance.

Paragraph 195 - planning authorities should assess the particular significance of any asset affected by a proposal, including by development within its setting and aim to avoid or minimise any conflict between the asset's conservation and any aspects of the proposal.

Paragraph 197 – Assessment should take account of the desirability of sustaining and enhancing the significance of heritage assets and should provide a positive contribution to local character and distinctiveness.

Paragraph 199 - great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether the harm amounts to substantial, or less than substantial harm.

Paragraph 200 – Any harm or loss of significance of a designated heritage assets from its alteration or destruction, or from development within its setting should require clear and convincing justification. The Case Officer should ensure that this is considered within their final assessments. The NPPF paragraph 206 - Local planning authorities should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets, to enhance or better reveal their significance. As noted above pre-existing development has already undermined the relationships between White Cottage and the related Mansfield FM assets.

Conclusion

For the reasons given above it is felt that in heritage terms:

That the application does not comply with the relevant heritage policy and therefore the harm should be weighed in the Planning Balance against public benefit.

Historic England (dated 7th June 2022)

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

Buckinghamshire Council – Strategic Access Officer (dated 8th July 2022)

Please read these comments in conjunction with my earlier comments loaded on the planning portal 15 APR 2021.

A4007 Slough Road [A4007 cycling improvements]

The proposed 3m wide footway/cycleway connecting along the south side of Slough Road from the new vehicular access in an easterly direction towards Uxbridge, is welcome as it complements the cycling and walking network provided along Bridleway IVE/32/1 through the site and Bridleway IVE/33/2 south of the A4007 Slough Road. The proposed controlled Toucan crossing will facilitate walkers and cyclists crossing this road in the vicinity of the proposed new vehicular access and provide a more connected rights of way network between Iver and Pinewood.

Slough Road [A4007] controlled crossing

With the above in mind, Highways Development Management's Condition 5 recommends pre-commencement submission of plans for a Toucan crossing of Slough Road for walkers and cyclists, with construction pre-occupation via s278 Highways Act 1980 agreement

However, mindful of the British Horse Society's comments [MRS PETRONELLA NATTRASS 12 FEB 2021] confirming Bridleway IVE/32/1 through the site is currently used by horse riders with stables and yards situated south of the A4007, wishing to make onward connections to Sevenhills Road and Black Park in the existing situation, it would be helpful to include some equestrian provision on the Toucan crossing.

This would facilitate horse riders making the connection along the vehicular highway network [blue] between existing bridleways [green] on Extract 1.

Canal & River Trust

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issue for the Trust on this application is the connectivity to, and impact on the canal corridor, from increased use as part of the Sustainable Transport Network. The Trust has reviewed the amended information available, and our advice remains that a legal agreement is necessary to address this matter. Our advice and comments are detailed below:

The revised Transport Assessment still indicates a commitment to providing sustainable travel options for staff with the main pedestrian/cycle access for staff to be provided via Slough Road with mitigation measures including the provision of a 3m path and new signalised crossing. The Technical note at Appendix O highlights cycle catchments and links to NCN route 6 & 61. There is however no assessment of the potential of the canal towpath

to form part of the sustainable transport network, nor any mitigation measures to address the increased use of the towpath that will arise from the proposed development.

The amendments have therefore not addressed our previous comments, dated, 11th August 2021, which are still relevant, and for convenience are copied in full below:

The Grand Union Canal is located to the east of the application site and the Slough Arm of the Grand Union Canal is to the south. Although not in the immediate vicinity of the site the towpath to both of these sections of the canal network are accessible, either on foot or by bicycle, from the development and they open up opportunities for active travel. The canal towpath is an important traffic free route for walking / cycling for both leisure and utility walkers and could provide linkages / access to the urban areas and local facilities such as underground stations.

The Design & Access Statement (p69) identifies the existing cycle infrastructure in the surrounding area though it appears to suggest that National Cycle Network (NCN) Route 6 “provides a direct cycle connection between Uxbridge underground station and the site.” However, this is not the case, NCN6 runs along the Grand Union Canal towpath from Iver Lane, north and parallel to the M25. NCN Route 61 connects to the southern end of NCN Route 6 at Iver Lane and runs east-west south of the site, whilst it also does not connect directly to the site it does link to the Slough Arm of the Grand Union Canal. The canal would provide an attractive off-road pedestrian/cycle route for access to the site from the wider area avoiding heavily trafficked routes, such as the A4007, which would not provide for particularly inviting routes for pedestrians and cyclists, especially less experienced riders.

Considering the size of the proposed development there would likely be increased emissions impacts from the staff travelling to work, alongside the deliveries by HGVs. Within the Framework Travel Plan, there is some reference to the provision of a new footway and crossing from the existing bus stop, provision of cycle parking, and a staff bus, though other measures to encourage staff to travel to the site on foot or by bike appear limited, and there is no mention about supporting local sustainable transport development. There are undeniable impacts of the scheme on the local landscape and environment, and given its intrinsic purpose to support road traffic, it seems appropriate that mitigation is provided in the form of supporting the provision of suitable sustainable transport infrastructure in the local and wider area, including to support routes to the site itself.

The canal towpath between Slough and Yiewsley and Uxbridge provides an opportunity to provide convenient, safe, attractive and traffic-free routes for cycling and walking to support sustainable and active travel more widely in the local area. The Trust generally seeks to maintain its assets in a “steady state”, and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust’s maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade access points and the towpath surface to a standard which are more durable and thus able to accommodate increased usage, and during a greater range of weather conditions across the year, without adding to the Trust’s future maintenance costs.

In this case we would suggest this could include towpath improvements from Rockingham Road north (also assisting staff wanting to cycle from northern parts of Uxbridge), between Cowley Mill Road south (also supporting staff travelling from southern parts of Uxbridge and Yiewsley), and also on the Slough Arm, providing a route in from Slough, and Langley.

In light of the support offered by Policies CP6 & CP7 of the Core Strategy, 2011 and the approach to developer contributions guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL), we consider that a case can be made that such a contribution is necessary, directly related to the proposed development and is fairly and reasonably related in scale and kind to the development proposed, as the towpath would be a key cycle and pedestrian route for utility use to promote health and well-being and overall sustainability of the proposed development site and can therefore expect increased usage.

The Canal & River Trust therefore request that further discussions take place on this matter to determine if there is support for our request for a contribution, and if so, what would be considered to be an acceptable contribution in line with the Community Infrastructure Levy Regulations 2010 (as amended). Following that discussion, a further revised response will be provided.

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) (dated 8th June 2022)

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Updated Flood Risk Assessment (ref. IVH-BWB-ZZ-XX-RP-YE-0004_FRA, Rev. P07, 14.04.2022, BWB Consulting)
- Updated Sustainable Drainage Statement (ref. IVH-BWB-ZZ-XX-RP-CD-0001_SDS, Rev. P06, 14.04.2022, BWB Consulting)
- Addendum to Appendix 10-3 Hydrogeology Technical Note (ref. B/AXS/CVSMSA/TA001A/21, April 2022, BCL Hydro)
- LLFA Comments Response (ref. IVH-BWB-ZZ-XX-RP-YE-0008, Rev. P01, 08.02.21, BWB Consulting)
- Borehole logs (ref. 2071607)
- Hydrogeology Technical Note (ref. B/AXS/CVSMSA/TA001/21, June 2021, BCL Hydro)

Following my previous comments on 20th June 2021, an updated Flood Risk Assessment (Rev.P07) and Sustainable Drainage Statement (Rev. P06) response has been issued by BWB Consulting on behalf of the applicant due to the revised scheme.

The LLFA has no objection to the proposed development subject to the following planning conditions listed below being placed on any planning approval.

The FRA (Rev. P07) has been updated in sections 3.31, 3.44, 3.45, 3.46, 4.9 in relation to the surface water overland flow routes from off-site sources. The FRA contains a watershed analysis (IVH-BWB-ZZ_XX-DR-YE-0200 Rev.P01) of the flow routes to understand the impact that the above proposals have on surface water flood risk. The westerly flow route will not

be affected by the proposals, whilst the easterly and flow route associated with the watercourse are partially affected. Therefore, the FRA proposes that a filter drain will be constructed around the southern and western extends of the development in the western area of the site to intercept overland surface water flow routes. The proposed filter drain is shown on Surface Water Flow Routes (IVH-BWB-ZZ-XX-DR-YE-0200 Rev.P01). The proposed mitigation satisfactorily addresses the concerns raised in previous correspondence.

Included in the additional information is a Hydrogeology Technical Note which discusses the local groundwater conditions. The Hydrogeology Technical Note sets out that “with the removal of the superficial sand and gravel, the CVS scheme will be constructed across an area underlain by a significant thickness (a minimum 20m) of non-aquifer strata, incapable of supporting groundwater in its own right and separating the surface environment from deeper aquifer units in the locality. It is therefore apparent that the CVS scheme will be at minimal risk of groundwater related flood impact.” The technical note recommends that the collection of groundwater data is maintained for at least a period of 12-months to enable confirmation of water levels expected within the superficial deposit. I support the recommendation that groundwater monitoring should be continued on-site.

Surface water drainage strategy

The Sustainable Drainage Statement has been updated to include references to the surface water overland flow route within Section 2.4. The proposed surface water drainage is shown on the Outline Surface Water Drainage Strategy (Dwg No. IVH-BWB-ZZ-XX-SK-C-0001, Rev. P04) and comprises a series of underground attenuation tanks, detention basins, swales, permeable paving area, rain gardens and filter drains. The surface water runoff from the western and eastern catchments will discharge at the Mean Annual Flood Flow (Qbar), 14.1/s and 10.8l/s respectively, up to and including the 1 in 100 year climate change storm event. The existing slip road catchment will discharge at a rate of 2l/s due to the risk of blockages on a smaller discharge rate. To attenuate surface water runoff from the proposed development up to the 1 in 100 year plus a 40% climate change allowance, an indicative volume of 12,509m³ is required.

I would request the following condition(s) be placed on the approval of the application, should this be granted by the LPA:

Condition 1

No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Discharge rates will be limited to 24.9l/s for the total area, to be split into west and east catchments, 14.1l/s and 10.8l/s respectively
- Ground investigations including:

- Infiltration rate testing in accordance with BRE Digest 365
- Groundwater level monitoring in accordance with Hydrogeology Technical Note (ref. B/AXS/CVSMSA/TA001/21, June 2021, BCL Hydro)
- Floatation calculations based on groundwater levels encountered during long term groundwater monitoring
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Advice to the LPA: Securing whole life maintenance of the surface water drainage strategy
 We would recommend that the “whole-life” maintenance and management plan for the surface water drainage system is secured by a Section 106 Planning Agreement. The use of a planning obligation (as opposed to a planning condition) would help to safeguard the maintenance and management of these features over the lifetime of the development. The Lead Local Flood Authority are of the opinion that this is a reasonable approach due to the residual risk of surface water flooding to the site should the systems not be adequately maintained.

Advice to the applicant: Land Drainage Consent

Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures in the watercourse. After planning permission has been granted by the LPA, the applicant must apply for Land Drainage Consent from the LLFA, information and the application form can be found on our website. Please be aware that this process can take up to two months.

Thames Water

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission:

"The development shall not be occupied until confirmation has been provided that either:-

1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or-
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan."

Reason

Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning

Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Affinity Water dated 18 February 2021

Thank you for consulting Affinity Water on this application. We have no substantive comments to make.

The development will likely mean a number of changes to our services here and we would as that the developer engages with our Developer Services section as soon as possible. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

Thames Valley Police dated 22 June 2022

Thank you for consulting with me on the above planning application. I have reviewed the submitted documentation and consulted with colleagues who routinely police this area. I make the following comments with the aim of addressing the potential for crime and anti-social behaviour occurring at the site and the ability of Thames Valley Police to safely and appropriately deploy from/arrive at the site without unnecessary delay.

From the documents provided the secondary access from the local road network has had the secure vehicular access removed. Whilst we appreciate this is in response to Highways England requirements and the quoted Circular 02/2013 'The Strategic Road Network And The Delivery Of Sustainable Development', our position remains that this has the potential to negatively impact accessibility for Local Policing Area (LPA) resources. We still strongly believe that the circular quoted should be viewed on a case for case basis and believe additional access should be provided to prevent any delay from emergency services attending the site.

We are not proposing that this should be an insecure secondary route and believe the onus should be placed back on the applicant/developer to provide sufficient security including remote access via their security personnel on site ensuring entry only to emergency vehicles.

This will be the second motorway service area (MSA) located within this LPA whereby the first, Beaconsfield, already represents a large impact on our resourcing. Thereby the accessibility of this second MSA is vital to preserve our ability to respond across the LPA in terms of both the MSA's and the local communities. The lack of a direct secondary vehicle access onto the site presents several concerns;

- The ability to redeploy a resource located within the local community and close to the site or from the site and back to the local road network.
- The risk to officers that are not fast road trained but routinely having to access to the site via the M25. These officers will be obligated to address an incident on the strategic network on route to the site but will not be equipped with the appropriate kit, vehicles and training associated with our specialist Roads Policing resources.
- Depleting our specialist trained Roads Policing Officers and vehicles, who would be the most appropriate resource to attend due the limited access from the M25 potentially impacting our ability to deploy to other sections of the strategic road network.
- The potential for congestion on the motorway to delay or prevent us reaching the site especially considered alongside proposals for smart motorways with no hard shoulder access.

If, as proposed the secondary vehicular connection directly into the site is removed, we require (as a minimum) a secondary access route from the local road network without a direct access through the site. This access could terminate where emergency vehicles can be left as close as possible to the site and the main building, allowing officers to continue on foot for a limited distance without incurring a significant delay. From the plans provided the current distance illustrated from the local road network would be considered too great on foot. Any parking area should be adequately covered by formal surveillance however the design should be utilised to remove any obvious visual cues that vehicle access is possible in this location e.g. the use of a wider surface with grasscrete or similar. Management procedures for the site should address the potential for longer response times and should seek to robustly prevent the potential for crime and anti-social behaviour occurring at the site from the outset.

British Pipeline Agency dated 25th May 2022

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application. However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Buckinghamshire Council Tree Officer dated

There are no current Tree Preservation Orders within the site. A parcel of Ancient Woodland (AW) is situated within the site and there are two parcels of AW situated just outside the site on the southern and northern boundary of the site.

The Forestry Commission is a non-statutory consultee on developments in or within 500m of an AW <http://www.forestry.gov.uk/forestry/infd-98uh7n>. Joint standing advice by FC and NE can be found on the following link <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences> which outlines what LPA's should consider when development is near ancient woodland or/and veteran trees. The 2nd supplementary planning statement outlines the loss of woodland as well as mitigation in paragraphs 4.6.7 - 4.6.9. Forestry Commission Area Office contact details <http://www.forestry.gov.uk/england-areas>.

I have reviewed amended Arboricultural Impact Assessment (January 2022) by Barton Hyett Arboricultural Consultants which is in accordance with BS 5837 guidance for current planning application CM/0036/21. As outlined in paragraph 9.3. of this document "An AMS and finalised TPP will need to be produced. Where the feasibility of a scheme has been agreed upon by the Local Planning Authority, this detail can be agreed and submitted later as part of a reserved matters application or pre-commencement planning condition (by agreement with the applicant)".

If planning permission is permitted I would suggest following planning condition:

No works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until a Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) has been submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority. Ground protection measures including protective fencing shall be erected or installed prior to the commencement of any works or development on the site including any works of demolition and shall conform to current British Standard 5837 specification guidance. The approved fencing and/or ground protection measures shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas without prior written agreement from the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

The AMS and TPP shall include:

- 1.) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- 2.) Details as to the location of proposed and existing services and utilities including sustainable drainage, where these are close to Root Protection Areas (RPAs);
- 3.) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees (area within the development to which it applies); demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- 4.) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998.
- 5.) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters and details of supervision and reporting by a qualified arboriculturist is to be sent to the Local Planning Authority planning department.
- 6.) Siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding and to be shown on submitted TPP

Reason:

To maintain the amenity of the area and ensure retained trees, shrubs and hedges are not damaged during all phases of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 by ensuring the development accords with method statement and that the correct materials and techniques are employed which conform to current British Standard 5837 specification guidance.

Comments dated: 14th October 2022

As you aware I have made previous comments on the above application 14 Jan 2021, 26 July 2021 and 25 May 2022. I have also made comments on CM/0036/21 on 19 Aug 2021, 20 May 2022.

The 20 & 25 May 2022 comments for both applications was in regards to the submitted Arboricultural Impact Assessment (January 2022) by Barton Hyett Arboicultural Consultants. As outlined in the tree report there are a number of veteran trees within or adjacent to the site that are either being retained or removed. I consider this report to be to a high standard in the condition and description of trees within the site.

I visited the site yesterday with Graham who kindly had the AIA report above so were able to view T62, T60, T59, T11. The attached document are pictures of T60, T59 & T11. We could not gain access to all parts of the site so we could not assess T12 & G6.

- T12 is described in detail paragraphs 6.9 - 6.15 as a notable and emerging veteran tree.
- T60 is described in detail paragraphs 6.16 – 6.18 as a notable tree but lack of veteran characteristics.
- G6 is described in detail paragraphs 6.22 – 6.32 and basically this group of alders has a mixture of notable, veteran and ancient trees.

In my opinion:

- T11 notable.
- T59 notable.
- T60 veteran.
- T62 notable.

Richard

Follow up Responses dated 12th and 15th September 2023

Following review of various photographs of T12 in my opinion it would be notable.

T65

They may following recent arboricultural assessment determine to remove this tree for the construction of the SUD but it could be easily retained as a snag/monolith.

I do not consider it to be veteran and agree with the findings of the Barton Hyett Associates AIA (Jan 2022) paragraphs 6.20 – 6.21.

Buckinghamshire Council Archaeological Services (BCAS) (dated 11th November 2021)

The Buckinghamshire Council Archaeological Service (BCAS) has received new information regarding the above application. We maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 194 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

This letter supersedes the advice given in our letter dated 5 August 2021.

Historic Environment Record (HER) information As per our previous letters, dated 26 January 2021 and 5 August 2021, we consulted the Buckinghamshire Historic Environment Record (HER) and note that the following records are relevant:

* COA = conservation area; LB = listed building; RPG = registered historic park; SAM = scheduled monument; PLN = planning notification area (undesigned area of archaeological interest); HER = historic environment record

Note: some records relate to extensive areas such as historic landscapes, historic towns and villages or areas of high archaeological potential. For full HER information and a licence for commercial use please contact the Bucks HER Officer.

Archaeological and related interests

We refer to our letter dated 26 January 2021, where we requested the following works pre determination;

-Due to the potential for significant Mesolithic deposits to be present, we would request archaeological test pitting be undertaken across the southern area of the application site, as shown in blue on figure 9.17 of the submitted EIA. This work would aim to inform a more detailed deposit model, as well as looking to identify the presence of in situ flint scatters and/or preserved organic remains.

-Following the results of the test pitting, an updated deposit model to be produced which should inform a detailed archaeological Impact Assessment. The Impact Assessment should cover the whole application site.

This additional information was requested to help inform the County Archaeology Service in determining appropriate guidance and mitigation, and to identify where significant archaeology could be preserved in situ if present. As explained in our letter dated 5 August 2021, we welcomed the efforts of the applicant to address the first stage of works, and acknowledge the logistical difficulties faced in attempting to carry out the archaeological test pitting. The updated EIA has not managed to include details of any additional test pits, but it has included detail from previous archaeological works to enable a more detailed deposit model. The results of this work suggest that potentially significant Mesolithic deposits are unlikely to remain within the Site or be impacted upon by the scheme.

We have now received the second piece of works requested, namely an Impact Assessment which covers the whole of the red line boundary area, and also covers the construction compound footprint which lies immediately to the south west. Based on the information provided in this Impact Assessment, we have amended our recommendations for this application. The Impact Assessment has demonstrated that the main impact, where there will be no scope for preservation in situ, is the mineral void. The mineral void is located partially within an Archaeological Notification Area identified due to known and potential Saxon settlement and multi phase activity. Approximately half of the mineral void footprint has already been subject to a geophysical survey, which highlighted a potential enclosure in the north eastern region but no other clear archaeological anomalies. The area of main

impact from the mineral void is at the far north eastern area of the ANA, furthest from the known Saxon remains. It is considered on balance, that the potential for significant archaeological remains to be present within the mineral void footprint is moderate but not high.

With the exception of the mineral void, all of the other areas are shown in the Impact Assessment to have a degree of flexibility in the depth of proposed works, with some areas potentially suitable for preservation in situ.

On consideration of the proposals, the potential significance of the archaeology and the potential for some areas of the site to be preserved in situ if required, we feel that the potential harm to the archaeological resource at this site could be mitigated through appropriately placed conditions on any planning permission granted.

If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following conditions:

-No development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.

-Where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the planning authority.

-Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

The archaeological investigations should be undertaken by a professionally qualified archaeologist working to the agreed written scheme(s) of investigation which should be based on our on-line template briefs.

We would expect the first phase of works, comprising evaluation of the whole application area and the construction compound, to be undertaken in one phase in advance of the mineral extraction works. We acknowledge that some of the application area has already been subject to geophysical survey, so we would not expect these areas to be resurveyed.

However, the trial trenching should cover the whole application site and both phases of evaluation should include the construction compound area despite this lying outside the red line boundary. The evaluation should also include appropriate works to identify evidence of Mesolithic activity, either by additional test pits, or by the sieving of topsoil and plough soil.

Buckinghamshire Highways Development Management (dated 22nd June 2022)

I write further to my comments dated 14th September 2021 in which I had no objection to the proposals subject to obligations and conditions. Since these comments the applicant has submitted a further response to my previous comments to provide clarification on certain matters. These comments should be read in conjunction with my aforementioned previous comments for this application.

Staff/Emergency Access

The proposed access from A4007 Slough Road is now proposed as a staff drop-off/pick-up only, with no vehicular access permitted to the main site, including emergency vehicles. It will instead serve as a non-motorised route into the site for staff members, including the potential for a drop-off/pick-up area for the proposed staff minibus. I am satisfied that this access is sufficient to serve this purpose and will not result in a detriment to the local highway network.

However, it is required that a plan is submitted for this access which includes how the access will be laid out and how it will be ensured that this is solely used for non-motorised staff access. This will then be reviewed by the Highway Authority and can be secured by way of condition. This plan should be provided prior to a decision being made, however, should I not be in receipt of it by this point, I will recommend a condition below for its provision and approval prior to commencement. In addition, to address any concerns regarding inappropriate use of this access, I require the proposed travel plan to include a strategy for the monitoring and managing of this access point.

Traffic Impact

The applicant has agreed to implement controls on the shift patterns and number of admin staff to ensure that these do not conflict with the network peak hours in future. They have suggested that this is formalised into the Travel Plan submitted and secured as part of the application. The Highway Authority can confirm that this is sufficient, however this should also be referenced as a distinct clause in the s106 agreement to ensure the obligation remains after the 5-year lifetime of the Travel Plan.

Re-alignment of Slough Road

A Stage 1 Road Safety Audit (RSA) has been submitted by the applicants for the proposed Slough Road access and realignment of the Slough Road. Having assessed this, I am satisfied that most of the recommendations as stated within this have been accepted by the applicant, other than the provision of a right-hand turn lane into the proposed access from

Slough Road. Having reviewed this further and consulted colleagues in other teams, it is considered that the problem identified by the auditor is valid and a right-hand turn lane is therefore required. There is already ghost hatching in the centre of the carriageway which would allow for the inclusion of this feature. The other improvements as identified will also be subject to detailed design and a Stage 2 RSA.

It is noted that the re-alignment of Slough Road has allowed for the inclusion of a 3m wide footway/cycleway on the southern side of the carriageway which ties in with the existing network. This is positive in encouraging staff to travel to the site by sustainable modes of transport and is therefore a welcomed improvement.

Layout and Parking

The applicant has confirmed that the required level of electric vehicle parking will be provided within the site.

Sustainability and Framework Travel Plan

The applicant has agreed that bus stop upgrades on the Slough Road can be provided in line with the s106 as stated within my previous response. These upgrades were requested by the Passenger Transport Team and is therefore considered the most appropriate improvements for this site.

As aforementioned, it is also required that the monitoring and managing of the proposed non-motorised staff access, including the drop-off point, is included within the travel plan for the site to ensure that it is not used inappropriately.

In addition, as previously requested, the applicant has agreed to the provision of a puffin crossing on Slough Road. In light of the drawings provided which demonstrate the provision of a footway/cycleway on the southern side of Slough Road (drawing number JNY10850-20 Rev C), this crossing will now need to be in the form of a toucan crossing to adequately cater for cyclists accessing the site. The Highway Authority does not deem this change to be materially different from the previously proposed 4m wide puffin crossing.

However, the crossing has now been re-located appears to the east of the site access, and not to the west as previously considered. Given that the existing bus stops are located on the west side of the access, the crossing no longer falls on the desire lines for staff members. However, it is acknowledged that the change in location may have been a result of the levels of achievable forward visibility due to the bend in the carriageway in this location. It is also noted that the provision of this signalised crossing has not been included within the submitted stage 1 RSA due to being proposed following this audit. It is therefore considered that this will need to be included within an RSA to ensure any potential risks are adequately addressed.

Following a review of the drawing submitted and the levels of forward visibility which can be achieved within highway land, the location of this crossing does appear acceptable,

although this will need to be subject to the submission and approval of relevant technical details and RSA's.

The Highway Authority accepts that to achieve technical approval adjustments may be required to the precise location of the crossing and the proposed road markings will need to be revised at a detailed design stage to conform with the Traffic Signs Regulations and General Directions document. This is not of concern to the Highway Authority as long as the purpose of the crossing remains.

Construction Traffic

As previously mentioned within my first response to this application, it is noted that there is to be a period where construction traffic shall be requiring access from the A4007 Slough Road, until such a time as direct access has been created from the M25, approximately 3 months. This is a temporary impact on the local highway network, and as such the impacts shall be addressed and managed through the requirement to provide a Construction Traffic Management Plan (CTMP).

Along with the information required as set out within the previous response (also contained within the condition below) this plan must also address the construction impacts for the construction of the realigned section of the A4007 Slough Road. Careful coordination will be required between the Highway Authority controlling the A4007 and National Highways. This shall be a requirement that the CTMP shall have to detail and explain.

It is also required that the CTMP sets out measures to ensure that construction traffic maintains adherence to appropriate routes, and minimises impact on sensitive locations, including but not limited to local primary schools and junctions to the west of the site on Bangors Road.

Conclusion

Mindful of the above, the Highway Authority does not object to the proposed development subject to the submission of further road safety audits and the following obligations and conditions being included on any planning consent you may grant:

S106 Obligations

The obligation for the monitoring and managing of a full Travel Plan, including the payment of a £5000 developer contribution towards a Travel Plan monitoring fee which is calculated as £1000 per annum for 5 years.

Upgrading of both bus stops on Slough Road to provide bus shelters and RTPi services. This includes a total payment of £20000 for bus shelters and £16000 to provide RTPi services. The exact specification of bus shelters at this location is not yet defined, however it would not exceed the sum requested.

Buckinghamshire Council Strategic Access (dated 8th July 2022)

Please read these comments in conjunction with my earlier comments loaded on the planning portal 15 APR 2021.

A4007 Slough Road [A4007 cycling improvements]

The proposed 3m wide footway/cycleway connecting along the south side of Slough Road from the new vehicular access in an easterly direction towards Uxbridge, is welcome as it complements the cycling and walking network provided along Bridleway IVE/32/1 through the site and Bridleway IVE/33/2 south of the A4007 Slough Road. The proposed controlled Toucan crossing will facilitate walkers and cyclists crossing this road in the vicinity of the proposed new vehicular access and provide a more connected rights of way network between Iver and Pinewood.

Slough Road [A4007] controlled crossing

With the above in mind, Highways Development Management's Condition 5 recommends pre-commencement submission of plans for a Toucan crossing of Slough Road for walkers and cyclists, with construction pre-occupation via s278 Highways Act 1980 agreement.

However, mindful of the British Horse Society's comments [MRS PETRONELLA NATTRASS 12 FEB 2021] confirming Bridleway IVE/32/1 through the site is currently used by horse riders with stables and yards situated south of the A4007, wishing to make onward connections to Sevenhills Road and Black Park in the existing situation, it would be helpful to include some equestrian provision on the Toucan crossing. This would facilitate horse riders making the connection along the vehicular highway network between existing bridleways.

Equestrian traffic is likely to be light and occasional, so the shared space across the proposed Toucan crossing should be adequate. However, to avoid horse rider's being forced to dismount [with a need for mounting blocks either side] or be forced to cross at less safe locations other than at the Toucan crossing, some Pegasus crossing features should be added.

Ideally, a 2m high push-button unit with horse symbol, attached to a pole, set back from the vehicular running lane [compliant with Pegasus design], should be installed. The wider standard design on approach could be less onerous if space is limited within the highway extent, as recommended by BHS advice [www.bhs.org.uk/accessadvice] for Pegasus crossings, for example.

I have sought a minor text amendment from Highways Development Management to their bullet point highlighted yellow above, to be replaced with:

- Controlled crossing of the Slough Road, at least to Toucan design, with Pegasus crossing features included where space allows within the highway extent;

The above will mitigate the increased vehicular movements relating to the pickup and drop-off area and junction, and allow safe passage of horse riders in addition to walkers and cyclists.

Diverted Bridleway

IVE/32/1 The Illustrative Landscape Masterplan [Drawing: LP2226-FIRA-MP-ST-P-LA-WS-001] provides the best illustration of the diverted bridleway. With regard to the proposed new alignment, my earlier comments generally remain the same, which concluded the diversion was satisfactory, subject to maintaining an unplanted corridor of 6m, with a surface of width comparable to the existing situation [3m wide].

The Landscape Masterplan appears to show scattered blocks of trees through which the bridleway passes in a wide corridor.

Any proposed scrub is a concern as this would, over time, naturally spread across areas between trees and could physically narrow the width. Moreover, any proposed trees planted too close to the bridleway would shade the surface from drying, possibly rendering winter use inconvenient compared to the existing bridleway passing along open, arable field edges. I trust this can be overcome by regular management of an unplanted corridor through the woodland/scrub planting areas to avoid natural seeding; and by securing a generous, unplanted corridor width with detailed plans.

The profile drawing do not seem to demonstrate a good width. For example, the cross-section E – E in the Design & Access Statement [p.48] indicates the bridleway is enclosed tightly by trees in the central section, in contrast to the Landscape Plan which is wider. Therefore, a shadier corridor than existing is indicated [at least on the profile] which doesn't benefit from drying by sunlight and wind, which is a concern.

However, there's no scale bar in this profile and I can't measure off it electronically at 1:100, except to scale from the '30m landscape buffer' width, though this may only be indicative. If not, then the bridleway corridor is only around 3.3m which is far too narrow. The north-western bridleway plan and profile is provided at A – A, but I'm not confident measuring off it accurately on the plan provided. This corridor, and that north of profile A – A, should be at least 4m wide to reflect the existing field edge situation between fence and hedge.

In light of the above I have recommended increasing the unplanted corridor from my previous recommended 6m to a revised 8m through the central and southern woodland sections, which appears achievable for both these areas. Detailed plans illustrating the 8m [central and southern] and 4m [north-western] corridors could be covered by condition, together with a vegetation management plan to ensure they remain clear of natural seeding.

Please also note my previously recommended conditions and informative from 15 APR 2021. [If you agree, Condition 1 will need a slight amendment to remove reference to the '30m-wide green infrastructure and landscape buffer' as I'd not realised at the time it variously measures around 60m in width through the central section and wider, of course, further north-west].

Condition Prior to the commencement of development, detailed plans illustrating provision of a clear, unplanted diverted bridleway corridor of 8m between scrub and/or tree planting through southern and central sections shall be submitted to and approved by the LPA, together with plans illustrating at least a 4m width through the north-western bridleway corridor. This should be accompanied by an annual vegetation maintenance plan to ensure these corridors are kept clear from natural seeding and undergrowth. The plans and maintenance scheme shall thereafter be carried out in accordance with the approved details prior to commencement and during the lifetime of the MSA.

Reason. In order ensure safe and convenient use of the diverted bridleway network through the site, comparable with the existing unenclosed situation which facilitates surface drying, and to ensure the public amenity is protected in accordance with Local Plan Policy CP7 and para 100 NPPF 2021.

Buckinghamshire Council Strategic Access (dated 15th April 2021)

The overall sustainability of the site in transport terms against NPPF and Local Plan Policy CP7 will be assessed by Highways Development Management. I will comment only on routes that contribute to active travel for MSA employees along the rights of way network, but might also provide mitigation to improve recreational provision into the greenbelt and improve sustainable transport options for local residents in the form of walking and cycling.

Nevertheless, Highways Development's comments are noted, which conclude the need for:

"...a full set of proposals for improvements to the sustainable travel network that will be required to deliver the Framework Travel Plan objectives."

I have outlined the site's red edge onto the Ordnance Survey base map in Plan 1 to illustrate Bridleway IVE/32/1 directly affected and the surrounding rights of way network between the London Borough of Hillingdon, Iver Heath and Pinewood Studios, situated to the north-west.

M25 works - the 'Extent of Proposed M25 Improvement Works' drawings are noted. I have assumed all works lie within existing Highways England boundaries and do not physically affect any public rights of way. Footpath IVE/7A/1 (see south-eastern part of Plan 2, off Slough Road, and Plan 3) will be impacted partly by the M25 Smart Motorway proposals (red arrow), which will become a new lane on the M25 and a new accommodation bridge (green) will replace it (blue arrow). A de facto route exists for pedestrians under the M25 alongside the Colne Brook, but users have to stoop under the bridge to make onward connections.

A length of Footpath IVE/1/1 (green dashed line on Extract 1) lies north of Sevenhills Road and within a red edge indicating Highways England's land control, but this appears to be unaffected by the proposed M25 works.

Bridleway IVE/32/1 is proposed to be relocated to the west of the MSA, largely following a linear route inside the red edge shown highlighted yellow in Extract 2. I understand most of the land this side of the M25 falls, north of Slough Road and south of Denham Road lies within Buckinghamshire council's control as landowner for the application.

The character of the existing bridleway and farm vehicle access is illustrated in the Design & Access Statement (Extract 3). This appears to be a slightly raised, loose stone track with grass growing in the middle, surfaced to perhaps 3m, set within a corridor of approximately 5m between hedges (including verges).

The new alternative bridleway is longer than the original (1,136m vs 968m), but not to the extent of overly inconveniencing users, I would suggest, and benefits from being further away from the M25 traffic noise. The new route is proposed to pass through a wide, green infrastructure (GI) corridor (30m wide) where users would be largely unconstrained by fences. Presumably further GI details will follow at detailed design, and I assume the 30m GI corridor will be conditioned as necessary and appropriate by others, but I would suggest a bridleway corridor of at least 6m-wide to be unplanted within that buffer. I would not consider this bridleway (Denham Lane and Sevehills Road to Slough Road) likely to be overly popular for walking or cycling to the MSA by employees so would not consider it necessary to upgrade the surface for commuting, e.g. bitumen. The A412 Denham Lane has high vehicular use likely to discourage all but the most confident cyclists and although there is an offroad bridleway connection to Sevenhills Road, this doesn't connect directly to large areas of residential population. Nevertheless, I would consider the diverted route surface conditions should be replaced like-for-like with the existing track illustrated above in Extract 3, that is surfaced with a loose stone material to 3m width, set within a generous, unplanted corridor. The bridleway might double-up as farm vehicle access (there are no details) so may need additional depth of construction to withstand farm machinery, but otherwise there are standard depths for bridleway construction that can be covered by condition.

I have received correspondence from concerned local horse riders and the British Horse Society central office since the application was submitted. However, overall, and subject to replicating the existing track and surface conditions, I consider the alternative would be suitable and attractive for equestrians, cyclists and pedestrians, with no loss in amenity; perhaps an improvement on the existing situation being some distance from the motorway noise pollution which detracts from quiet enjoyment of the countryside.

Further details will need to be included at detailed design on the bridleway's connection onto the publicly maintained highway along Slough Road A4007 and possible safe negotiation of employees being dropped-off. Mindful of Highways Development Management's comments regarding the proposed staff/emergency vehicular access this area may be subject to amendments, but certainly removing full employee vehicular access here would greatly benefit rights of way users by improving safety and amenity, including access south across Slough Road to Bridleway IVE/33/2. Nevertheless, I have included an informative to cover the legal diversion process under s257 TCPA 1990.

Footpath IVE/5/1 passes generally east to west between Bangors Road North and Slough Road. In the existing situation it is characterised as a rural, arable field edge path, before

running through a strip of woodland (beside and to the rear of properties, e.g. The Elms) leading to Bangors Road North. In the development situation this would serve as a useful and attractive commuting route for walkers and cyclists from the Iver Heath area, avoiding the busy Slough Road A4007, which has high vehicle flows and no formal segregated facility for cyclists.

I would suggest the surface of this route is upgraded suitable for walking, cycling and horse riding and suggest a rubber crumb design which similarly reflects the solution reached for equestrian and cycling access to the Chalfont St Peter MSA. In addition, upgrading the legal status to bridleway enables cycling for MSA staff wishing to commute to work without committing trespass, and compliments the existing bridleway network in the area. This would be a benefit of the scheme both for existing recreational users and those wishing to commute between Iver Heath and Uxbridge by non-car modes. Two conditions are recommended.

Future-proofing the Colne Valley Regional Park's (CVPR) Route MC101 – Extract 4 illustrates the development allows for the future provision of the strategic walking and cycling ambition set out by the CVRP (my yellow highlighting).

More widely this aims to connect Uxbridge train station and NCN 6 along the Grand Union Canal with Iver Heath and Pinewood Studios. I would hope wording can either be included in any s.106 agreement that secures provision of a route in perpetuity from Bridleway IVE/32/1 and over the M25 Mansfield Farm bridge to the council's land holding east of the M25, as broadly illustrated on Extract 4. Alternatively, if not included in the s106 Agreement, I have suggested a condition (No. 4). Existing farmland on both sides is in public ownership (between Bangors Road North and A4020 New Denham), so potentially an achievable ambition in the medium to long term and complimentary to the proposed new public access provision within the restored New Denham Quarry (CM/0004/21).

I would not seek formal dedication of a bridleway now as it would be sensible to wait until eastbound connections to New Denham and NCN 6 can be achieved and agreed, but securing a connection in principle within the s.106 Agreement or by condition provides the necessary assurance and legacy from the development and should be considered a benefit to the application in terms of future active travel options and enhanced recreational access to the greenbelt and CVRP from the London Borough of Hillingdon and Iver Heath.

Additional enhancements – in Extract 2 above the application suggests an additional connection south-west from the new bridleway diversion (east of the property Ensby's, SLO 0BJ) to Bangors Road North. The council's Property Services, as landowner of the application, is content with this proposal as a new bridleway provision dedicated under s25 Highways Act 1980, as I've sketched orange in Plan 4. I would welcome this addition to the network as part of the overall mitigation package: it offers an additional convenient connection to Sevenhills Road avoiding the busy Denham Road A412 and a circular walking, cycling and horse riding opportunity for Iver Heath residents. This can be secured within the s106 or by condition, but I would request an additional blue edge plan covering this linear route in order the improvements can be conditioned.

A4007 link into Hillingdon - conversations have taken place between Buckinghamshire and Hillingdon council highway authorities regarding a possible contribution from this application to the provision of segregated cycling facilities alongside the A4007 Slough Road between the MSA's new junction and Hillingdon borough. Unfortunately, no feasibility study currently exists, but this is something I would fully support as it provides a useful strategic connection: both east to west (Hillingdon to Iver Heath/Pinewood/Black Park) and includes north to south onward links (NCN 61/B470 to Sevenhills Road). However, as this is on the vehicular highway network it's not something to which I can comment upon further, other than to offer support.

In light of the above, the following is recommended.

Condition 1

Prior to the commencement of the construction, a scheme for the resurfacing and provision of the alternative route for Bridleway IVE/32/1, shown indicatively on the Illustrative Masterplan passing from the M25's western boundary, through the 30m-wide green infrastructure and landscape buffer to the A4007 Slough Road, shall be first submitted to and approved in writing by the LPA, in consultation with and to the satisfaction of the highway authority. The bridleway shall subsequently be resurfaced and upgraded with Breedon gravel, to manufacturer's recommendations appropriate for bridleway and/or agricultural use, in accordance with the approved details, prior to the first occupation of the MSA hereby approved.

Reason 1 To ensure the bridleway is provided in a suitable condition to replicate the existing recreational amenity lost within the development and to encourage and promote sustainable access to and enjoyment of the greenbelt from surrounding communities; and to comply with guidance in the National Planning Policy Framework and Local Plan Policy CP7.

Condition 2

Prior to the first occupation of the MSA hereby approved two new bridleways shall be dedicated under Section 25 Highways Act 1980, to the satisfaction of the highway authority, across land within the control of the owner for the application. For the avoidance of doubt this shall include: 1) the whole of Footpath IVE/5/1; and 2) a route between Bangors Road North and the newly diverted Bridleway IVE/32/1, either at a point 164m east of the property Ensbys, SLO OBJ or otherwise along a route in agreement with the highway authority.

Reason 2

In order to enable cycling as a means of active travel for employees to access the MSA; to provide a lasting recreational legacy for the local community and Colne Valley Regional Park; to contribute to wider strategic aims to improve cycling connectivity between Pinewood Studios, Iver Heath and Hillingdon Borough residential areas, Sustrans NCN networks and Uxbridge train station; and to comply with guidance in the National Planning Policy Framework and Local Plan Policy CP7.

Condition 3

Prior to the occupation of the MSA hereby approved, a scheme for the resurfacing and provision of Footpath IVE/5/1, with status upgraded to bridleway, shall be first submitted to and approved in writing by the LPA, in consultation with and to the satisfaction of the highway authority. The bridleway shall subsequently be resurfaced and upgraded with rubber crumb, to manufacturer's recommendations appropriate for bridleways, in accordance with the approved details.

Reason 3 In order to allow cycling as a means of active travel for employees to access the MSA; to provide a lasting recreational legacy for the local community and Colne Valley Regional Park; to contribute to wider strategic aims to improve cycling connectivity between Pinewood Studios, Iver Heath and Hillingdon Borough residential areas, Sustrans NCN networks and Uxbridge train station; and to comply with guidance in the National Planning Policy Framework and Local Plan Policy CP7.

Condition 4

At the timing of the LPA and Highway Authority's choosing, the landowner for the application shall dedicate a new bridleway under s25 Highways Act 1980, between Bridleway IVE/32/1 and a point east of the Mansfield Farm M25 agricultural access bridge along an alignment which generally follows the alignment in 2021 of the existing agricultural track up and including to the aforementioned M25 accommodation bridge.

Reason 4

To provide a lasting recreational legacy for the local community and Colne Valley Regional Park; to contribute to wider strategic aims to improve cycling connectivity between Pinewood Studios, Iver Heath and Hillingdon Borough residential areas, Sustrans NCN networks and Uxbridge train station; and to comply with guidance in the National Planning Policy Framework and Local Plan Policy CP7.

Natural England (dated 4th August 2021)

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice and recommendations on designated sites/landscapes and advice on other natural environment issues is set out below. We have made recommendations for appropriate planning conditions or obligations that could be attached to any planning permission to secure the measures discussed below.

Kingcup Meadows and Oldhouse Wood SSSI and Black Park SSSI

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Local sites and priority habitats and species

A condition stipulating the implementation of a Construction Environmental Management Plan (CEMP) as detailed in Table 6.4 of the Environmental statement chapter 6 dated December 2020 should be implemented to prevent disturbance or damage to ecological assets.

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the MAGIC website or as Local Wildlife Sites. List of priority habitats and species can be found here ([weblink](#)). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here ([weblink](#))

Biodiversity Net Gain

We welcome the use of the Biodiversity Metric 2.0 and the aspiration to provide biodiversity net gains in excess of 10% as stated in section 6.7.1 of the Environmental Statement (chapter 6) dated December 2020.

Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. Planning Practice Guidance describes net gain as an 'approach to development that leaves the natural environment in a measurably better state than it was beforehand' and applies to both biodiversity net gain and wider environmental net gains. For biodiversity net gain, the Biodiversity Metric 2.0, can be used to measure gains and losses to biodiversity resulting from development. Any action, as a result of development, that creates or enhances habitat features can be measured using the metric and as a result count towards biodiversity net gain.

The Chartered Institute of Ecology and Environmental Management, along with partners, has developed 'good practice principles' for biodiversity net gain.

Ancient woodland, ancient and veteran trees

The proposed development is located adjacent to a patch of ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications.

Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Forestry Commission (dated 3rd August 2021)

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

As well as our standard advice below, we would like to add the following comments in light of the amendments to the application.

SUMMARY: We are encouraged that the development has taken into consideration our previous comments, and has applied Biodiversity Net Gain principles to this project.

We are pleased to see the off-site mitigation is directly adjacent to the site, helping to develop and maintain links between woodland habitats. The diverse mix of species is appreciated, as is the width of the shelter belts, which will help the woodlands operate as a functional habitat unit.

We also appreciate the strong use of trees within the red line boundary, both as buffering areas for the ancient woodland, as habitat creation, and as landscape trees within the car park, dog walking and other landscaped areas. We would recommend that areas buffering the ancient woodland be planted with some similar species to those already found, while keeping the mix diverse to ensure future resilience to climate change and pests and diseases.

We recommend that for all woodland areas a ten-year management plan be created to ensure the successful establishment of the new woodland, setting out the regime for weed and pest management, replacement of any failed trees and removal of tree guards once established, and a further plan for its ongoing maintenance and management once established. The Forestry Commission would be pleased to offer further advice in both of these regards to the applicant.

Colne Valley Regional Park -

Response dated May 2023

The Colne Valley Regional Park is increasingly concerned that this application will be recommended for approval now that National Highways has removed its holding objection.

As clearly set out in our previous responses, this outline application is harmful to the Green Belt in this very sensitive strategic location and to the Colne Valley Regional Park and its six objectives. The proposed mitigation measures are grossly insufficient given the scale of development and fail to meet the requirements of the policies detailed below.

We believe that the following relevant planning policies prohibit the granting of planning permission as currently proposed.

In particular, the NPPF paragraphs – para 145 on the need for green infrastructure and biodiversity improvements; para 154 on climate change in particular in vulnerable areas where risks should be managed through suitable adaptation measures, including through the planning of green infrastructure and importantly in the new guidance on Local Nature Recovery Strategies published in March 2023 para 82 (regarding nature recovery and public access to nature) which does not appear to have been taken into account in this application, which was submitted prior to the guidance being published.

The Ivers Neighbourhood Plan has been adopted since the application was submitted. Policy IV 13 is pertinent and should also be taken into consideration.

Of the utmost importance, however, is the issue of land ownership. This land and adjacent parcels are owned by Buckinghamshire and is therefore public land. It was purchased in 1938 to be held as Green Belt in perpetuity and remain undeveloped to fulfil the criteria of the Green Belt designation. Selling publicly owned land for a motorway service area which could be in a more suitable alternative location which is not public land, would be a breach of the trust in which this land is held. It has been farmed for decades at the very least and there is no suggestion that this purpose is no longer viable and/or unneeded. It should be noted that it is very clear from the local community that it believes it would receive few benefits because of this development, and it is therefore not in the public interest.

We would implore you to ensure that the applications are refused for the policy reasons set out above and in our earlier correspondence in relation to this application.

However, if the Council is minded to accept the principle of this regrettable development for a MSA on this site then we call on the council to ensure the application should be revised significantly to deliver commensurate mitigation and compensation:

- An Active Travel route across the site through green space and into Buckinghamshire Council-owned land on the eastern side of the M25 to deliver a cycle and footpath route (not permissive as proposed by the developer) between Black Park and Uxbridge. As per the Colne and Crane GI Strategy and in compliance with the national and local policies mentioned above.
- Benefits to the Alderbourne and its biodiversity for the length of the watercourse within the Park.
- Compensation for the land lost to the CVRP and the potential to deliver benefits in line with Green Belt and CVRP policy and the six objectives of the Park.
- Relocation of the Iver Education Centre to a site no longer significantly blighted by the proposal, at the developer's expense.
- Delivery of a fully funded Countryside Management Service to administer the undeveloped land designated for biodiversity improvements, within the ownership of the developer, in perpetuity

A more detailed mitigation strategy is appended. We had hoped to discuss this in detail with the developer, but no progress has been made over the last six months.

This paper sets out the justification for possible mitigation if the application for the Motorway Service Area is to be recommended for approval.

1. Description of the Site The site is divided by the M25 motorway. To the eastern side is the road access to the Iver Environment Centre and Mansfield Farm together with an area of land with a tributary of the Alderbourne running through it which is liable to flood. This land is where the southbound access slip road to the MSA will be located. To the west is farmland in connection with Mansfield Farm accessed by a farm track over the motorway. The land is owned by Buckinghamshire Council and was part of the public landholding to keep the Green Belt open. There is a bridleway and footpath passing through the land. The land is mainly flat but slopes down towards the motorway, particularly in the southeast corner. The motorway is in cutting and passes under the A4007 Slough Road. There is one property along Slough Road and adjacent Ancient Woodland which are both excluded from the application site.

2. The Applications There are two applications, the first for the extraction of gravel from the site which will if approved, will lead to some reprofiling of the landscape. The second for the Motorway Service area (MSA) which includes parking for lorries, a central service building and car parking. The hotel which formed part of the original application has now been deleted. The application also includes landscaping and a diversion of the bridleway around the edge of the site. The application has been delayed in its determination by National Highways who blocked consideration until they resolved policy on Smart Motorways and slip road access. The application has also been significantly revised in 2022 including the removal of the hotel proposal.

3. Policy Implications

The site is located within the Green Belt and in public ownership. Unfortunately, although this is a significant factor in determining the application – in government policy terms it must be recognised that National Highways must take into account the government Circular on MSAs which determines the frequency of MSAs and in this case has determined that there needs to be an MSA in this sector of the M25. There have now been four proposals by private operators, including this one, between Junctions 15 and 18 of the M25. Of these 4, one has been refused by Three Rivers District Council at junction 18; one has been refused following an appeal between Junction 16 and 17 and there are two outstanding applications – both to be determined by Buckinghamshire Council both on this site and one between Junctions 16 and 17 but opposite the location of that refused on appeal. This site is the only one on land owned by Buckinghamshire.

A number of national and local policies and guidance detailed below require the provision or improvement of green infrastructure and biodiversity improvements.

National policy in the NPPF refers to mitigation when development happens through VSC in the Green Belt. This paragraph outlines that LPA's should seek mitigation and improvement when opportunities (such as planning applications proposing development in the GB) arise.

145. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

In addition, NPPF policy on climate change is relevant.

154. New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

Local Nature Recovery strategies are also relevant. Guidance published in March 2023 states in para. 82

82.If a responsible authority has Green Belt in their area, they should actively seek to target areas that could become of particular importance inside the Green Belt. This supports the government's intention for Green Belts to provide multiple benefits, including nature recovery and increased public access to nature. Similarly, responsible authorities should also look for areas that could become of particular importance near to people's homes to improve public access to nature, biodiversity, and environmental benefits.

This guidance is particularly important in this area near the town of Uxbridge where access to the countryside could be improved.

Since the application has been submitted the Ivers Neighbourhood Plan has been submitted and adopted for policy making. Policy IV 13 is pertinent.https://www.iversparishcouncil.gov.uk/wpcontent/uploads/sites/55/2021/12/IV1_Local-Gaps-scaled.jpg

South Bucks Core Strategy although out of date in terms of Green Belt as it does not refer to the Very Special Circumstances provision within the NPPF, which would allow the MSA in Green Belt terms, also has CP9 which protects to some extent the Colne Valley Regional Park.

The Proposals Map of the Core Strategy also shows the site is within a biodiversity opportunity area.

As the application involves extracting minerals The Buckinghamshire Minerals and Waste Plan policies 24 and 25 seek to enhance the characteristics and qualities of the CVRP when considering the provision of green infrastructure and opportunities for access and recreation.

4. Colne Valley Regional Park

The 6 objectives of the Park are relevant in terms of mitigation for the MSA if approved. CP9 of the Core Strategy gives policy backing for our mitigation requests as does the Minerals and Waste Plan. The application if approved would involve loss of land within the Park, loss of productive farmland and would impact the existing rights of way across the site. There would also be a significant impact on the landscape, both visually in terms of the built environment, lighting and excessive noise.

5. Colne and Crane Green Infrastructure Strategy

The Mid Colne Section of this strategy <https://www.colnevalleypark.org.uk/wp-content/uploads/2019/10/GI-Strategy-AREA-2-Mid-Colne-pages-42-49.pdf> is incorporated in the Ivers Neighbourhood Plan so is now policy that must be taken account of in the determination of this application. MC101 is the indicative strategic link from Black Park to Uxbridge.

6. Mitigation Request

There main elements for consideration are:

- The potential for either relocation of Iver Education Centre to a location within the development site – preferably in the western section of the site at the expense of the applicants or investment in mitigation, compensation, and extension of current facilities on the north and east side of the centre. The Iver Education Centre is used to educate children about the environment and to this end most teaching takes place outside using the on-site pond and allotments, 6 days a week. This level of teaching once the development takes place would be noisy, harmful, and potentially unsafe. The current site is on National Grid Land and subsidised by them.
- Delivery of Active Travel routes between Uxbridge and Black Park. See map below. This would need to be partly delivered by the developer and partly by Buckinghamshire. A new ROW would be delivered, both a footpath and cycleway running west – east across the site

and over the current farm bridge into land on the eastern side, owned by Buckinghamshire which would feed into routes within Uxbridge. Para 4.18.21 of the supplementary Planning Statement submitted with the application confirms that a new permissive footpath link would be provided using the existing farm bridge across the motorway. Although we query why this needs to be a permissive footpath and why it should not be used by cyclists and horse riders. This is a key aspiration of the Colne and Crane GI study and should be implemented. We recognise however that the eastern side of the motorway (New Denham Quarry), although in the ownership of Buckinghamshire Council currently has no public access and is outside the red line of this planning application. However, Buckinghamshire should accept that when this land is available (after the gravel extraction has finished) this request should be delivered. It should be noted that the existing right of way across the site does not currently cross the motorway via the farm bridge but continues northwards along the edge of the motorway before crossing the motorway on the road. This is currently unpleasant and noisy, and a considerable benefit would be had by crossing the motorway on the farm bridge and would be a more direct route into Uxbridge.

- Mitigation for the Alderbourne along its length but particularly from Fulmer to the motorway in conjunction with local landowners where applicable.
- There should be a Countryside Management approach for the maintenance of the land surrounding the MSA which will continue to deliver the proposed 86% Biodiversity Net Gain by the developers. This could be managed by the CVRP subject to a management fee and ongoing costs for staff, equipment and resources. All to be agreed.

This would include:

- Continued improvements to biodiversity – including the planting and maintenance of hedgerows and woodland,
- management of the Alderbourne and its tributaries
- general landscape improvements.
- The costs of this should be covered by the applicant for a period of at least 25 years.

The Strategic Access Officer at Buckinghamshire has also requested cycling and horse-riding improvements along the south side of the A4007 connecting with Iver and Pinewood. This is supported, although this should not be a permissive path but a designated route.

In conclusion these suggested projects would comply with the requirements of National and Local Policy necessary to mitigate for the considerable harm that this application will cause to the Green Belt and the Colne Valley Regional Park and provide for increased green infrastructure and biodiversity improvements in the long term.

Response dated June 2022

The Colne Valley Regional Park (CVRP) has carefully reviewed the amended submission. We note certain minor, positive changes, but consider that these fall well short of the fundamental change that would have been necessary in order to meet the significant CONCERNS PREVIOUSLY identified. Further, they not address the points raised by the CVRP or the call for mitigation in our responses of February 2021 and August 2021 (we regard this as a missed opportunity and hope that it will be possible to reconsider in the light of the points below). However, in the absence of such amendments the CVRP therefore maintains its position of objecting to this intrusive and damaging development in the Green Belt.

Specific Issues of Concern

Iver Environment Centre Impact

Contrary to what is stated in the ecological report: Great Crested Newts are located at Iver Environment Centre. This has been confirmed in a study by Wildwood Ecology and should inform the ecology report, site design and mitigation. In addition, there is no reference to the impact of the slip roads on Iver Environment Centre. Mitigation for the Centre is critical as part of a package to address the direct and significant impact the development would have on the Green Belt (GB) and Colne Valley Regional Park.

Insufficient consideration of biodiversity needs

The developer pledges to provide new woodland and wildflower meadows to contribute to Biodiversity Net Gain. It should be recognised that this planting will not contribute positively to biodiversity and screening from Iver Heath for a considerable time. There must be a clear plan and appropriate resources for its management in perpetuity, ideally allocated to a local environmental or community organisation.

The need for less intrusive development

If the scheme is to proceed further, its layout and building design must be modified to create a 'greener' less intrusive, development. This needs to incorporate excellent permeability across the site as part of an off-road green link between Uxbridge and Iver Heath/ Black park/Pinewood for walking and cycling, set within generous infrastructure corridors. We welcome proposals for public access over the motorway contributing a link between Uxbridge and Black park, albeit that this is still on a permissive basis.

Flooding Issues and the proposed culvert of the Alderbourne

We agree with the Environment Agency's objection to the proposed culvert of the Alderbourne because of the impact this would have on the biodiversity of the river, and that it would not be compatible with the Water Framework Directive.

The application states – wholly incorrectly- that there is no flooding on the east side of the motorway. In fact, the field beside the Alderbourne regularly floods throughout winter. The Council and the developers must also consider what impact the removal of the

huge quantities of sand and gravel from the main site will have on the hydro geology of the wider area.

Warren Farm MSA Inspector's report and the Green Belt

The Warren Farm appeal decision is quoted extensively in the developer's amended submission, where the inspector felt that Iver Heath was a better site than Chalfont St Peter) for an MSA.

In Green Belt terms – somewhat surprisingly – the inspector does not regard Iver Heath as a built-up area, concluding the impact on Green Belt between Uxbridge and Iver Heath would be minimal. We consider this to be fundamentally wrong, not least because it is directly contrary to the 2018 Arup Strategic Green Belt Review for the former South Bucks and Chiltern Councils. This area was categorised as part of the coherent 'London Fringe' zone. The report highlighted the characteristics and sensitivities of the part of that zone including the application site, referring to:

...a strategic arc of open spaces separating large built-up areas of Greater London and Slough, and smaller settlements such as Iver and Iver Heath...

...a number of narrow bands of Green Belt are vitally important in preventing the merging of settlements'

...these gaps are essential in protecting the merging of the major urban settlements of Greater London and Slough..

...any change within this area could act to significantly compromise the role played by the Green Belt in maintaining separation between these two large urban settlements.

We agree with the report's assessment in 2018 and see no reason to depart from it in the context of the proposed MSA.

Cumulative impact on the Green Belt.

The CVRP is conscious the development demands being placed on the Green Belt in this part of the Regional Park are both individually, but also cumulatively, very significant. Unless government policy reversed – and there is currently no prospect of that happening – the Green Belt remains a core tool of the country's planning system, particularly in the absence of a Buckinghamshire Local Plan and a positive vision for the future of this increasingly threatened part of the Green Belt.

It is essential that the current application is seen in the context of the cumulative, substantial proposals submitted for the area including Pinewood expansion, Data Centres and battery storage areas. A cumulative impact assessment must be carried out. We recognise that different proposals at different stages of the planning process it is challenging, but the Council must rise to that challenge, be proactive and implement a positive vision for the future of this increasingly threatened part of the Green Belt, even if through its handling of individual applications, rather than through a Local Plan. The Colne

Valley Regional Park is important for people, wildlife and food production. It is an area of the Green Belt that must not be whittled away by a series of ad hoc decisions.

Our strong view is that with each significant incremental step to develop land in the Green Belt, the harm caused to it overall increases rapidly. In this case, while the proposal itself is very substantial and will have a significant impact, it must also be assessed as part of the cumulative changes to date that have led to the deterioration to the Green Belt from the baseline set when it was designated. Should the Green Belt become so urbanised compared with the baseline, its integrity will be seriously – quite possibly fatally – compromised. The Iver Heath area is at that turning point.

Mitigation and the Green Belt.

Once Green Belt is defined, NPPF Para 145 requires local planning authorities to ‘plan positively to enhance their beneficial use, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.

It is well established that the natural environment and recreation opportunities provided by the Green Belt offer a critical physical and mental health resource for the wider population, as well as being important for wildlife and food production. Its protection and enhancement for the long term is fundamental to the role of the CVRP. Once that resource is lost to development, it is lost forever. This flags the importance of there being a scale of mitigation proportionate to that of the development and the harm arising from it.

NPPF Para, 142 includes the following (our underlining):

‘Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by transport. They should also set out ways in which the impact of removing land from the Green Belt can be off-set through compensatory improvements to the environmental quality and accessibility of the remaining Green Belt.

We argue if (contrary to the points set out in this and our previous submissions, and in the fundamental changes to address them) Buckinghamshire Council is minded to accept the Very Special Circumstances for such a huge development, it is incumbent on the authority to consider how to foster the beneficial role of the (remaining) Green Belt as part of the Off-setting the harm associated with the development. NPPF para 142 provides a framework for that in a manner consistent with the positive approach to existing Green belts by local planning authorities, called for by government NPPF para. 145.

Good planning must prevail: even if the decision-maker considers there to be a persuasive case for the development, the level of mitigation proposed falls a long way short of what would be needed to outweigh the harm identified arising from the fundamental inappropriateness of this large development. Application like this require a total change of approach, until that is achieved, we cannot see that on any reasonable view the ‘very special circumstances’ test could be considered to be satisfied.

In this context we would refer the local authority and the developer to the call in our submission of February 2021 for mitigation to address the impact of this development on the Green Belt.

- Area-wide improvements, informed by the Colne and Crane Valleys Green Infrastructure Strategy (including at Iver Environment Centre as part of a wider landscape-focussed approach)
- Area-wide management and maintenance, including a Countryside Management Service to operate in the areas of the Colne Valley Regional Park around the development.

Response Dated August 2021

Firstly we note that many of the issues regarding the need for the facility and Green Belt are being discussed at the Public Inquiry on Warren Farm MSA. It is vital therefore that no decision is taken until the appeal has been determined.

Secondly we note the intention to submit a separate full application for the mineral extraction (in July 2021). This will be determined at the same time, as each application is dependent on the other. This will further significantly delay this application's determination.

With regard to the additional information, although we still object fundamentally to the application, in particular the harm it causes to the loss of land from the twin designations of the Colne Valley Regional Park and the Green Belt, we welcome the attempt at addressing many of ours and other parties objections.

We note that the hotel has now been omitted; there is less parking and no drive thru facility. Hardstanding has been substantially reduced from 14.7 Ha to 10.9Ha and the building volume from 12,800 sqm to 5300 sqm.

We also note the significant increase in net gain to biodiversity to almost 52%, mainly through increasing the off site enhancement works. It should be recognised though that the proposed works including planting will take a considerable amount of time to establish. However as these are outside the red line a legal agreement will be required to deliver and hopefully maintain in perpetuity. However we are still concerned about the impact of the development on existing wildlife and woodland including the ancient woodland.

We welcome the more sympathetic approach to the watercourses but still object to building the slip roads on the flood plain . The flooding of the land this winter demonstrates how unsuitable any building work would be on this land.

No mention has been made regarding the considerable impact of the slip-roads on the operation of the Environment Centre adjacent to the site or recognition of the valuable work the centre does working with deprived children who would be severely affected by the development.

We also note the intention to increase the footpath network and create a route between Iver Heath and Uxbridge as suggested by us in our earlier response. However, a development on this scale should mitigate its impact on the green belt and Colne Valley Regional Park in a more strategic way. We refer the Local Authority and Developer to the call in our February 2021 submission for a Countryside Management Service to operate in the areas of the Colne Valley Regional Park around the development.

We would welcome the opportunity to discuss this with the applicants.

Response Dated February 2021

This application falls within the Colne Valley Regional Park (CVRP) and the Green Belt. Buckinghamshire Council and the former Chiltern and South Bucks Councils have been supporters of the CVRP since its inception. We hope the Council will continue to uphold the six objectives of the CVRP since this application represents the loss of farmland; the loss of 46 Ha of the CVRP and the Green Belt in a sensitive location; harm to recreational rights of way; harm to watercourses which run through the development, and the loss of, and harm to, existing grassland, woodland, hedgerows and their accompanying biodiversity.

- This response to the planning application also looks at the case for the Motorway Service Areas affecting the CVRP, including the one in this location
- The strategic planning context and the impact on the Green Belt
- The extent of the harm arising from the scheme and
- The scale of mitigation that should accompany the development if the very special circumstances' (VSC) were to be accepted by the decision maker (whether the Council or Secretary of State).

The case for an MSA in this location

This application for a motorway service area is one of three currently being considered by local authorities along the north-western edge of the M25. All the operators state that there is a need for an MSA on this stretch of motorway between the existing Cobham and South Mimms MSAs. This proposal is, however, less than eight miles from the existing Beaconsfield services on the M40, and is in the same district. How many other districts have two MSAs?

The application requires the Smart Motorway in this part of the M25 to go ahead. Due to several deaths on other parts of the network which have already become Smart Motorways, there must be some uncertainty as to whether this upgrade will go ahead.

The Circular which guides the provision of MSAs is out of date. It precedes the National Planning Policy Framework which gives considerable emphasis to environmental objectives; biodiversity protection; minimising waste and pollution; mitigating and adapting for climate change and moving to a low carbon economy. Does this proposed development for an MSA meet these requirements? Our argument is that it does not.

The government has committed to bringing all greenhouse gas emissions to net zero by 2050. All new cars will be electric within five years of this facility opening (2030). MSAs not only attract motorway users, but also those who see it as a destination either for food or

accommodation. Are these journeys necessary when facilities already exist nearby? Uxbridge Town Centre, for example, is a very short distance away, and, as stated above, the Beaconsfield MSA is less than eight miles away.

Is a surface level car park for more than 1,000 cars a good use of the land in a GB? A two-storey car park sunk into the landscape on half the land would have a lesser impact on the openness of the GB. Why does the hotel need to have three storeys? There are no three-storey buildings of this height anywhere nearby in the open countryside.

The provision of a large expanse of parking for HGVs seem at odds with government proposals for platooning lorries already approved by the UK government. Noise and light pollution will have an enormous impact on the quality of life for both humans and animals alike in this rural area. The location of HGV parking next to a large area of woodland will have a direct and significant negative impact. It will be in constant use 24hrs a day, with all the attendant light pollution and noise from engines, air conditioning units and human activity. Air quality will be worsened in this AQMA and Clean Air Zone for Iver Parish (something we note is not mentioned by the applicants). Additional HGV traffic during removal of winnable sand and gravel, and during construction, will negatively impact the local road network.

Strategic Planning Context

The beneficial side of the Green Belt and the CVRP's role in that Once GBs are defined, NPPF Para 141 calls on local planning authorities to "plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

The CVRP was established in 1965 with the support of a consortium of Local Authorities (including the predecessors of Buckinghamshire Council) to protect and improve this part of the Metropolitan GB, so partly fulfilling the Council's role as set out in Para 141. The CVRP's six objectives (set out in full in our website) effectively mirror Para 141 and how proposed developments 'perform' against those objectives is a relevant consideration.

It is now well established that the natural environment and recreation opportunities provided by the Green Belt offer a critically important physical and mental health resource for the wider population, as well as its obvious benefits to wildlife. The protection and enhancement of this resource for the long term is fundamental to the role of the CVRP. Once that resource is lost to development it is lost forever. This flags the importance of there being a scale of mitigation proportionate to the scale of the development and the harm that flows from it, something we explore below.

The particular sensitivity of this part of the Metropolitan Green Belt

The tests for assessing the potential acceptability of 'inappropriate' development in the GB may be the same wherever its location, but the spatial context of the part of GB in which the site is located must also be factored into decision-making. It should also inform the nature of mitigation if development is to be countenanced.

In the strategic Green Belt review undertaken by Arup and published by former South Bucks and Chiltern District Councils in 2018, this zone was categorised as part of the coherent 'London Fringe' zone. The report highlighted the characteristics and sensitivities of the part of that zone around the application site, referring to:

"... a strategic arc of open spaces separating the large built-up areas of Greater London and Slough, and smaller settlements such as Iver, Iver Heath"

"...a number of narrow bands of Green Belt are vitally important in preventing merging of settlements"

These gaps are essential in preventing the merging of the major urban settlements of Greater London (London Borough of Hillingdon) and the smaller settlements of Iver and Iver Heath. Any change or development in this area could act to significantly compromise the acknowledged role played by the Green Belt in maintaining separation between urban settlements.

This proposed development falls within the narrowest part of the Green Belt separating the urban areas of Uxbridge and Iver Heath, only 1.7km wide. The presence of the M25 and the existing electricity substation on the eastern side of the M25 narrows this important gap of undeveloped land further.

It is no coincidence that the extent of the CVRP significantly coincides with the 'London Fringe' zone – an area that needs particularly careful attention and planning. The Park provides an important area of countryside to the west of London.

To promote that careful attention and planning, the CVRP CIC collaborated with a number of other organisations, including the relevant local authorities, to produce the "Colne and Crane Green Infrastructure Strategy" during 2019. The Strategy provides useful guidance on how to address the many challenges facing the area. It is intended to be used alongside, and to inform Development Plans as well as to " ... inform both the design of development proposals and their comprehensive mitigation and planning obligations." It can be found here: <https://www.colnevalleypark.org.uk/project/green-infrastructure-strategy-colne-andcrane-valleys/>

It should also be noted that the impact on the CVRP and the Green Belt is not confined merely to this development but by other proposals nearby. Currently there is an application to extend Pinewood Studios on the western side of Iver Heath, and if implemented, it will mean further removal of a large area of Green Belt in favour of intensive – and in our view inappropriate – development. See plan overleaf. HS2 is taking a significant amount of land out of the GB and CVRP north of the M40 and as previously noted there is another proposal for an MSA on the western side of the M25 near the main HS2 construction site. To the south, the proposed expansion of Heathrow Airport will remove 1,300 acres of land from both the GB (900 acres of it directly from the CVRP). The strategic function of the GB in separating Greater London from smaller settlements in this western sector is being eroded by cumulative developments and will threaten the purposes of the Green Belt to the detriment of its fundamental function.

In terms of the impact on the openness of the Green Belt, consideration should be given to reducing the size of the sprawling car park and if necessary, halving its size and creating a two-storey car park sunk into the landscape. Thus, the overall site area can be reduced, and its impact on the openness of the countryside substantially mitigated.

The scale of land-take of 46 hectares is significant.

NPPF Para, 138 includes the following (our underlining):

“Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.”

We argue that if the decision maker in this case is minded to accept the Very Special Circumstances for such a strategically significant development, it is incumbent on that decision maker to consider how to foster the beneficial role of the (remaining) GB as part of offsetting the harm associated with the development.

Notwithstanding that view, we are in no doubt that national and local planning policy require that, if approved, a wide approach to mitigation is necessary to offset the harmful impact and conflict with GB policy caused by the sheer scale and nature of this proposed development.

The CVRP plays a critical role in promoting the beneficial use of the GB in this area, hence its desire to be party to any mitigation package that would come into play if permission is granted.

Good planning must prevail and key issues relating to the beneficial future of the GB and CVRP not overlooked when an ad hoc planning application for such a major development is submitted.

The extent of the harm arising from the scheme

This development will have a significant impact on rights of way, loss of woodland, hedgerows and biodiversity. Replacement takes years and is likely to fundamentally damaged by the proximity of a noisy 24-hour facility as proposed. The visual impact will remain for a considerable period before the new planting matures, to the detriment of local residents and users of the countryside and, of course, it will be worse in winter. Security fencing will further harm connectivity for wildlife.

Paths Iver FP5 and Iver BW32 as they currently exist constitute the only north-south countryside recreational route in the immediate vicinity of Iver Heath. The proposed development would destroy it – the suggested diversions would be unattractive and unpleasant. The permissive right of way for pedestrians, cyclists and horse riders over the

motorway on the existing farm bridge is welcomed, since it would improve connectivity between Uxbridge and Iver Heath. There will, however, be uncertainty because of its permissive nature. A high-quality mitigation package of additional walking and cycling routes should be integral to the development. Use of the farm bridge could create a cycling and walking route stretching from Uxbridge towards Black and Langley Country Parks through the countryside.

There will be a reduction in air quality leading to nitrogen deposition adversely affecting the health of vegetation; 24-hour lighting and noise will cause harm to birds, bats and small mammals. The development will have an impact on biodiversity – Great Crested Newts and a range of other species such as Common Toads are located at Iver Environment centre immediately adjacent to the development.

Replacement of woodland and hedgerows is only as successful as its regular maintenance, and will require supervision and commitment to ensure its success. Many schemes such as this have failed due to inadequate watering and maintenance. This, together with factors such as reduction in air quality, noise and lighting, will make the promise to exceed the 10% biodiversity enhancement requirement difficult to fulfil.

Part of the Alderbourne catchment flows under the motorway west to east. On the eastern side of the motorway it is proposed to extend the culvert where the access slip roads will be built. In the current wetter winter conditions the stream has flooded most of this site. This is not an unusual occurrence. Culverting will exacerbate this flooding. The Environmental Statement reports concerns that the stream will also be vulnerable to pollution events from run-off, siltation and invasive species. It is good practice to avoid additional culverting, and buffers should be provided between the development and watercourses to avoid damage from run-off. The green roofs and commitment for on-site electricity generation through solar panels is welcomed. However, grey water recycling for toilet flushing and irrigation should be used together with other green measures and tools.

This application involves the loss of 46 Ha of productive farmland. This will have a significant impact on both the operation and viability of the existing farm.

The impact on Iver Environment centre alongside this development will also be severe. Potentially impacting their access road and their ability to run courses for children and adults with learning difficulties on this valuable community facility. The application does not recognise any impacts on this facility.

Buckinghamshire Council Environmental Health – Noise dated 26th May 2021

I have no objections to make on environmental noise grounds. This is largely because the site noise climate is dominated by the contribution from vehicle movements on the M25.

I've read through Chapter 7 of the noise and vibration report several times and broadly agree with the assessment (Summarised at Para 7.6.12 Table 7.29). Should likely significant adverse noise impacts be identified during the detailed design stage we would seek to mitigate them by recommending appropriate conditions. It is noted that construction

impacts will be controlled through a CEMP (Para 7.5.2), I would recommend that the Council be consulted on the production of this document with a view to at the very least agreeing core working hours.

The scale of mitigation needed

We summarise below the categories and general scope of mitigation needed, but these should be taken only as headlines. We have heeded the tests of mitigation being:

- a) Necessity to make the development acceptable in planning terms
- b) To ensure they are directly related to the development; and
- c) They are fairly and reasonably related in scale and kind to the development

The sheer scale of this scheme and its impact on the GB and CVRP means that mitigation must be commensurately significant and extensive.

But, before this comes into play and if the scheme is to proceed further, its layout must first be modified to create a 'greener', less intrusive, development reducing its impact on the openness of the GB.

The categories and scope set out below have, in part, been informed by the 2019 Colne and Crane Green Infrastructure Strategy – where this applies appropriate letters in Blue are included to cross-reference (found on pages 28-30 of the Strategy).

Area-wide Improvements to promote active travel and biodiversity

a) A blend of identified projects and a substantial fund (at least £2m) to be applied within 3km as the crow flies from the development.

b) Projects to include are ones aimed at - Improving active travel links, enhanced walking and cycling links in the local area including the Colne Valley Trail (A,MC101) - Reinstating a productive landscape (Y) in this area, - Farmland biodiversity enhancement (S) - Developing links with the education sector with links to the Iver Environment Centre adjacent to the eastern side of the site (Q, MC001) - Water quality and river habitat improvements (L, LN, MC201)

Area Wide Management and Maintenance

c) An annual fund of £25k for 25 years from commencement of the development, to fund a CVRP Countryside Management Service (P, R, X), to care for the area around the site whilst fostering community engagement. For example, on land outside the red line including woodland and ancient woodland mentioned in the application where enhancement measures are proposed.

d) This could link to a 'green team' to add an employment/training angle (Q) and deliver on other objectives e.g. Biodiversity and link with partner organisations (such as Black Park, Iver Parish). It would assist with the improvement of road corridors to retain and re-create the countryside feel (Z).

Biodiversity Net Gain of in excess of 10%

e) Details as agreed with the Council's Ecology Officer

Conclusion

The CVRP fundamentally objects to this application on the basis of the considerable harm it would cause to this part of the Green Belt and the Colne Valley Regional Park. It considers the cumulative impact of this and other schemes will have a detrimental impact on the strategic Green Belt at the narrowest part of the designation, harming its very purpose.

The CVRP questions the rationale of locating the development in this highly sensitive area.

The CVRP questions whether the application meets the NPPF requirements and those of Climate Change legislation.

The CVRP notes this is one of three current proposals for MSAs in this quadrant of the M25. If this development is approved, it will petition to have the applications called in by the Secretary of State for decision.

The CVRP objects to the loss of productive farmland, and the harm caused by the loss of significant amounts of woodland and hedgerows to local biodiversity.

If approved, the scale of mitigation required for this MSA would be far in excess of what is proposed in the planning application.

All these issues indicate this is the wrong development in the wrong place.

Buckinghamshire Council Environmental Health – Contaminated Land dated 29th July 2022

I have reviewed the addendum to Chapter 11.0 Ground Conditions of the ES and the additional information that has been submitted.

I have no further comments to make with regards to land contamination.

A ground investigation should be undertaken prior to the commencement of the development

Buckinghamshire Council Environmental Health – Air Quality dated 18th February 2021

With reference to the Air Quality section of the Environmental Statement submitted as part of the planning application outlined above, I have the following comments to make

1. There is a dedicated and controlled means of access via the A4007 (Slough Road) for staff and emergency access to the MSA from Local Road Network in the plan. The Strategic Environment Team supports Highways England's request to place a physical barrier between the staff side of the MSA and areas where members of the public can enter. In HE's experience although the means of access to the MSA from local road network is controlled it is still open to abuse and is often used as an easier access on to the Strategic Road Network from the Local Road Network.

2. It is understood that permission has not yet been given by Highways England to build haul routes to enable all construction traffic to access the site from the M25. Should permission not be provided the possible impact of construction traffic on local roads should be revisited.

3. The following diffusion tube monitoring locations were found on the map but not mentioned in table 8.7: Nearby NO₂ Diffusion Tube Monitoring Locations. Diffusion tubes located further away from the MSA have been included. a. 28/29 Outside the Swan Pub Iver 503899 181199 b. 30/21 6 Thorney Lane North 503924 181127

4. To evaluate model performance and uncertainty, the Root Mean Square Error (RMSE) for the observed vs predicted NO₂ annual mean concentrations is calculated, as detailed in Technical Guidance LAQM.TG(16). There is no reference to a RMSE in the assessment.

5. There are concerns about the potential air quality impacts of cumulative developments in the Ivers as many individual schemes, deemed insignificant in themselves, are potentially contributing to a "creeping baseline". There is a concern that in combination the emissions of local planning developments and the National Infrastructure Projects could result in a significant increase in NO₂ concentrations in Iver and also contribute towards an increase in particulate matter. The Air Quality Action Plan for the Iver contains a number of measures that should reduce NO₂ concentrations in Iver Parish. The council are requesting a financial contribution from all developments that increase concentrations within the Iver area regardless of magnitude to offset the increase and prevent baseline creep.
Buckinghamshire Council Ecology dated

Buckinghamshire Council Economic Development – dated 31st March 2021

Strategic Fit

It is good to see reference made to the strategies of the Local Enterprise Partnership, although as the most up-to-date documents, it is surprising that more emphasis is not placed on the Local Industrial Strategy and the Economic Recovery Plan rather than the Strategic Economic Plan.

Disappointingly, it has not been clearly articulated how this proposal will support the priorities in the three strategies identified. For example, reference is made to the priorities around skills and talent and the need for collaboration between education and employers. It is not clear though from the information that follows how this application would support the development of skills.

Local Economic Benefits

Quite a detailed explanation is given as to the types of economic benefits that such applications can bring, the methodology applied and the existing economic baseline. How they have arrived at their “study area” through assessing travel to work patterns is logical but in including Hillingdon and Slough, there is not a clear picture of the benefits this proposal will bring to Buckinghamshire. As such, when the benefits to the study area are referenced, it needs to be kept in mind that these are benefits for Slough and Hillingdon too, and not just South Bucks.

It is disappointing that the level of detail, particularly on the economic baseline, is not matched by the same level of detail on how the local benefits could be maximised.

Paragraph 12.4.3 states that “a maximum of approximately 300 people are likely to be employed in construction, with up to approximately 250 people likely to be on Site at any one time”.

Paragraph 12.4.5 then makes reference to 552-553 jobs being supported, generating approximately £29.2 million in GVA. Clarity on the number of jobs to be created in the construction phase is therefore required.

Paragraph 12.4.6 includes some encouraging statements around local procurement and local employment. There is no indication though of any efforts to be made to ensure either. Likewise, paragraph 12.4.8 states “The effects, which would be temporary, could be significant for individual businesses and workers, particularly for those based locally. Additionally, the generation of construction activity and employment associated with the Proposed Development has the potential to lead to further opportunities for both businesses and individual workers, due to the development of skills and experience.” The use of the words *could* and *potential* imply there are no guarantees that such benefits will be felt locally.

Paragraph 12.4.10 refers to non-local workers who require accommodation close to the site. The availability of local, affordable accommodation may be a challenge in South Bucks and therefore it is questionable how much of this benefit will be felt in the local area. It is also acknowledged in the report itself that many of the benefits will be felt outside of the study area.

In the operational phase, it is estimated that in the first year after opening, 311 FTE jobs would be created. This figure would rise to approximately 453 FTE jobs by the

third year after opening and when operating at full capacity. As a number of the jobs will be part time, the total number of workforce jobs will be higher than these figures (estimated at 552-553).

The creation of employment, particularly in light of the COVID-19 pandemic, is to be welcomed. Traditionally, South Bucks has been a district of relatively low unemployment and high levels of skills and qualifications. It is therefore welcoming to see that approximately 25% of employment is anticipated to be in managerial and senior official, professional occupations or associate professional and technical roles. Some of the sales and customer service roles may be beneficial for those affected by changes to town centres and the impact on retail employment.

However, based on commuting patterns, it is estimated that over 46% of the employment would be taken by individuals outside of the study area. Based on total workforce jobs of 552, this equates to around 300 jobs being filled by those in the study area. However, the study area includes areas outside of Buckinghamshire and so only a proportion of the 300 will actually be filled by residents of South Bucks.

Paragraph 12.5.1 makes reference to the increased employment and GVA associated with the proposed expansion of Pinewood. The benefits of Pinewood are separate to those resulting from the MSA application. It is unclear from the socio-economic information how the two schemes are linked.

Section 12.6 touches upon local recruitment and local procurement and outlines some of the measures that can be taken to enhance local benefit. Whilst there are some encouraging suggestions, this section would benefit from further detail and I would suggest that the applicant is asked to provide more information on the efforts to be undertaken to maximise local benefit. Ideally, in addition to reference to local recruitment, it would be good to see reference to apprenticeships, links with schools, work experience, progression opportunities, links with other employment support schemes, links with other construction/infrastructure projects for those completing their time on the build; tendering information for local businesses, and so forth. This could be articulated in an employment and skills plan and local procurement plan which would also strengthen the economic argument for the proposal.

In addition, and this may be covered in other information submitted by the applicant, the accessibility of the site for employees, needs to be considered and methods to ensure accessibility by a range of means across a range of potential shift patterns, should be articulated.

Summary

To summarise, from an economic development perspective, investment in the area and the creation of employment is to be welcomed. Whilst the socio-economic information provided gives an overall indication of the expected benefits, more detail is required on the efforts that will be undertaken to maximise the benefits to Buckinghamshire residents and

Buckinghamshire based businesses. The submission of an employment and skills plan and a local procurement plan, including local targets as appropriate, should be encouraged.

National Planning Casework Unit dated 14 January 2021

I acknowledge receipt of your email and the environmental statement relating to the above proposal. I confirm that we have no comments to make on the environmental statement.

Affinity Water dated 18 February 2021

Thank you for consulting Affinity Water on this application. We have no substantive comments to make. The development will likely mean a number of changes to our services here and we would ask that the developer engages with our Developer Services section as soon as possible. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

Thames Water dated 13 June 2022

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection

to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

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APPENDIX B : Representations

Representations

Amenity Societies/Residents Associations

British Horse Society (dated 16th June 2022)

I am responding on behalf of THE BRITISH HORSE SOCIETY (BHS), the largest equestrian charity in the UK which protects and promotes the interests of horses and the 3.5 million people in the UK who ride or drive a horse-drawn carriage.

The BHS is neutral to this Outline proposal but wishes to draw the Authority's attention to the significant impact that the development would have on the many riders who keep their horses nearby and regularly ride Bridleway IVE/32, which crosses the development site. We have consulted with local horse riders and have the following concerns:

1. Diversion of IVE/32 This bridleway is a wide and well-made track that provides a critical link in the local off-road riding network, connecting several livery yards and private stables south of the A4007 to the wider network and to Black Park Country Park via Sevenhills Road. The open character of the route is appreciated by local riders, having no overhanging trees and being wide enough to ride two abreast. This is relatively unusual in this area, and particularly valued by those escorting children and other novices, who need ideally to ride side-by-side with an experienced rider. The application proposes to divert Bridleway IVE/32 from its route along the east side of the site to the western perimeter, through a belt of planting proposed "...to soften/screen the visual impact of the MSA from surrounding views." (DAS p. 27) This represents a substantial change in the character of the route. It also has implications for the layout and future maintenance of the path as the vegetation will need regular cutting (a) to keep the full width of the track open for use and (b) to keep the surface dry enough to stand up to year-round use as the planting matures (and thus reduces the drying effects of direct sunlight and air movement on the track).

Specifically:

a) For the comfort and safety of all users passing other horses, pedestrians, children, dogs or cyclists, the USEABLE WIDTH of the diversion route should be at least 3 metres over a sound surface all year round (see BHS guidance on Diverting a Bridleway on our website at www.bhs.org.uk/accessadvice). For a route enclosed by vegetation (and shared with walkers and cyclists, including MSA staff walking or cycling to work) we advise a minimum of 5 metres.

b) The SURFACE must be suitable for horses. Tarmac or similar sealed surface should on no account be used on a bridleway as it is often dangerously slippery to horses. The applicant should refer to BHS guidance on Surfaces (see www.bhs.org.uk/accessadvice) in preparing detailed specifications for this path.

c) The DIVERSION ORDER must be legally completed, and the new route established and open to the public, BEFORE the existing line of IVE/32 is closed, to ensure uninterrupted access for walkers, riders and cyclists throughout the implementation of this development. These matters require prior approval of Buckinghamshire Council RoW team, as the Highway Authority for Public Rights of Way.

2. Road safety

Horse riders currently must ride along and across the Slough Road/A4007 between the south end of IVE/32 and IVE/33, to the south of the A4007. At the north end of IVE/32 they cross the A412 to gain access to Sevenhills Road. Recent traffic flows on these are not necessarily representative due to lockdown, nonetheless both are currently busy main roads. The BHS is particularly concerned about the increased risk to riders from HGV movements during the proposed mineral extraction, backfilling and construction of the MSA. We also believe that after completion of the development - regardless of the proposed staff transport scheme - there will continue to be higher levels of traffic in and around the immediate area of the MSA. Provision must therefore be made to ensure that walkers, horse riders and cyclists using IVE/32 can cross these roads safely, preferably by means of controlled Pegasus crossings on both the A4007 and the A412. There also needs to be clarity about alignment of the A4007 crossing point relative to the staff access road to the site, to ensure safe access to and from IVE/32 for walkers, riders and cyclists.

3. Sliproad to MSA from M25 northbound

To the south of the A4007, Bridleway IVE/33 runs close alongside the M25 through to Coppins Lane, Love Green Lane and Langley Park/Bridleway WEX25 via IVE/11. Described by one local rider as "A vital part of a circular route around the Ivers that keeps equestrians off the increasingly busy main roads", this bridleway would be substantially affected by the proposed slip-road to the MSA from the M25 northbound carriageway. This does not appear to have been identified or addressed within the current plans.

Conclusion

This proposal would have substantial adverse impact on the local bridleway network which has not been addressed in the current Outline application. Any Full planning application for this development must include detailed specifications and plans for:

- a) Design and implementation of the diversion route for bridleway IVD/32, including alignment, width, surfaces, signage, timescales and phasing of the Diversion Order.
- b) Provision for ongoing maintenance of the path, given that it will be enclosed by vegetation.
- c) Safe pedestrian/horse/cycle crossing of the A4007 between IVE/32 and IVE/33 - showing how the diverted line of the bridleway is aligned relative to the proposed staff access road.
- d) Safe pedestrian/horse/cycle crossing where IVE/32 crosses the A412.
- e) Diversion of IVE/33 to accommodate the northbound slip road on the new junction. The BHS is happy to discuss any of the points above with the Authority and/or the applicant.

PLEASE NOTE that the BHS is a Statutory consultee for Public Path Orders, including Diversion of Rights of Way. The Society should be notified of all future consultations regarding this proposal.

Iver Environment Centre (dated 16th June 2022)

Having reviewed the updated documents I would like to reiterate that on behalf of Iver Environment Centre, situated directly next to the site, in the heart of Colne Valley Regional

Park, I strongly oppose this inappropriate development of green belt land. All of the previous comments we made on the planning application still stand and I would like to draw attention to the fact that despite being informed of factual inaccuracies in their ecology report no effort has been made to correct these inaccuracies or clarify the design of the boundary abutting our premises as requested.

Since the initial planning application was submitted Great Crested Newt Surveys have been carried out (funded by the substation, so completely independent of and unrelated to this planning application) which provide up to date evidence of the continued existence of Great Crested Newt on our site next door to Mansfield Farm. It's hard to see why records and GCN licences have been disregarded in volume 6.

We are seriously concerned by the ecological damage that the development will have on this area through habitat destruction, watercourse culverting, light pollution, air pollution and noise pollution. We have no confidence in the conclusions stated in the ecologists report. We do not agree that stated mitigation measures approach the level required for a development of this nature.

We would also like to reiterate the devastating impact that this development will have on the existence and operations of Iver Environment Centre. Iver Environment Centre (formerly Iver Nature Study Centre) is a community resource that has been connecting local residents, and those from built up areas in London and Slough, to nature for over thirty years. We enhance the beneficial use of green belt land not only through providing opportunities for people to spend time outdoors, but also through maintaining and enhancing biodiversity. Since the initial planning application we have continued to do that through creating meadows, refurbishing ponds and engaging volunteers in diverse planting projects across our site. The slip road next to our entrance is a significant threat to us.

We teach right by our gate. The noise pollution will make that really difficult. The air pollution of constant cars coming right up to our site will disproportionately affect our audience; comprising of children with developing lungs, elderly people and people who have disabilities which make them especially vulnerable to breathing issues. The general experience of our visitors will be negatively affected as we lose the open outlook they seek when visiting the Colne Valley Regional Park. The biodiversity found on site will decrease as wildlife corridors are destroyed as well as due to around the clock pollution. The viability of the centre will be challenged as our audience will be severely limited when a slip road is built on fields which are our only option for overflow parking (albeit a seasonal option due to regular flooding in these fields - contrary to what is incorrectly stated in the application).

It is an unnecessary and inappropriate development.

Response dated: 07 July 2021

The updated ecological report states "With respect to great crested newts, the ecologist undertaking the water vole survey visited Iver Environment Centre in May 2021 and discussed the egg record with staff. No further corroborative evidence exists of larvae or

adult newts from the pond, and no other ponds have been identified within 500m of the boundary of the Proposed Development.”

The unannounced visit involved the ecologist speaking to the only person onsite at the time - a junior member of staff who said that they didn't know about newts and that the ecologist needed to speak to the Centre Manager. The ecologist did not contact the Centre Manager. Attached is an eDNA report confirming presence of GCN in ponds onsite. I would recommend that another survey is carried out now that the main pond restoration is complete and that more details are submitted on the boundary between the slip road and the Environment Centre. Unfortunately this isn't the best time of year for GCN surveys.

I would also like it noted that there are in fact four external ponds on site (within 500m of the proposed MSA site) as well as another in a polytunnel. A cursory look at the site would have revealed that fact as two are abutting the car park.

In addition to the above I would like to share my disappointment that despite submitting new plans for habitat enhancement works there has been no mention of mitigation for the detrimental effect the development will have on Iver Environment Centre - a key local community resource which actively manages a variety of habitats as well as connecting people to nature. I note that despite feeding back into the initial planning application there has still been no effort from the planners to open a dialogue with us (excluding the ad hoc visit from the ecologist whilst he was nearby).

Response dated: 11 February 2021

I am the centre manager of Iver Environment Centre, a partnership between National Grid and Groundwork South Trust. We have been based here for 30 years and are located between Mansfield Farm and the substation - adjoining the proposed development site. Each year we connect around 10000 people with nature including schoolchildren, families, and volunteers. We have a longstanding history of working effectively with adults with learning disabilities. We strongly oppose the development due to the threat it will cause to the successful function of our Environmental Education Centre as well as the damage it will cause to the local natural environment.

We have written a response to the planning application. This statement can be found on our website www.IverEnvironmentCentre.org and we have emailed it to planning.comments.csb@buckinghamshire.gov.uk

Our main points are

- We as one of the nearest neighbours, whose purpose is connecting people to the environment should have been contacted and involved in the consultation.
- The noise pollution, especially from the slip road in the fields by our front gate will interfere with speaking to visitors outside.
- The increased air pollution as a result of the development is unacceptable for a place where children are coming to spend time outdoors.
- The increased air, noise and light pollution will have a detrimental effect on biodiversity, which will have a knock-on effect on the experience of our centre users.

- There is a security risk to our site from a 24-hour service station and bringing the slip road close to our gates is a safety issue, especially for adults with learning disabilities who may run when scared.
- It removes our only option for overflow parking, limiting our ability to hold fundraising or larger public engagement events here, threatening our continued success.
- The first stage works may threaten our sole access route.
- The slip roads are being built on an area that experiences seasonal flooding and their proposal to culvert the Alderbourne increases flood risk further as well as destroying the habitat.
- The land they are proposing to build on is part of Colne Valley Regional Park and the Green Belt. Developing countryside is against the objectives of the CVRP and Green Belt land is only to be built on in exceptional circumstances.
- This area of Green Belt is particularly fragile due to its narrow nature and other developments on it. It will not be able to fulfil its function of preventing urban sprawl and stopping Iver heath being subsumed by surrounding settlements.
- The National Planning Policy Framework does not support development on sensitive Green Belt land.
- There is not a need for a service station as there is one 8 miles away in Beaconsfield and the services of Uxbridge are only 8 minutes' drive (5 miles) via J16 from that part of the M25. It may lower the safety of that section of motorway due to weaving near a junction.
- Additional service stations do not fit with the government commitments to change the way we travel.
- The ecology report appears superficial and omits the presence of Great Crested Newts on our site.
- We do not have confidence in their stated mitigation measure and do not believe that it will result in a 10% gain in biodiversity as asserted by the developers.

Campaign to Protect Rural England (CPRE)

We are writing to object to the above referenced Outline Application for a Motorway Service Area between M25 junctions 15 and 16 near Iver Heath with all matters reserved.

The Buckinghamshire branch of CPRE, The Countryside Charity, as a long standing charity, has a role to protect the countryside from developments that do not meet acceptable planning guidelines. We would like to register CPRE Bucks' opposition to the above planning application for the reasons below:

1. The site is in the London Metropolitan Green Belt
2. The site is also within the Colne Valley Regional Park
3. It is not necessary.

We deal with these principal points below:

The site is in the London Metropolitan Green Belt

This site is within the London Metropolitan Green Belt. The fundamental aim of Green Belt policy is to “prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence” (Para 133 of the NPPF). This area of land is characterised by its openness and obviously cannot be permanent if applications such as this are granted. And, because there is no up to date Local Plan for South Bucks (Para 11 d)), Paragraph 11) d) i applies: “the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. In this case, it is Green Belt land so refusal would be in line with the NPPF.

The site is also within the Colne Valley Regional Park

The Colne Valley Park CIC exists to maintain and enhance the Colne Valley as the first taste of countryside to the west of London for the benefit of more than three million people who live within ten miles of the Park. The Park has six stated objectives (see https://www.colnevalleypark.org.uk/whats_special/#:~:text=The%20Colne%20Valley%20Park%20will,for%20recreational%20and%20cultural%20pursuits). The whole of this application site is within the Regional Park.

This proposed development would result in:

- Landscape and countryside impact in conflict with objectives 1 & 2.
- Impact on the attractiveness and setting of the footpath and bridleway that cross the site (presumably requiring them to be re-routed as well) in conflict with objectives 4 and 6.
- The loss of productive agricultural land in conflict with objective 5 and the loss of potential habitat for farmland wildlife in conflict with objective 3.

It is not necessary

We would point out that there are other proposals for service areas on the west side of the M25: Extra wants to build on a site off the M25 between junctions 16 and 17, while Moto have submitted plans for a service station off the A41 between Hunton Bridge and Kings Langley, close to junction 20. With reference to the Extra site, Application PL/19/2260/OA is for another motorway service area just a mile or two north of this site. It was submitted back in 2019 and expired – without a decision as far as we can see – just a few months ago (October 2020). We are not clear what the status of that now is. There were a considerable number of objections to that site which are equally relevant there. We would therefore request that, to save everyone’s time and effort, you fully assimilate all the objections to that proposal and discuss with your neighbouring local authorities to arrive at a properly considered, strategic proposal.

But we would strongly suggest that a more strategic approach is needed to where service areas are located as we are in danger of having THREE service areas within a few miles of each other. Clearly that is absurd. We respectfully suggest that NO applications; either in Bucks or Herts, are considered until a strategy has been developed.

But perhaps even more significantly, the future of road transport, and cars in particular, is undergoing a massive change. The advent of electric cars and driverless cars is almost upon us and we believe this requires a fundamental re-think of transport strategy. In these circumstances, the need for yet another motorway service area needs to be re-considered.

We therefore strongly object to this application and urge the Council to refuse it.

Wildlife Trust (dated 11th February 2021)

We have the following comments on behalf of the Berks, Bucks and Oxon Wildlife Trust. As a wildlife conservation charity our comments refer specifically to impacts on the natural environment which may occur as a result of the proposed development.

BBOWT objects to this application on the following grounds:

- Lighting impact on the woodland to the north; a priority habitat with potential for protected species; bats.
- Culverting of the Alder Bourne watercourse

Light pollution of Woodland and Impact on Bats

The woodland to the north of the site is of priority for nature conservation as identified in section 41 of the NERC Act (2006). The Local Planning Authority has a duty to conserve these habitats in their decision making.

In addition to being a priority habitat, the woodland contains a number of trees along the southern edge which have moderate or high potential to support roosting bats. Emergence/reentry surveys have not been submitted in support of the planning application to evidence whether bats are currently roosting in these trees. A relatively high level of bat activity was recorded along this woodland edge, indicating that the woodland is used for foraging and commuting by a number of different bat species.

The raised ground level and close placement of the HGV park means that the woodland edge will be subject to light pollution, in places the increase will be more than 3 lux. Many bats will avoid areas with more than 1 lux of light spill.

We therefore recommend that the MSA is redesigned to avoid this negative impact on the woodland habitat by the addition of a planted tree belt along the northern edge of the HGV area, at the same ground level as the HGV area, to help limit the light pollution to the woodland edge.

Culverting of Watercourses

The proposed development will lead to the culverting of additional sections of the Alder Bourne watercourse. The watercourse is a priority habitat for conservation and culverting this section is both a direct loss of habitat and negatively impacts the ecological connectivity of the landscape

Woodland Trust (dated 21 August 2021)

Objection – loss, damage and deterioration of veteran trees

The Woodland Trust is the UK's leading woodland conservation charity. The Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering around 24,000 hectares (59,000 acres) and we have 500,000 members and supporters.

We object to this application on the basis of loss, damage and deterioration of veteran trees, as well as other notable and over-mature trees. We are concerned about the following trees detailed within the applicant's various arboricultural reports.

Tree no.	Species	WT	Categorisation Status
T4	Oak	Veteran	Damage
T11	Oak	Notable	Loss
T12	Oak	Veteran	Loss
T60	Oak	Veteran	Loss
T65	Oak	Veteran	Damage
G6	Alder	Veteran	Damage

Ancient and Veteran Trees

There are a number of trees on this site that we consider to be veteran specimens and are likely to be affected by the proposals with varying degrees of loss, damage and deterioration. While these trees aren't identified on the Trust's Ancient Tree Inventory (this inventory is not a comprehensive record of all ancient and veteran trees in the UK), the sizes and recorded features are indicative of veteran trees. The status of these trees is also supported within Sylvan Consulting's report submitted by Pegasus Group.

Planning Policy Guidance (PPG) for the 'Natural environment', which is intended to clarify and interpret the NPPF, and was updated on 21st July 2019, states¹ : "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's standing advice for ancient woodland, ancient trees and veteran trees² 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.”

Veteran features are not necessarily a product of tree age or size; they also develop as a result of a tree’s life or environment. This is particularly emphasised within the PPG, in which the key characteristics of size, age or condition are considered separately. A key function of the term ‘veteran’ is to capture trees that have exceptional habitat value as well as those with cultural and heritage value. The term is not a true ecological grouping, and serves to help us to identify trees which are important for biodiversity in their own right, and as part of a wider assemblage; veteran trees are important for the accumulation of features that are unable to be replicated within our lifetime. Identifying and evaluating veteran features requires the application of knowledge, experience and judgement. We acknowledge that government definitions do not provide precise, measurable parameters against which to easily recognise veteran trees. However, Natural England’s standing advice, planning policy guidance, and expert reference texts do provide clear instruction that tree girth should not be used as the main qualifier for veteran classification.

Planning Policy National Planning Policy Framework (NPPF), paragraph 175 states: “When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration 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;”

Exceptional reasons are defined in Footnote 58 as follows: “For example, 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.”

We consider that the impact of the development on veteran trees does not fit these criteria and should be refused on the grounds it does not comply with national planning policy.

‘Core Policy 9: Natural Environment’ of the Core Strategy in Buckinghamshire Council’s South Bucks Area Development Plan should also be considered. It states: “More generally, the landscape characteristics and biodiversity resources within South Bucks will be conserved and enhanced by:

- Not permitting new 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.
- Seeking the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas, on other non-designated land, on rivers and their associated habitats, and as part of development proposals.’

Impacts on Veteran Trees Ancient and veteran trees are a vital and treasured part of the UK's natural and cultural landscape, representing a resource of great international significance. The number of veteran, notable and over-mature trees on this site holds significance for local biodiversity. The existing values will not be sustained if the site is developed as proposed. We consider that there would be loss and deterioration of existing veteran trees and it will not be possible to provide for the continuity of appropriate trees that could become veterans of the future. In respect of the specific trees affected, we hold concerns for trees T4, T11, T12, T60, T65, as well as a collection of veteran trees within group G6 (as detailed in the table above). While the Trust has not undertaken any site-based assessments of such trees, using information provided within the applicant's various arboricultural documents and the findings presented in Sylvan Consulting's submitted report we have assessed that the listed trees fall within the category of veteran (other than T11 which we would consider is likely to be notable) and must therefore be treated as such. The loss of trees T11, T12, T60 and trees within G6 is unacceptable and the proposed management methods and unsuitable protections afforded to trees T4, T65 and G6 would lead to inappropriate and avoidable deterioration of the trees and their habitat value.

Unfortunately, the applicant has not recognised many of these trees as veterans and therefore pushed forward with designs that would either result in their loss or continued deterioration through inappropriate buffer zones/management. While loss must be avoided, affording suitable space for the maintenance of a tree's vitality is also of great importance to ensure a tree's continued survival. To this end, Natural England's standing advice for veteran trees must be considered; this guidance states that veteran trees should be afforded a buffer zone of 15 times the stem diameter or 5m beyond the crown, whichever is greater.

Trees can be vulnerable to the changes caused by nearby construction/development activity. Development within the RPAs and/or canopy of ancient and veteran trees can result in adverse impacts as the tree's root system is adversely affected by soil compaction and direct root damage. The potential direct and indirect impacts of development on ancient and veteran trees are clarified in Natural England's standing advice, including:

- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors

Furthermore, new development close to such trees increases the targets and risks associated with people and property in proximity to them, thereby compromising their long-term retention.

The British Standards guidelines 'Trees in relation to design, demolition and construction (BS5837:2012)' clarify that construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction works. Root systems, stems and canopies, all need allowance for future growth and movement, and should be taken

into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. However, it is important to also consider the guidance within Natural England's standing advice when specifically taking the protection of ancient and veteran trees into consideration. This standing advice identifies mitigation measures that can be implemented where nearby development may result in impacts on ancient and veteran trees, including:

- “putting up screening barriers to protect woodland or veteran trees from dust and pollution
- a buffer zone at least 15 times larger than the diameter of the tree, or 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter
- protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future”

The need to ensure that ancient and veteran trees are afforded appropriate space for their long-term health is supported by the BS5837 guidelines which states in paragraph 5.2.4 that “particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development” and that “adequate space should be allowed for their long-term physical retention and future maintenance”.

Veteran trees typically feature significant deadwood habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken/fractured branches and trunk cavities/wounds. The level and type of usage of such a high density residential development will increase the health and safety risks associated with these trees leading to a requirement to manage them more intensively resulting in loss of habitat and/or consequential decline or removal.

Our concerns regarding the increased risk that veteran trees can pose when more exposed to human contact is supported by the guidance within David Lonsdale's 'Ancient and other Veteran Trees: Further Guidance on Management' (2013), which states in paragraph 3.5.2.1 “...avoid creating new or increased targets: as happens for example following the construction of facilities (e.g. car parks or buildings) which will bring people or property into a high risk zone. Not only does this create targets, it also harms trees and therefore makes them more hazardous”.

The Trust requests that the council's tree officer and planning officer take our comments and government guidance into consideration and ensures that the applicant is avoiding loss of any veteran trees and applying suitable buffers to retained veterans. Where development encroaches on the RPAs of these trees the layout of the development should be altered to prevent such impacts. If this is not possible then the proposals should be refused planning permission as the loss of trees and encroachment and subsequent impact of the development on the trees' root systems would directly contravene local and national planning policy and government guidance.

The significant concentration of veteran, notable and other over-mature trees displaying important habitat features within the development site means that the loss and damage of such trees would ultimately lead to a reduction in the available habitat for species reliant on

dead and decaying wood habitat, i.e. saproxylic invertebrates, bats and certain species of birds. In its current form the development would result in damage to a number of veteran trees on the site, which would be highly deleterious to the wider environment of mature and veteran trees that may harbour rare and important species.

Conclusion

Ancient and veteran trees are irreplaceable; the habitat that they provided cannot be re-created. Development resulting in the damage or long-term deterioration of such trees is unacceptable and contrary to national and local planning policy.

In summary, the Woodland Trust objects to this application on the basis of damage and deterioration of several veteran trees.

While the applicant has recognised some trees on site as being veteran and/or having veteran features, we do not consider that they have fully recognised the qualities and importance of all the trees on site and appropriately categorised them as veterans. As such, a number of trees have not been afforded the suitable RPA that their veteran status warrants or are due to be removed despite our assessment of them as veteran specimens. As such, we consider that this application should be rejected in its current form.

Chiltern Society dated 23rd April 2021

The Chiltern Society is a charitable body with 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area, which includes the Chilterns Area of Outstanding Natural Beauty (AONB) and part of the London Green Belt. Our role in the planning system is co-ordinated through a network of voluntary planning field officers and co-ordinators.

The application site is located in the Green Belt, but just outside the Chiltern Society boundary. As it is beyond our normal geographical area of concern, we don't intend to submit any detailed comments on this application.

However, we are aware that there are 3 separate applications on this stretch of motorway with the one at Chalfont St Peter going to appeal and the one at Kings Langley to be determined by Three Rivers. We have been in touch with MHCLG to request a call in for all 3 applications, so that they can be considered together. Given that all the sites would have a significant impact on the Green Belt, it is essential that no more than one is approved and that very special circumstances can be clearly demonstrated.

However, now the application at J16 and 17 has been appealed, we are requesting that this is recovered by the Secretary of State and considered alongside the other applications. It is only by considering all 3 applications together that an informed decision can be made on the need for a new service station, and if so, which of the three sites would have least impact on the Green Belt and the surrounding landscape.

We, therefore, object to the determination of this application unless and until all three applications have been assessed together and an agreement reached on the best option.

Should the Iver Heath site be chosen, we would expect significant landscape enhancement and biodiversity net gain to form linkages with other habitats to form an ecological network in the surrounding area and linking into the Chilterns.

Representations on behalf of Extra (CSP1 & CSP2)

15th April 2021, 10th July 2021, 26th July 2021, 19th August 2021, 15th September 2021, 23rd September 2022 and 7th November 2022

Summary of representations:

- Details of proposed access have been reserved. Absence of such fundamental detail in this location is improper considering the scale and nature of proposal
- The application is not supported by a flood risk sequential test
- Methodology of Alternative Sites is flawed and does not take into account wider sites beyond that of Junctions 15 and 16
- Significant impacts on the Iver Environment Centre
- Subsidiary access is contrary to the DFT circular 02/2013
- Formal EIA Scoping process has not been carried out
- M25 improvement works should be seen in combination with the proposed development
- Future baselines are not sufficiently defined in terms of the ES
- Insufficient topic based information in relation to Minerals, Traffic, Transport and Access, Ecology, Drainage and Flood Risk
- Insufficient pre-application engagement
- Loss of four veteran trees
- Loss of an area of ancient woodland
- Significant harm to biodiversity impacts on the River Alderbourne
- MSA and access do not fall within the definition of 'essential infrastructure' in terms of flood risk vulnerability
- Proposals would require several departures from standards.
- No impacts carried out on the M25 and Smart Motorway infrastructure
- Flaws in the Flood Sequential Test.
- Concerns regarding impact on traffic flows, motorway infrastructure, mining and minerals traffic and timelines for construction.

Other Representations

125 third party or local representations have been received, which includes some instances where the same contributor has submitted more than one representation, and /or where more than one representation has been received from the same address. The grounds of objection are summarised as follows:

Green Belt

- Loss of green space buffer surrounding Iver Heath
- Loss of valued Green Belt land
- Inappropriate development in the Green Belt
- Loss of the green buffer between Iver Heath and Uxbridge
- Erosion of the Green Belt
- Iver Heath has already been subject to Green Belt destruction
- Cumulative impact on Green Belt as a result of large scale development in the area
- Buckinghamshire Council should be committed to retain Green Belt land
- NPPF does not support development on sensitive Green Belt land
- Green Belt should be a safety net against incursion of surrounding countryside
- The Ivers is losing much of its Green Belt land
- Developments on Green Belt area have to be clearly necessary and other avenues have to be explored. There is no evidence that the proposal is necessary.
- Green Belt provides a strategic function for the Ivers by preventing sprawl from Greater London
- The proposal does not benefit from very special circumstances.
- Development would result in encroachment into the Green Belt
- Urban sprawl

Character/Heritage

- Impact on the character of the village of Iver Heath
- Increase in urbanisation within the Ivers
- Proposal would dwarf the local area
- Development would cause urban sprawl
- Iver Heath would be ruined by increase in industrial and commercial activities
- Proposal will change the nature of the semi-rural location

Amenity

- Interference with adjoining properties
- Loss of view
- Visual impact of the proposed development would be detrimental
- Views from the bridleway will be lost
- Proposal is close to many residential properties
- Light pollution into residential properties

Landscape/Ecology

- Impact on wildlife
- Harm to Iver Environment Centre
- Potential water pollution
- Loss of green landscape
- Loss of trees and plants
- Detrimental impact on Colne Valley Regional Park
- Contrary to the Colne Valley Green Infrastructure Plan
- Loss of Countryside
- Colne Valley Regional Park is being decimated by local infrastructure projects (Pinewood, HS2 and MSA)
- Destruction of good quality farmland
- Destruction of natural habitats
- Ecology report in terms of mammals is lacking
- Proposal will have a detrimental impact on local biodiversity
- Pollution will have effect on local wildlife
- No valid reason for destroying good quality farmland
- Colne Valley Regional Park already under threat from HS2
- Impact on the adjacent Ancient Woodland
- The local area supports a number of rare animals
- Small local roads unable to support traffic
- Disturbance of amphibian habitats
- Impact on nearby Sites of Special Scientific Interest

Highways/Parking

- Traffic congestion
- Increase in local traffic
- Local roads unable to cope with the extra traffic
- Impacts in terms of staff and delivery traffic
- Slips roads to the motorway service area too close to M40 junction, causing potential danger to highway users
- Traffic safety impacts on M25
- Impact on this busy section of the M25
- Impact of traffic diverting onto local roads
- Impact of construction traffic on the Slough Road (A4007)
- Impact of Heavy Goods Vehicles
- HGV traffic already has a detrimental impact on the Ivers and Denham
- Local road services are already in a poor state

- The Council should be giving the go ahead for a by-pass road around Iver Heath
- Potential of traffic using the proposed staff access onto the Slough Road
- This section of the M25 is already congested, a more suitable site should be identified
- Existing bus service along Slough Road is infrequent making it unattractive option for shift work at the proposed service station

Environmental Health

- Light pollution
- Noise impacts
- Traffic pollution
- Air Quality
- Impact on the Air Quality Management Area
- Noise and disturbance when facilities are in operation
- Impact of the proposal in terms of ground pollution
- Impacts of the proposal in terms of climate change
- Impact of noise and pollution on Iver Environmental Centre
- 24 hour opening will result in unacceptable light pollution
- Mitigation measures are required to reduce air pollution
- The area already has one of the highest pollution rates in the UK, the additional traffic from the proposal will increase this
- Noise impact from building works
- Impacts in terms of construction dust and noise
- Cumulative noise and air pollution from M25 and Heathrow
- Traffic emissions and poor air quality
- Smells from restaurant and fast food providers

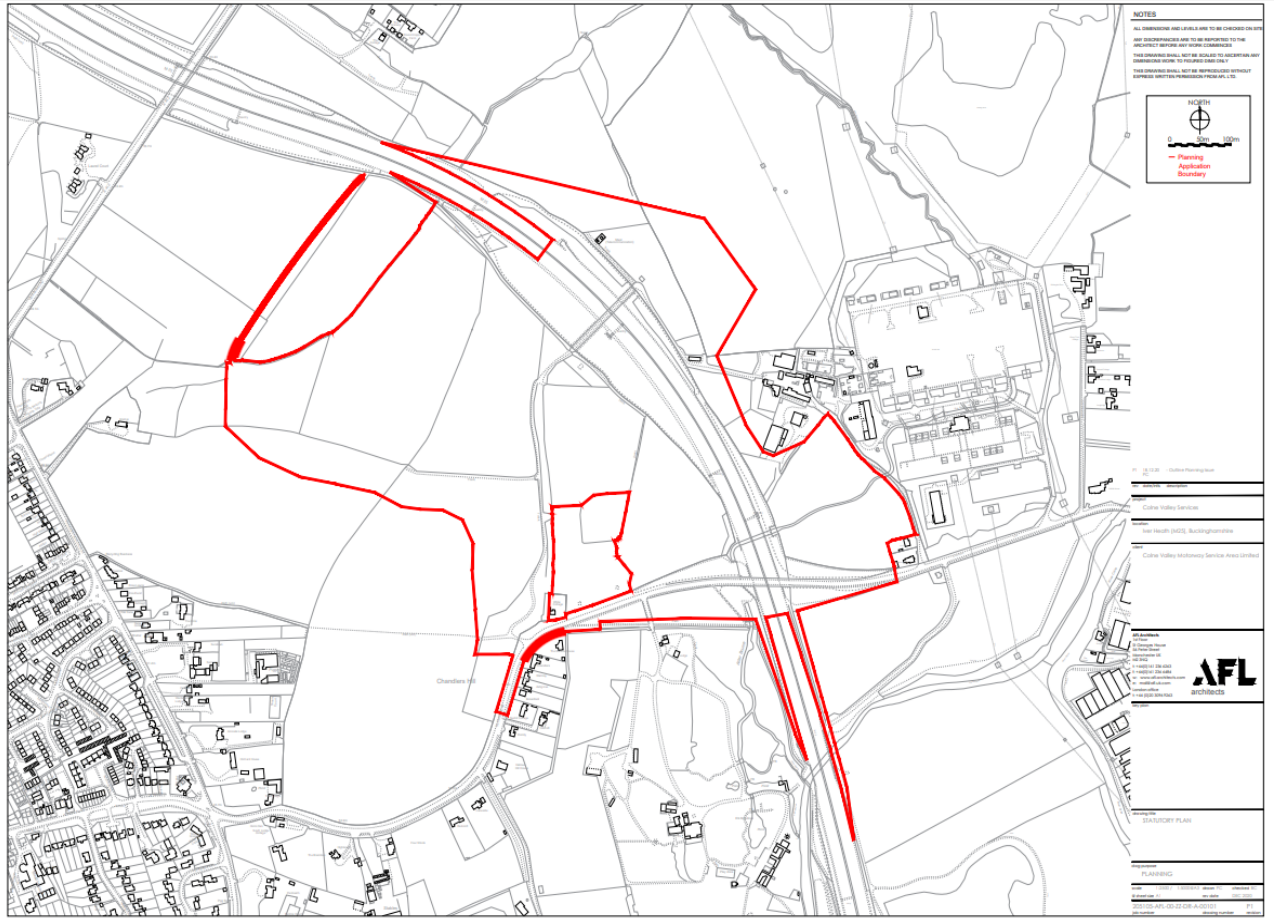
Other

- Impact on access and visitors to Iver Environment Centre
- Impact on well-being
- Cumulative impacts of proposed Motorway Service Area and other major projects located in and around Iver
- Impact on local infrastructure
- Service area is not needed
- Increase in crime
- Littering
- Impact on house values
- M25 is already well served by service areas at Clackett Lane, Cobham and South Mimms
- Impact on the local community
- Flooding concerns
- Impact of development on adjacent flood plain
- Services would compete with local services
- There are other services nearby
- M25 has been operating for a number years without the need for an MSA in this location

- No demonstration how this proposal would meet sustainable development principles
- Services at Beaconsfield already serve the local area
- Impact on local footpaths
- No permanent police presence nearby
- Poor water and sewage infrastructure to serve the proposed development
- Proposal will impact on the already high water table
- Replacement bridleway needs to factor in all path users
- Safety of other road users needs to be taken into account
- Impact on the users and education of visitors using Iver Environmental Centre
- Concerns regarding public safety
- Adjoining roads to the M25 are already well served by Petrol Stations
- Similar proposal for Motorway Services was turned down at Elk Meadows
- There are already proposals for similar MSA's within the area
- Planners need to take a holistic view to all planning applications put forward to the Ivers
- Bridleway provides a vital circular link around the Ivers. The replacement bridleway needs to be provide prior and in a useable state.
- Ivers are under pressure from significant infrastructure projects such as Heathrow expansion and Pinewood Expansion.
- Impact in terms of crime as experienced already by Beaconsfield services
- Proposal would bring no benefits to the local area
- Uxbridge Town Centre already provides services for commuters and travellers
- Loss of vegetation will increase flood risk
- Impact of bridleway disruption on horses
- Impact of service station users on horses/bridleway users
- Concerns regarding disruption to bridleway and impact on its users from heavy traffic
- Application site is designated as a flood plain
- Hotel on the site is not justified
- Bridleway needs to be protected for local riders and walkers
- Land adjoining Iver Environment Centre suffers from frequent flooding
- MSA will become a free waiting area for those picking up from Heathrow Airport
- Previous attempt for an MSA in the Iver area was presented at public Inquiry and deemed inappropriate
- Extraction of gravel is a non-renewable resource and should not be removed
- Located on Council owned Green Belt should be protected and not as a money making opportunity by the Council

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Appendix B – Site Location Plan



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Appendix D – Planning Conditions

General

1. Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be agreed.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

2. The development shall be carried out in substantially in accordance with Illustrative Masterplan (205105-AFL-00-ZZ-DR-A-90100 Revision P4) and the Parameter Plan (205105-AFL-00-ZZ-DR-A-90120 Revision P3) accompanying the outline planning application and be consistent with the Design and Access Statement (June 2021).

Reason: To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high quality design is achieved.

3. The development shall be carried out broadly in accordance with the Illustrative Landscape Masterplan (LP2226-FIRA-MP-ST-P-LA-WS-001 Revision 05) accompanying the outline planning application and be consistent with the Design and Access Statement (June 2021). The quantum of landscaping to be provided, including existing areas for retention, new areas of planting, and any associated green infrastructure shall be in general accordance with the Illustrative Landscape Masterplan (LP2226-FIRA-MP-ST-P-LA-WS-001 Revision 05).

Reason: To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high quality design is achieved.

4. Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

- Layout
- Access
- Scale
- Appearance
- Landscaping

Reason: Because the application is in outline (with all matters reserved) and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

5. No development shall commence until a Construction Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall indicate the location of the phases, the sequence and approximate timescales of the development phases and the provision of highway and drainage infrastructure. The development shall proceed in accordance with the Phasing Plan. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase as defined on the phasing plan approved pursuant to this condition.

Reason: Because the application is in outline (with all matters reserved except access) and as no phasing details of the development have been submitted.

6. No works shall take place on any phase of development until details of the proposed finished slab and floor levels of the development and finished ground levels (for all hard surfaced and landscaped areas), relative to the existing ground levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented related to that phase and retained in accordance with these approved details.

Reason: This pre commencement condition is required to ensure that construction is carried out at suitable levels and in the interests of visual amenity and in accordance with the adopted Local Plan saved Policy EP3 and Core Strategy Policy CP8.

Land & Water Contamination

7. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(i) A site investigation, based on the preliminary assessment of existing ground conditions and contamination risks set out within chapter 11 of the Environmental Statement, Volume 1: Main Report dated July 2021, to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site. This shall include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

(ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

Reason: This pre commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Also to accord with paragraph 174 of the National Planning Policy Framework and Core Strategy Policy CP13

8. Following completion of measures identified in the remediation strategy, if such a strategy is required arising from condition 7, prior to the occupation of the development, a verification report demonstrating the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme. Copies of any waste transfer notes relating to exported soils shall be submitted to the Local Planning. The verification report must be undertaken in accordance with the Environment Agency's 'Land contamination risk management' guidance published 8th October 2020. The approved monitoring and maintenance programme shall be implemented.

Reason: This pre commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Also to accord with policy 16 of the Buckinghamshire Minerals and Waste Local Plan and paragraph 174 of the National Planning Policy Framework.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Also to accord with policy 16 of the Buckinghamshire Minerals and Waste Local Plan and paragraph 174 of the National Planning Policy Framework.

10. Once the development hereby approved is operational, no infiltration of surface water drainage into the ground shall be permitted unless otherwise approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any surface water drainage scheme approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Also to accord with policy 16 of the Buckinghamshire Minerals and Waste Local Plan and paragraph 174 of the National Planning Policy Framework

Flooding & Surface Water

11. No works shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Discharge rates will be limited to 24.9l/s for the total area, to be split into west and east catchments, 14.1l/s and 10.8l/s respectively
- Ground investigations including: Infiltration rate testing in accordance with BRE Digest 365
- Groundwater level monitoring in accordance with Hydrogeology Technical Note (ref. B/AXS/CVSMSA/TA001/21, June 2021, BCL Hydro)
- Floation calculations based on groundwater levels encountered during long term groundwater monitoring
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: This pre commencement condition is required to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

12. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No new connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems. Prior to the installation, full details of any new drainage system, its specification and its location shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification unless approved in writing by the local planning authority.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

Archaeology

13. No phase of development shall take place, unless authorised by the Local Planning Authority, until the developer has undertaken an archaeological evaluation related to the approved phase in form of geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Where significant archaeological remains are confirmed these will be preserved in situ.

- Following the completion of the evaluation, where significant archaeological remains are confirmed within a phase(s), no development shall take place until an appropriate methodology for their preservation in situ has been submitted by the applicant and approved by the Local Planning Authority.

- Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until a programme of archaeological work has been secured and implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve archaeological remains and to conserve the historic environment in conformity with NPPF paragraph 205.

Ecology

14. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Proposed Colne Valley Services (CVS) Site: Impact Plan for great crested newt District Licensing (Version 1)", dated 12th September 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

15. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided

authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

16. No phase of development shall take place (including ground works, site and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include, but not be limited to, the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”, including specific reference to badger, great crested newt, breeding birds and ancient woodland;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they need to be present to oversee works;
- h) Measures for removal of invasive species within the site; and
- i) Use of protective fences, exclusion barriers and warning signs;

Thereafter the development shall be adhered to and implemented in full throughout the construction period strictly in accordance with the approved details.

Reason: This condition is required to be pre-commencement in the interests of improving biodiversity and to ensure the survival of protected and notable species during construction of the proposed development. Relevant Policy: Core Strategy CS24. For the avoidance of doubt National Highways will be consulted on any submitted details.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.

- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) An updated Biodiversity Net Gain Calculation

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved details and shall be based upon the mitigation, compensation and enhancement measures, as described in Chapter 6; Ecology and Nature Conservation, of the Environmental Statement Regulation 25 Update – Volume 5 (May 2022).

Reason; To ensure ecology impacts are minimised and managed and to provide net gains in accordance with the NPPF.

18. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species using the site, specifically bats, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To minimise any lighting impacts on biodiversity. Relevant Policy: Core Strategy CS24

River Alderbourne Works

19. No development shall take place until detailed designs for the structures impacting the River Alderbourne and its riparian zone have been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The scheme shall include:

- Detailed cross sections and planform drawings of the River Alderbourne through the newly created underbridges.
- Detailed cross sections and planform drawings of the newly deculverted section of the River Alderbourne and watercourse enhancements.
- Detailed designs of the riparian zone and wetland areas including the newly created Aquatic Habitat Creation Area and Flood Compensation Area
- Details of embedded mitigation in line with CIRIA best practice; such as lowered invert levels to provide a minimum 200mm depth naturalised river substrate, mammal ledges, and inclusion of habitat niches.
- Details of how newly created underbridges will tie-in with the proposed open sections of watercourse.
- Details of how the underbridges will be managed and maintained for the lifetime of the development.
- Assessment of the lighting availability to the river as a result of the new structures (considering both increased lighting and increased shading) and consideration of how this will impact on habitat connectivity and establishment, sediment transport and species migration.

Reason: In accordance with paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

20. No development shall take place until detailed designs of the de-culverted and enhanced sections of the River Alderbourne has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. The scheme shall include:

- Detailed cross sections and planform drawings of the opened sections of the River Alderbourne.
- Details of biodiversity enhancement; such as a minimum 200mm depth naturalised river gravel substrate, in-channel enhancement to improve the hydromorphology, and inclusion of habitat niches.
- Details of the naturalised banks and riparian buffer zone, to include; 'soft' engineering options, details of any new habitat created on site including planting schemes for native species and details of treatment of site boundaries and/or buffers around water bodies.

- Details of maintenance regimes and management plans.
- Details of how the deculverted sections will tie-in with the newly created underbridge sections of the River Alderbourne through the development.
- Details of surface water drainage and SUDs schemes impacting the river, including detailed designs of any proposed outfalls.

Reason: In accordance with paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Trees

21. Prior to the commencement of the development, a site specific Arboriculture Method Statement (AMS) taking into account guidance within drafted in accordance with British Standard 5837 :2012 to cover all aspects of tree protection/retention and proposed tree works and including details of all tree protection measures (including root protection areas and fencing), tree works specifications and a detailed tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved Arboriculture Method Statement.

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

22. a) No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.

b) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season

Reason: To ensure trees and hedgerows are not damaged during the period of construction or post construction, and in the long term interests of local amenities.

Highways

23. Details to be submitted pursuant to condition 3 (access) shall include a detailed scheme for the Slough Road access route which shall include:

- details showing the alterations to the existing field access onto Slough Road for temporary construction purposes.
- details including how the Slough Road access will be laid out to ensure that it is solely used for non-motorised staff access and a staff drop-off/pick-up point following the temporary construction period, and demonstrating minimum vehicular visibility splays of 120m from 2.4m back from the edge of the carrieway from both sides of the existing access onto Slough Road.

The Approved works to create the route are to be carried out in accordance with approved details, and within 1 month of the construction access being made available from the M25 the temporary construction access off Slough Road shall be amended to facilitate the staff drop-off access only and shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In order to provide a safe and suitable route for all users of the proposed access.

24. Prior to commencement of the development, a scheme of off-site works shall be submitted to and approved in writing by the Local Planning Authority in general accordance with plan JNY10850-20 Rev C, subject to the submission and approval of detailed design, technical approval and the submission of Stage 2 and 3 safety audits. The scheme shall include:

- Proposed footway on northern side of Slough Road
- Toucan crossing on Slough Road
- Realignment of Slough Road and inclusion of footway/cycleway
- Right-hand turn lane on Slough Road

No part of the development shall be occupied until the offsite works have been laid out and constructed in accordance with the approved details. For the avoidance of doubt, commuted sums are collected when new crossings are put in and this will be progressed under a s278 agreement with the Highway Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

25. No part of the development shall commence until an updated framework Travel Plan for the site has been submitted to and approved by the Local Planning Authority. No part of the development shall then be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

26. No part of the development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of (but not limited to):

- A construction programme for the MSA
- Construction worker travel arrangements
- The routing of construction vehicles
- Details of vehicles accessing the site and a schedule identifying when they would need access
- Swept path drawings for vehicle routes for all vehicle sizes
- Maximum number of site operative LGV movements
- Pre-condition surveys of the agreed route for construction vehicles
- Measures/systems to manage HGV construction traffic
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Details of how the spread of dirt or dust onto the public highway would be prevented (e.g. Wheel washing facilities).

The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents.

27. No staff shift changes shall take place within the network peak hours of 8-9am and 5- 6pm, apart from the normal working hours of ancillary office-based staff.

Reason: To ensure that the local highway network is protected from impacts arising from large numbers of vehicle movements in the peak hours.

28. Prior to the commencement of the construction, a scheme for the resurfacing and provision of the alternative route for Bridleway IVE/32/1, shown indicatively on the Illustrative Masterplan passing from the M25's western boundary, through the 30m-wide green infrastructure and landscape buffer to the A4007 Slough Road, shall be first submitted to and approved in writing by the Local Planning Authority. The bridleway shall subsequently be resurfaced and upgraded with Breedon gravel, to manufacturer's recommendations appropriate for bridleway and/or agricultural use, in accordance with the approved details, prior to the first occupation of the Motorway service area hereby approved.

Reason: To ensure the bridleway is provided in a suitable condition to replicate the existing recreational amenity lost within the development and to encourage and promote sustainable access to and enjoyment of the greenbelt from surrounding communities; and to comply with guidance in the National Planning Policy Framework and Core Strategy Plan Policy CP7

29. Prior to the commencement of the development hereby approved, a management strategy for the use, management and monitoring of the staff drop-off and pick-up facility served off the A4007 Slough Road (as illustrated on plan number 205105-AFL-00-ZZ-DR-A-90100 Rev P4) and the associated pedestrian and cyclist staff access point into the development shall be submitted to, and approved in writing by, the Local Planning Authority.

The strategy shall:

1. include full details of gate(s) or other barrier(s) or means of control to prevent any motorised vehicles or members of the public accessing or egressing the development from this access point;
2. include monitoring and security details to prevent public access into the staff drop-off area and prevent any anti-social behaviour in this area;
3. ensure that save as a drop-off and pick-up point this access point to / from the development is not accessed by staff other than as pedestrians or cyclists;
4. include maintenance requirements to ensure the above systems and measures remain effective throughout the life of the development; and
5. require that in the event of any known / established misuse of the drop-off and pick-up facility / staff access the operator of the development shall, at the written request of the Local Planning Authority, ~~to~~ submit a remediation/ improvement plan to the Local Planning Authority for its approval in writing. Thereafter any approved remediation/ improvement plan will be implemented in full within two months.

The staff drop-off and pick-up facility and the associated pedestrian and cyclist staff access point shall not be operated other than in accordance with the approved management strategy for the life of the development.

Reason:

30. Prior to the commencement of development, detailed plans illustrating provision of a clear, unplanted diverted bridleway corridor of 8m between scrub and/or tree planting through southern and central sections shall be submitted to and approved by the Local Planning Authority, together with plans illustrating at least a 4m width through the north-western bridleway corridor. This should be accompanied by an annual vegetation maintenance plan to ensure these corridors are kept clear from natural seeding and undergrowth. The plans and maintenance scheme shall thereafter be carried out in accordance with the approved details prior to commencement and during the lifetime of the MSA.

Reason: In order ensure safe and convenient use of the diverted bridleway network through the site, comparable with the existing unenclosed situation which facilitates surface drying, and to ensure the public amenity is protected in accordance with Cores Strategy Plan Policy CP7 and para 100 NPPF 2021.

31. No part of the development shall commence until details of the preliminary design for a new means of access to/from the M25 motorway, and the realigned A4007 Slough Road, has been submitted to and agreed in writing by the Local Planning Authority. The preliminary design shall be designed fully in accordance with the standards set out in the Design Manual for Roads and Bridges (DMRB). The scheme shall be implemented fully in accordance with the approved details and shall be fully opened to traffic prior to the opening of the site.

Reason: In the interests of highway safety, convenience of highway users and to ensure that the M25 and M40 Trunk Roads continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

32. The details to be submitted for approval in writing by the Local Planning Authority shall include details of:

- (i) all parking spaces for cars, HGVs, abnormal loads, coaches, coach interchange, caravan/motorhome/vehicles, and trailers
- (ii) disabled user parking including caravan/motorhome/vehicles and trailer parking
- (iii) internal access roads,
- (iv) turning and manoeuvring areas, and
- (v) footpaths

in accordance with the minimum requirements for roadside facilities to be eligible for signing from the SRN as set out in Annex A of DfT Circular 1/22 "Strategic Road Network and Delivery of Sustainable Development". The development shall be constructed and laid out in accordance with the approved plans and made available for use before the buildings or structures to which it relates is first used. The approved parking areas shall not be used for any other purpose thereafter.

Reason: In the interests of highway safety, convenience of highway users and to ensure that the M25 and M40 Trunk Roads continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

33. No permanent buildings forming a part of the development hereby approved shall be commenced until such time as planning application reference CM/0036/21 has been granted and the minerals extraction works set out within the permission have been completed.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

MSA Building

34. Prior to the commencement of development, a detailed specification for the provision of a green roof for the Facilities Building shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of its installation, including substrate base, planting, drainage and a Management Plan setting out a regime for future maintenance. The green roof shall be carried out in accordance with the approved details and be maintained in perpetuity thereafter.

Reason: To ensure a sustainable development.

Landscaping

35. The details of landscaping to be submitted under condition 3 above shall be: Hard landscape works which shall include (but is not limited to the following):

- a) Excavations;
- b) Ground modelling (including existing and proposed contours);
- c) Proposed finished levels and/or contours;
- d) Boundary details and means of enclosure;
- e) Noise barriers (a fence and/or earth bund) as may be required;
- f) Parking layouts;
- g) Other vehicle and pedestrian access and circulation areas;
- h) Hard surfacing areas (e.g. surfacing materials) and their permeable qualities;
- i) Minor artefacts and structures (e.g. furniture, seating, play equipment, refuse or other storage units, signs, lighting etc.);
- j) Proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.);
- k) Soft landscape works which shall include (but is not limited to the following):
 - l) The extent of the existing trees and hedgerows on the land and details of those to be retained;
 - m) Planting (including trees, shrubs, seeding, other plants and grass) plans;
 - n) Written specifications (including soil depths, mulching, cultivation, watering/irrigation, staking and other operations associated with tree, plant and grass establishment);
 - o) Schedules or plants noting species, planting sizes and proposed numbers/densities;
 - p) For sustainable tree planting, the soft landscape works shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as pavements, highways, car park areas and structures (if there is hardstanding on more than one side of proposed tree planting then underground systems must be implemented); and,
 - q) a programme of planting.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS4428:1989 Code of Practice for General Landscape Operations. Where possible, the implementation programme for all planting, seeding and turfing shall be carried out no later than first planting and seeding seasons; where planting takes place outside of planting and seeding seasons, an enhanced watering regime will be required and this shall be specified in the soft landscape works. The developer shall complete the

approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity.

36. Prior to the commencement of the development hereby permitted a landscape Management Plan and Planting Schedule shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

Electric Car Charging

37. The details to be submitted under condition 3 (layout and appearance) should include details of Electric Vehicle Charging provision to include up to a minimum 100 spaces to meet future demand, and/or, any details for the provision for any alternative (non-fossil) fuels for vehicles (including hydrogen fuelling), shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a plan providing the location of all active and passive spaces and/or alternative fuels provision on site along with the specification of charging provision and/or alternative fuels provision. The works shall be carried out in accordance with the approved details and prior to first occupation of the development and confirmation that the active charging points and/or provision for alternative fuels are operational shall be submitted to the Local Planning Authority and thereafter retained in perpetuity in accordance with the approved details.

Reason: In the interests of promoting sustainable travel opportunities.

Energy and Sustainable Construction

38. The details to be submitted under Condition 3 (layout and appearance) shall include a detailed Energy and Sustainability Strategy for the development. The Strategy for the development, shall include (but is not limited to) measures to reduce carbon emissions through use of low carbon and/or renewable technologies and other measures to ensure a sustainable design and construction. The development shall be carried out fully in accordance with the approved details and retained thereafter.

Reason: In the interests of sustainable development, energy consumption and carbon emissions. Relevant policy: Core Strategy CP12 and Ivers Neighbourhood Plan policy IV7 and IV14.

39. No development of buildings shall take place until a Design Stage Certificate issued by BRE has been submitted to and approved in writing by the Local Planning Authority. The development shall meet BREEAM 'Very Good' or higher rating under the BREEAM (Building Research Establishment Environmental Assessment Method) rating. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development , energy consumption and carbon emissions.
Relevant Policy: Core Strategy CP12 and Ivers Neighbourhood Plan policy IV14.

40. A Post Construction Stage Certificate issued by BRE for the development shall be submitted for the approval in writing of the Local Planning Authority within 3 months of the first occupation of the development.

Reason: In the interests of sustainable development, energy consumption and carbon emissions.
Relevant Policy: Core Strategy CP12 and Ivers Neighbourhood Plan policy IV14.

Noise

41. A further BS:4142:2104 assessment shall be undertaken prior to the installation of any fixed plant. All fixed plant items associated with the mechanical and electrical services systems shall be designed and implemented so that, as far as reasonably practicable, cumulative plant noise emissions from the development are at least 5dBA below the typical background sound level at noise sensitive receptors during the operational period (using the impact assessment method contained in standard BS4142:2104). The fixed plant details shall be carried out as approved and retained thereafter in a good working order.

Reason: In the interests of residential and other amenity. Relevant Policy: Core Strategy CP13.

Fires Strategy

42. The details to be submitted under condition 3 above shall be informed by a Fire Strategy that considers the risk of delayed response times by this emergency service and this Fire Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Fire Strategy should include a form of automatic suppression to the Amenity Building of the motorway service area if this is deemed necessary to address the risk of delayed response times. The approved Fire Strategy must be operated at all times in perpetuity of the development.

Reason: To minimise the risk from fire to the development.

Waste

43. No development shall take place until a Site Waste Management Plan for the construction and operational phases of development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented fully in accordance with the approved Plan.

Reason: In the interests of sustainable development. Relevant Policy: Core Strategy CP6

44. Any individual unit within the facilities buildings shall contain no more than 750m² of retail floorspace as defined by Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order) and not more than 100m² of adult amusement arcade floorspace shall be made available to the public.

Reason: To define the content and scale facilities within the main amenity building. Relevant Policy: Core Strategy CP6

Construction Environmental Management Plan (CEMP)

45. The construction of any part of the development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall set out but not be limited to the following:

- Construction programme for the Motorway Service Area
- The proposed construction traffic routes to the site, to be identified on a plan; Construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from by vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0930) and PM Peak (1630-1800) periods);
- an estimate of the daily movement of the construction traffic, profiled for each construction phase, identifying the peak level of vehicle movements for each day;
- details of local road temporary traffic management measures.
- confirmation that a formal agreement from National Highways for temporary access/egress has been obtained (if required) for the M25. Motorway.
- details of any proposed strategic road temporary traffic management measures on the M25 motorway;
- Management and hours of construction work and deliveries;
- area(s) for the parking of vehicles of site operatives and visitors;
- area(s) for the loading and unloading of plant and materials;
- area(s) for the storage of plant and materials used in constructing the development;
- details of wheel washing facilities;

- the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- details of waste management arrangements;
- the storage of materials and construction waste, including waste recycling where possible; - the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- measures to avoid impacts on the non-statutory designated sites and retained habitats; - details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- protection measures for hedgerows and grasslands;
- contact details of personnel responsible for the construction works; and
- soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use.

Reason: In the interests of highway safety, convenience of highway users and to ensure that the M25 and M40 Trunk Roads continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

Lighting

46. Prior to the installation of any external lighting full details of a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light:

- identify areas/features on site that are particularly sensitive for bats and their breeding and resting places, or along important routes used to access key areas of their territory; - levels of luminance;
- timing of its provision; and
- location for installation including appropriate lighting contour plans The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To minimise any lighting impacts and ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of

the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details

Geotechnical

47. Prior to the commencement of any excavation works and landscaping works, a geotechnical report, in accordance with Design Manual for Roads and Bridges Standard CD622, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

Means of Enclosure

48. Details of a scheme to provide a secure boundary fence in proximity to the M25 and any other means of enclosure shall be submitted and approved in writing by the Local Planning Authority and shall be erected in accordance with that approval by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme details and the motorway service area hereby approved shall not be occupied until the approved secure fencing and other means of enclosure have been fully implemented. The approved secure fencing and means of enclosure shall thereafter be retained as approved.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

Signage Strategy

49. No part of the development hereby approved shall be open for public use at any time until a Signage Agreement has been entered into and fully implemented related to Local Signing for the use of the MSA and no part of the development will be used in breach of the terms of such an agreement, unless otherwise agreed in writing by the Local Planning Authority. An approved wider network services signing strategy shall be submitted for approval by the relevant highway authorities. Signage shall be implemented in full accordance with the approved detailed wider network services strategy.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and informed travellers. For the avoidance of doubt National Highways will be consulted on any submitted details.

Airport Safeguarding

50. No building or structure of the development hereby permitted shall exceed 138m above ordnance datum (AOD).

Reason: Development over this height could have the potential to impact Instrument Flight Procedures (IFP's) surrounding Heathrow Airport and endanger aircraft movements and the safe operation of the aerodrome.

51. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the building.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

Utilities – Thames Water

52. The development shall not be occupied until confirmation has been provided that either:-

- a. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or-
- b. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Above follows Thames Water wording. Below similar wording as proposed condition 14 on previous draft conditions.

The development hereby approved shall not be occupied until a foul water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a foul water drainage scheme for the site. The scheme shall include a waste water treatment capacity assessment to identify the need for any infrastructure upgrades and a programme for carrying out the works to inform site delivery. No part of the development shall be occupied until confirmation has been provided to the Local Planning Authority that the scheme and programming of any waste water upgrades required to accommodate the additional flows from the development have been agreed with Thames Water, and all waste water upgrades required to accommodate the additional flows have been completed. The development shall be carried in accordance with the approved details.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with Core Policy 13 of the Core Strategy and the NPPF

Other - Legal Agreement Required

53. No development (including demolition, ground works, and site clearance) shall commence on the land to the north of A4007 Slough Road (between Junctions 15 and 16 of the M25) Iver Heath Buckinghamshire as shown edged in red on 205105-AFL-00-ZZ-DR-A-00 101 Rev P1 and shown edged in blue on LP2226-FIRA-MP-ST-P-LA-WS-002 Revision 02 unless and until an Agreement under section 106 of the Town and Country Planning Act 1990 has first been entered into to secure the planning obligations required to make the development acceptable to the local planning authority, and the title to such land has been properly deduced to the local planning authority.

Reason: This 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 at the time of this permission being issued, Buckinghamshire Council is the sole freehold land owner of the majority of the land shown edged in red on 205105-AFL-00-ZZ-DR-A-00 101 Rev P1 and edged in blue on LP2226-FIRA-MP-ST-P-LA-WS-002 Revision 02 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.

Informatives

Highways

1. To comply with the requirements of condition 46 the applicant is advised that Information to be included within the reserved matters applications to inform the preliminary design shall include, but not be limited to:

- General Arrangement Drawings (both temporary and permanent as well as vertical and horizontal geometry) to demonstrate compliance with the highway design standards set out in the Design Manual for Roads and Bridges.
- All necessary details relating to the removal of the A4007 Slough Road overbridge, the replacement structure including consideration of suicide prevention measures and any other structures.
- A Walking, Cycling and Horse Riding Assessment and Review
- Identification on the general arrangement plans departures from standard and confirmation that all departures have been agreed in principle with National Highways
- Full details of changes to technology installations.
- A Stage 1 Road Safety Audit in full compliance with GG119 (once a compliant preliminary design has been agreed with National Highways)#

Further to detailed design and completion of an RSA 2, this development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority.

2. The applicant is advised that the offsite works and alterations to the access onto Slough Road will need to be constructed under a section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact Highways Development Management at the following address for information:

- Highways Development Management 6th Floor, County Hall
Walton Street,
Aylesbury, Buckinghamshire
HP20 1UY
Telephone 01296 395000

3. Signs in the Highway: It is not the policy of the Highway Authority to approve the erection of signs or other devices of Non statutory nature within the limits of the highway. If such signs are erected the Highway Authority will remove them.

4. Mud on the Highway: It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

5. Obstruction on the Highway: No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

6. Works on the Highway: The applicant is advised that as part of the detailed design of the highway works required by the above condition, the Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street/furniture equipment.

7. Pre-condition Surveys – Construction Management: The applicant is advised to contact the Highways Development Management delivery team to determine the extent of pre-condition surveys.

8. Traffic Signals:

- Traffic signals installations within Buckinghamshire must as a minimum have fault monitoring enabled and installed to link to the Council's monitoring systems including the developer providing an approved communications link.
- For traffic signals junctions CCTV cameras are required (unless the authority notifies the developer of an exception), these must be compatible with our existing systems. Early engagement with the Council's ITS team is recommended.
- All signals equipment must be capable of being monitored through the council's existing remote monitoring systems, any equipment that is outside the current contracted maintenance schedule may incur a requirement for an increased commuted sum for maintenance.
- All traffic signals installations require ducting throughout the extents of the works to incorporate two spare orange ducts and one purple communications duct, where reasonably possible these should also connect into the authorities existing duct network.
- Design checks require a copy of the model as well as a copy of the output reports to be provided to the authority.
- Designers of traffic signals installations should request a copy of the authorities guidance notes on the design of traffic signals installations at the commencement of any design process, this sets out the general requirements of the design and complements the appendix 12/5 which is also provided.
- At the point of commissioning the following documents must be provided: A current as built drawing (any updates subsequently will require these to be updated and provided) in both Auto CAD and PDF formats, and a full set of electrical test certificates.
- Traffic signals installations are subject to commuted sums.

Ecology

9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

10. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to:

deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

11. The applicant is reminded that, the widespread reptiles (adder, grass snake, common lizard and slow worm) are protected via part of Section 9(1) of the Wildlife & Countryside Act 1981 (as amended) against; intentional killing and injuring. Measures are therefore required where proposed activities might result in one or more of the above offences to occur.

12. The applicant is reminded that, under the Protection of Badgers Act 1992 it is an offense to; wilfully kill, injure or take a badger (or attempt to do so); cruelly ill-treat a badger; dig for a badger; intentionally or recklessly damage, destroy or obstruct access to a badger sett; Cause a dog to enter a badger sett; and, disturb a badger when it is occupying a sett. Where proposed activities might result in one or more of the above offences, it is possible to apply for a licence from Natural England. If a badger or a badger sett is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

13. The proposed development includes a plan to de culvert at least 69 linear metres of the Alderbourne to the South of A4007 Slough Road. Detailed designs of the proposed 'daylighted' watercourse are required to ensure that the development is compliant with the Water Framework Directive and the Thames River Basin Managements plan, and maximises opportunities for biodiversity gain.

Flood Risk

14. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

15. Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures in the watercourse. After planning permission has been granted by the LPA, the applicant must apply for Land Drainage Consent from the LLFA, information and the application form can be found on our website. Please be aware that this process can take up to two months.

Contaminated Land

16. Whilst we appreciate that this application is outline and there is no detailed designs for the fuel area and Groundwater monitoring is still ongoing the applicant should be aware that in line with Groundwater protection position statements We will not agree to subwater table storage of fuel in line with position D3 (Sub water table) and above ground storage may need to be considered in the final design. <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

The applicant should refer to the following sources of information and advice (Non exhaustive list) in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

Follow the risk management framework provided in the updated guide is called Land contamination: risk management (LCRM), when dealing with land affected by contamination.

Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. <https://www.claire.co.uk/projects-and-initiatives/nqms-sqp-register>

The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." (<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Refer to the contaminated land pages on GOV.UK for more information.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination.

E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011 A2:2017 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details).
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples
- Use MCERTS accredited methods for testing contaminated soils at the site.
- Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing

groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent person" E.g. a suitably qualified hydrogeologist. <https://sobra.org.uk/accreditation/register-of-sobra-risk-assesors/>

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs.

This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>

- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m.

- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations E.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- upflow percolation column test, run to LS 2 – to derive kappa values;

- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and

- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance updated guide is called Land contamination: risk management (LCRM).

The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9- month period.) The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination

<http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>

Bird Hazzard

17. To comply with the requirements of condition 55 the applicant is advised that the Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when

Appendix E – LDA CONSULTATION

L D A DESIGN

Colne Valley MSA

L VIA Review on Behalf of Buckinghamshire Council
January 2022

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1.0 Introduction

1.1. Brief and Scope of Review

- 1.1.1. LDA Design Consulting Ltd (LDA) are a nation-wide multidisciplinary practice of masterplanners, planners and landscape architects. LDA was commissioned in mid-October 2021 by the Planning, Growth & Sustainability Directorate of Buckinghamshire Council, (BC) to review two inter-related Landscape and Visual Impact Assessments (LVIAs) which have been submitted in support of two Planning Applications relating to the same proposed development site (the Applications), as follows.
- The mining and minerals application, which, at the time of writing, is being considered by BC under reference CM/0036/21 (the Minerals Application/ the Minerals Development)¹; and
 - The outline application for the Colne Valley Motorway Services Area (MSA), which at the time of writing, is being considered by BC under planning reference PL/20/4332/OA (the MSA Application/ the MSA Development)².
- 1.1.2. It is important to note that the MSA Application relies on the Minerals Application as a pre-requisite of its subsequent implementation.
- 1.1.3. The Commission brief required a professional and objective technical review of the two aforementioned supporting LVIAs in the light of current good practice (the Review). The Review, which was partly desk-based and partly field-based, was subsequently carried out during mid-late October 2021 by two Chartered Landscape Architects with appropriate experience in landscape planning and assessment; Paul Lishman CMLI and James Truscott CMLI.
- It should be noted that LDA Design provided similar services for the recently submitted Warren Farm MSA Application and acted as Expert Witness at the Appeal.
- 1.1.4. The Review comments are based on a technical evaluation of the submitted Minerals Application LVIA (the Minerals LVIA); contained in Chapter 5 of the Minerals Application Environmental Statement (ES)³ together with associated Appendices; and the MSA Application LVIA (the MSA LVIA); contained in Volume 1, Chapter 5 of the MSA Application ES together with associated Appendices all as updated/amended⁴; and an appraisal of the main landscape and visual issues arising. Because of their broad similarity and close inter-relationship, the two LVIAs have been reviewed concurrently.
- 1.1.5. The LVIAs are supported by a range of plans including a Zone of Theoretical Visibility, photography from 11 viewpoints and verified photomontage visualisations at two of these

¹ <https://publicaccess.bucksec.gov.uk/online-applications/>

² <https://publicaccess.bucksec.gov.uk/online-applications/>

³ Colne Valley Services Mineral Application 5- Environmental Statement Main Report July 2021

⁴ Colne Valley Services 5- Environmental Statement Main Report Volume 1 December 2020

locations (Viewpoints 3 & 5) illustrating the scale of the proposed development (incorporating the maturing MSA Development mitigation planting at Year 1 and Year 10).

- 1.1.6. When reviewing the LVIA's, allowance was made on site for the fact that, being autumn, trees were in either full or partial leaf at the time and therefore not representative of the worst-case scenario (i.e., mid-winter when the existing deciduous trees' screening potential is reduced by lack of foliage). It was also noted that the LVIA visualisations and the assessment work were carried out at a similar time of year; however, it was stated that seasonal considerations had already been taken account of in the preparation of both LVIA's.
- 1.1.7. In addition to the Application documents individually referenced in the text, the following documents were also referred to during the course of this Review.
- Landscape Institute (LI) Guidance on reviewing LVIA's⁵;
 - LI Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)⁶; and
 - LI Guidance on Visual Representation of Development Proposals.⁷
- 1.1.8. This Review covers the following landscape and visual amenity topics;
- scoping, and pre-application consultation by the Applicant with BC on LVIA issues;
 - method of approach with regard to the inter-relationship between the Minerals LVIA and the MSA LVIA and their respective scopes;
 - methodology issues including appropriateness, comprehensiveness, and compliance with guidance;
 - landscape and visual baseline descriptions;
 - landscape and visual mitigation proposals;
 - LVIA assessment findings; and
 - clarity of presentation.

This is followed by overall conclusions and recommendations.

⁵ Reviewing Landscape and Visual Impact Assessments (LVIA's) and Landscape and Visual Appraisals (LVAs) Landscape Institute Technical Guidance Note 1/20 (10th Jan 2020)

⁶ Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013 ; LI/IEMA; Routledge

⁷ Landscape Institute, 2019. Visual Representation of Development Proposals. Technical Guidance Note 06/19

1.2. LVIA Scoping

- 1.2.1. A Scoping Report was issued to BC in November 2020 by the Applicant's Consultants (AXIS)⁸ in respect of the MSA Development. It is understood that no Scoping Opinion had been received from BC at the time of writing the MSA ES and hence the methodology is based upon that submitted at Scoping⁹.
- 1.2.2. As regards the Minerals Development, there appears to be no reference to this in the MSA Scoping Report referred to above; nor does there appear to have been a Scoping Report produced specifically in support of the Minerals Application.
- 1.2.3. Having reviewed the landscape and visual section of the MSA Scoping Report, this does appear to accord with the methodology subsequently adopted by the MSA LVIA.

1.3. Pre-Application Consultation

- 1.3.1. Para.5.2.14 of the Minerals LVIA states that *"...consultation was carried out with Buckinghamshire Council as part of the pre-application submission made in June 2020 for the CVS scheme (MSA Development). A response to this was received in October 2020, which identified the need to produce a Zone of Theoretical Visibility diagram (ZTV) covering an approximately 5km radius around the CVS scheme Site. Figure 5.1a illustrates a ZTV for the CVS scheme extending over this radius."*¹⁰
- 1.3.2. Having reviewed feedback from BC Planning staff in respect of the extent of the pre-application consultation, it appears that whilst the location of the short distance views was considered acceptable by BC, further work was requested in order to work with BC to review and agree a range of locations to be confirmed in the field, focusing on potential views/vistas from significant public roads, rights of way, open spaces, designated landscapes and residential areas. BC also flagged up that part of the site sits on a gradient and may be prominent in longer range views and suggested that the LVIA should consider potential viewpoints at least 3km and up to 5km from the edges of the site.
- 1.3.3. As stated in both LVIA's, and quoted above, an additional 5km ZTV and one additional viewpoint (11) was the apparent outcome of this request. It does not appear that any other viewpoints were proposed and / or amended, however, it appears from reviewing the LVIA's that AXIS's timescale constraints may have contributed to lack of further engagement (see 1.3.4 below).
- 1.3.4. BC also suggested that the MSA development as a whole should be considered for inclusion in the ZTV. This included not just the buildings, but the petrol filling station, the car parking, hotel, access road/bridge and potential gantry and road signage and lighting. In the event, the ZTV for both the Minerals LVIA and the MSA LVIA only illustrates the theoretical visibility of the main amenity building and HGVs entering and leaving the site.

⁸ Colne Valley Services Environmental Scoping Report November 2020 Draft V1

⁹ Colne Valley Services 5-6 Environmental Statement Main Report Volume 1 December 2020 para. 5.2.12

¹⁰ Colne Valley Services Mineral Application 5- Environmental Statement Main Report July 2021 p.5-7

Whilst we agree with BC that one or two other key features would have been a useful addition to the ZTV and assist in the assessment process, we note the ZTV study is a tool for guiding further desk / field study and complex ZTVs can lead to confusion in the graphic presentation.

- 1.3.5. No further pre-application discussions were sought by the Applicant following the issuing of a letter by BC expressing the foregoing concerns although again, AXIS's timescale constraints may have contributed to this, as they go on to state that "...the proposed scope of the LVIA was set out in the Scoping Report submitted to Buckinghamshire Council in November 2020 (refer to Appendix 2-1)¹¹. At the time of writing, a Scoping Opinion had not yet been received from Buckinghamshire Council. As such, the LVIA has been undertaken in accordance with the scope proposed, and in accordance with pre-application consultation..."¹² (as described above).
- 1.3.6. Crucially however, no specific pre-application discussion appears to have taken place regarding the Minerals LVIA specifically, nor the approach to be taken in respect of the close inter-relationship between the two Applications and specifically the two LVIAs.

¹¹ Colne Valley Services Environmental Scoping Report November 2020 Draft V1

¹² Colne Valley Services 5-6 Environmental Statement Main Report Volume 1 December 2020 para. 5.2.12

2.0 Review of Approach and Methodology

2.1. Approach

- 2.1.1. In the Minerals LVIA the inter-relationship between the Minerals Application and the MSA Application and their associated LVIAs is explained as follows; *“...as set out in Chapter 4.0 of the (Minerals Application) Environmental Statement (ES), the Proposed Development for which full planning permission is being sought is the minerals extraction component of the wider Colne Valley Services (CVS) scheme (the MSA Development). If the CVS scheme is not consented, the mineral extraction (i.e. the Proposed Development) will not take place, irrespective of whether permission for the extraction is granted or not. As the mineral extraction is part of the CVS scheme it relies on the mitigation and restoration from the CVS scheme, and as such elements of the CVS outline application are referenced where necessary to provide a full understanding of the context of the Proposed Development.”*
- 2.1.2. It continues *“...this ..LVIA is derived from the LVIA of the CVS scheme (as updated as part of the Regulation 25 Update Submission, June 2021). Whilst emphasis is placed upon those elements that comprise the Proposed Development, **some of the information included is concerned with the CVS scheme once operational and has limited or no applicability to the mineral extraction. Where this is the case, this is clearly stated**”* (emphasis added).
- 2.1.3. In 5.1.13 the Minerals LVIA further defines this approach ; *“...should outline consent for the proposed CVS scheme not be granted, then the mineral extraction (i.e. the Proposed Development) will not take place. The minerals extraction would occur entirely within the footprint of the CVS scheme (including the footprint temporary construction works for the CVS scheme). **As such, no specific restoration of the area affected by the Proposed Development is proposed. Rather the development of the CVS scheme, including associated on-site and off-site planting would comprise the restoration**”* (emphasis added)¹⁴.
- 2.1.4. In 5.2.13 the Minerals LVIA continues *“...” as the Proposed Development would comprise part of the construction activity associated with the CVS scheme, it is clear that the scope of the CVS scheme encompasses the proposed minerals extraction.*¹⁵”
- 2.1.5. There are, however, in our opinion, a number of potential issues arising from this approach, as follows.
- The two Applications are for separate although closely inter-related developments on the same site but with a different range of potential landscape and visual effects and as such, it is considered that both the Minerals Development and the MSA Development should be assessed separately – which, by the virtue of preparing two separate LVIA’s for two separate applications, would seem to be an agreed position with BC and the Applicant.
 - Since the MSA Development landscape mitigation proposals are assumed in the Minerals LVIA to be the ultimate restoration proposals for the Minerals

¹³ Colne Valley Services Minerals Application Environmental Statement Main Report July 2021 p.5-1

¹⁴ Op.cit p.5-3

¹⁵ Op.cit p.5-6

Development, the ZTV, visual assessment tables and landscape assessment tables for the Minerals Development in the Minerals LVIA appear to be identical to those presented in the MSA LVIA, despite potentially different landscape and visual effects arising.

- Furthermore, whilst there is a fairly detailed description of the envisaged minerals works in Chapter 4 of the Minerals ES, the usual convention of describing effects arising from “Construction” and “Operation” in the ES does not appear to have been followed. It would have been expected for a minerals development such as this, that what is referred to in the ES as “enabling” works in terms of construction of temporary and permanent accesses, temporary site compounds, stripping and stockpiling or removal of topsoil and overburden etc., would be assessed as “construction” effects and that the subsequent extraction of sand and gravel (only c.10% of which is to be retained on site for subsequent MSA works) would be assessed as “operation” effects. The MSA ES would then in turn consider the “Construction” effects of building the MSA and “Operation” effects of the completed scheme. Instead, the approach adopted has been to class the whole Minerals Development as part of the “construction” element of the eventual MSA Development on the same site.
- As a consequence of this approach, there is no specific landscape or visual assessment of any “construction” or “operation” period of the mineral workings themselves (as defined above), which are due to last about ten months in total according to the Minerals LVIA, in respect of either direct or indirect impacts and consequent effects and their significance.
- It is understood that the Minerals Application procedurally had to be submitted separately to the MSA Application, and that it is being treated by the Applicants as a pre-requisite for the MSA Development and that it would only proceed if both Applications were consented. Nevertheless, with this approach there is a potential but realistic scenario, whereby if both consents were granted and the mineral extraction went ahead but then work on the MSA was subsequently delayed for a considerable period of time, or worse still, never progressed due to unforeseen economic, commercial, or other reasons. In this case, as things currently stand, the worked gravel pit would lie in an unrestored state for an indefinite period of time and perhaps permanently. This is clearly not a desirable landscape outcome, and it is one which has not been anticipated by the Minerals ES and which for the same reason has not been assessed in the Minerals LVIA.
- It would be preferable therefore in our opinion, that the Minerals ES considered the specific effects of construction / operation associated within the minerals activity, separately from the construction / operation associated with the MSA; and that consideration is given to a potential scenario in which the MSA does not come forward or is delayed. This could include a potential post-mineral extraction restoration plan, which could be put in place as a contingency in the eventuality the MSA does not come forward.
- Finally, and contrary to the italicised sentence quoted above in 2.1.2, it is not always clear to the reader of the Minerals LVIA which elements relate to the

Proposed Minerals Development, and which relate to the Proposed MSA Development (or CVS Scheme as the Minerals LVIA refers to it).

2.1.6. Other identified issues with the overall approach include:

- There is no consideration of changes to typography (in so far as it relates to site fabric) in the Minerals LVIA. Effects on site fabric are limited to vegetation loss only.
- There is no detailed assessment for the construction period of the MSA LVIA. While the construction activity is described in some detail, the effects themselves are not quantified.

2.1.7. The MSA LVIA also does not make clear judgements on the operational residual landscape and visual effects. Section 5.7 describes how the proposed landscape strategy would help integrate the proposed development and screen views, but it is not clear how effects vary over time (which is normally considered at Year 1 and Year 10 or 15). This is despite the viewpoint photomontages being at Year 1 and Year 10.

2.2. Methodology

2.2.1. The LVIA methodology used is the same for the Minerals LVIA and the MSA LVIA. In both cases the methodology appears in Appendices 5-1 of their respective ESs (Volume 2 in respect of the MSA LVIA). The methodologies state that they are informed by guidance contained within the Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute and Institute of Environmental Assessment, 3rd Edition, 2013) or GLVIA3, and it is agreed that they do indeed generally follow this guidance and are considered to be generally robust and together with the choice of study area extent, are considered to be appropriate for the scale and nature of both the Minerals Development and the MSA Development.

2.2.2. However, there are concerns regarding the approach to visual **value**, which, together with susceptibility, forms one of the two elements to be considered when evaluating visual receptor sensitivity.

2.2.3. In para. 3.11 the methodology states that “...in accordance with paragraph 6.37 of the GLVIA when considering the value of a view experienced, this should take account of:

- Recognition of the value attached to particular views, for example in relation to heritage assets or through planning designations;
- Indicators of the value attached to views by visitors, for example through appearances in guidebooks or on tourist maps, provision of facilities for their enjoyment and references to them in literature or art”.

2.2.4. Accordingly, in the evaluation of the value element of visual sensitivity set out in Appendix 5-5 of the Minerals LVIA and Updated Appendix 5-5 of the MSA LVIA, the Assessor considers the presence of landscape designations, heritage, nature conservation

and viewpoints promoted for recognised scenic value. However, in LVIA methodology para. 3.13 it goes on to state that "...the assessment of value is made on the same basis as the assessment of susceptibility to change.", This would seem to indicate that the susceptibility criteria have also been used for this evaluation of value, which is clearly inconsistent with GLVIA and does not align with the tables set out in Appendix 5-5. Therefore, greater clarity on how susceptibility and value have been used to inform visual sensitivity would be helpful.

- 2.2.5. This lack of clarity regarding visual susceptibility / value also seems to have continued into some of the judgements. For example, it is stated that "*people tend to value the views from their properties*"; however even when it does state this, the value does not rise above Medium. The level of Medium-High seems to be reserved in a number of cases to receptors on public footpaths regardless of the prevailing context. For this reason, it is considered that some evaluations of visual sensitivity, may be understated or overstated, depending on location. This is reviewed in more detail below in section 4.0.
- 2.2.6. The existing site photography and viewpoint photomontages from VPs 3 and 5 appear to have been carried out in line with current good practice guidance as described in the methodology in Appendix 5-2 in both LVIA cases (Volume 2 in MSA ES) and with reference both to GLVIA3 and Landscape Institute (2019), Visual Representation of Development Proposals Technical Guidance Note 06/19. This is considered to be an acceptable approach.
- 2.2.7. However additional photomontages would have been useful given the nature and scale of development, and it is not clear whether or which VPs were discussed with BC as potential candidates for such visualisations. In ES Appendix 5-2 (Visualisation Methodology) the assumed heights of the proposed trees to be planted (ranging from transplants to extra-heavy standard and (assumed) semi-mature forms at years 1 and 10 are stated and appear reasonable as averages; although it should be noted that heights at 10 years will vary according to species and site conditions and this caveat does not appear in the methodology. It should also be noted that some of the peripheral mitigation planting is to be on linear mounds (ref. cross sections in the Design and Access Statement (DAS) Section 4.0.) and it is not clear whether this has been taken account of in the photomontages.
- 2.2.8. Viewpoints 2 and 3 on Bangors Road North represent residential receptors, road users and pedestrians at ground level but it should be borne in mind when reviewing the assessment that a number of the houses are two storey and receptors on upper floors can in places see over the foreground hedgerows (see Plate 1; View West from Bridleway). It is not apparent if this has been taken account of in the assessment of these two Viewpoints.



Plate 1; View West from Bridleway; tops of some two-storey houses in Bangors Road North, Iver Heath, can obtain partial views over foreground hedgerow

3.0 Review of Landscape and Visual Baseline Descriptions

3.1 Introduction

- 3.1.1. The Landscape and Visual Baseline for the Minerals LVIA and the MSA LVIA are identical, and the review below applies to both. However, following on from the observations made in Section 1.0, there is the potential for the MSA LVIA baseline to be modified to include a description of the excavated area which would be left after the sand and gravel extraction resulting from the Minerals Development.

3.2 Site Description

- 3.2.1. The site and its environs are described generally comprehensively and accurately (except the high point, with reference to the 1:25,000 OS map, should probably read 55.5m AOD rather than 54.5m AOD). From this point, Chandlers Hill, to the east of VP5, (see photograph, Plate 2, Chandlers Hill) broad views are obtained of the development site plateau just to the north.



Plate 2, Chandlers Hill looking north; development site in mid-ground; tops of motorway/ electricity infrastructure in background

- 3.2.2. One other exception is that the description appears to omit an overview of local drainage. This is important, as the northern part of the site slopes down into a pronounced, if relatively shallow valley, largely hidden by topography and hedgerows in views from the west and south and emphasised by a linear copse which screens the site from the north and lies just outside the site on the north side of the valley, which is just over 10m deep at its

most easterly point. Its un-named stream, which rises north of Denham Road (A412) flows out of the west part of the site under the adjacent M25 motorway (see photograph, Plate 3, Bridleway adjacent to Site) before joining the Alder Bourne, a tributary of the River Colne, to the east of the motorway. The river itself then passes under the M25 just south of the site from east to west and is joined here by another small un-named tributary which drains the steeply sloping south-east site corner.



Plate 3, Bridleway adjacent to Site, looking west over the centre of development location towards shallow tributary valley and adjacent copse.

3.3. Landscape Baseline

- 3.3.1. The description of landscape designations, landscape character assessments and other landscape studies generally appears to be comprehensive and well-researched.
- 3.3.2. The approach taken forward to assessment is that, *"...on the basis that the (Colne Valley Character Areas, or) CVCAs are mapped at a finer grain than the South Buckinghamshire (Landscape Character Areas, or) LCAs, it is these that form the principal baseline against which effects on landscape character have been assessed. However, all conclusions regarding effects have also been informed by the contents of the District (Landscape Character) Study...in relation to the other character areas within the Study Area, the presence of the Proposed Development would have no appreciable influence upon their character, due to the general lack of visibility, and no further consideration is given."* This is considered to be an acceptable approach.
- 3.3.3. As discussed above however, the MSA Landscape Assessment could amend its baseline description of the site and environs to include for and take account of, the worked-out sand

and gravel pit development which would be the residual state of the Minerals Development.

3.4. Visual Baseline

3.4.1. For comments regarding the ZTV, please see above, in Section 1.2.

3.4.2. With regard to the selection of Viewpoints (VPs), the LVIA paraphrases GLVIA para. 6.19 as follows; "...viewpoints can fall into three categories, as set out in the GLVIA:

- *Representative viewpoints (which represent the experience of different types of receptors in the vicinity);*
- *Specific viewpoints (a particular view, for example a well-known beauty spot);*
- *Illustrative viewpoints (which illustrate a particular effect / issue, which may include limited / lack of visibility)."*

On visiting the site environs, the following observations are made:

- VPs 1 (Denham Road) and 8 (Denham Road Bridge) seem initially of limited usefulness as they have no, or extremely limited, views of any element of either the Mineral Development or the MSA Development; however, they do fall under the third bulletpoint heading above and for this reason are useful context.
- Similarly, VP 6 (Field north of White Cottage), as a non-public location, away from the bridleway, with currently limited views, seems an unusual choice until it is made clear in the LVIA that this is representative of views from White Cottage, a key and sensitive receptor location, the views from which would be opened up as a result of both Developments removing mid-ground trees.
- VP 9, on the Slough Road, is currently a view of a hedgerow opposite but again this would change if the proposed new site access was constructed.
- Whilst it is acknowledged that the bridleway would be relocated to the west of the site, nevertheless it is felt that a viewpoint on the east side of the site is lacking; perhaps to the north of where the farm overbridge (to be retained as a pedestrian access) emerges from the top of the M25 cutting on the west side might have been a useful location as this would be on the periphery but close to the centre of both Developments (see Plate 3 above).

4.0 Review of Landscape and Visual Mitigation and Assessments

4.1 Landscape and Visual Mitigation; Minerals Development

- 4.1.1. As discussed above in detail in Section 2.1 above, the approach to mitigation taken by the Minerals LVIA relies almost entirely on the mitigation provided by the separate MSA Application. As described in the MSA LVIA and summarised below in 4.2 this assumes that this will follow on directly from the Minerals Development, which may or may not be the case in reality.
- 4.1.2. The exception is the proposed implementation of a Construction Environmental Management Plan (CEMP) which would apply specifically to the Minerals Development to mitigate construction-related landscape and other effects,¹⁶¹⁷ and which appears appropriate in principle.

4.2 Landscape and Visual Mitigation; MSA Development

- 4.2.1. During the “construction” stage of the MSA Development the implementation of a CEMP is proposed, which would govern construction activities, and which would include measures to protect retained vegetation, protect soil materials, and control construction lighting. This appears to be appropriate.
- 4.2.2. A series of mitigation proposals have also been incorporated into the design, with the intention of ameliorating potential adverse landscape and visual effects during the “operation” stage. These are outlined in para. 5.4.1 of the MSA LVIA and the Landscape Design proposals are described and illustrated in some more detail in the supporting Design and Access Statement.¹⁸ The proposed MSA outline landscape design and landscape / visual mitigation measures appear to have been sensitively designed and seem appropriate to the site and environs.
- 4.2.3. These main mitigation features are as follows.
- New native woodland planting located around the perimeter of the Site for screening, tying into the existing landscape character and as compensatory tree planting;
 - Low mounding along the south-western perimeter of the Site, to increase the effective height of the new woodland planting when viewed from Iver Heath;
 - New planting north of New Cottage, to screen views of the proposed slip roads from this property;
 - New wildflower grassland areas, and wetland vegetation, for biodiversity;
 - Off-site habitat enhancements, comprising further wildflower grassland and woodland, enhancing biodiversity and local landscape character;

¹⁶ Colne Valley Services; Mineral Application 4-4 Environmental Statement Main Report July 2021 Paras.4.26-4.30

¹⁷ Op.cit Paras 5.4.2-5.4.3

¹⁸ Colne Valley Services; Design and Access Statement; pps.45-55 incl.

- A new pedestrian route would be provided on the former farm access bridge across the M25, linking Iver Heath with the Iver Environment Centre; and
- A well-designed lighting scheme, which would minimise potential adverse night-time effects.

4.3. Minerals LVIA Findings; Review

4.3.1. The Minerals LVIA and its findings appear to be identical to those of the MSA LVIA.

4.3.2. As referred to above in Section 2.0, in our opinion the Minerals ES should consider the specific effects of construction / operation associated within the minerals activity, separately from the construction / operation associated with the MSA.

4.4. MSA LVIA Findings; Review

4.4.1. Section 5.7 of the updated/ amended MSA ES summarises the residual effects of the MSA LVIA and highlights the main differences between the original and amended designs.³⁹

4.4.2. The MSA LVIA concludes that *"...the originally submitted (MSA) scheme would give rise to localised significant landscape and visual effects. This would continue to be the case in relation to the revised (MSA) scheme, but the extent and duration of these significant effects would reduce...the effects of the increased amount of new woodland planting would be to appreciably increase the degree to which the Proposed Development would be screened from its surroundings."*

4.4.3. It continues *"...significant effects on landscape character would continue to be localised as a result of the revised (MSA) scheme, and would not differ materially from those reported in the Original ES. Effects on the landscape fabric of the Site itself would also be as reported in the Original ES and would not be significant."*

4.4.4. The MSA LVIA landscape character findings and in particular the detailed Landscape Character tables in Appendix 5.4 of the MSA LVIA, have been reviewed and are summarised with LDA comments in Section 7.1 (Appendix).

4.4.5. Although differing in some of the details of the landscape assessment as indicated below in Section 7.1 (Appendix), the general conclusions above as quoted in 4.4.2-4.4.3, broadly align with those of LDA.

4.4.6. The exception to this is the effect on site topography (as part of the landscape fabric); the residual effect upon which is likely to be significant. However due to mitigation planting and wildflower grassland proposed it is agreed that although significant initially, residual effects on pasture, hedgerows and trees as part of the landscape fabric will not be significant in the longer term; however, such effects would in our opinion remain adverse rather than beneficial as predicted in the LVIA.

³⁹ Colne Valley Services 5-12 Environmental Statement Volume 6 Regulation 25 Update Main Report June 2021

- 4.4.7. Going on to comment on the Visual Assessment conclusions, 5.7.5 of the MSA LVIA states that; *"...to the west and south-west, a belt of woodland up to approximately 185m wide would enclose the developed areas of the Site and would link with adjacent existing woodland. Over time, once this proposed planting has developed, the revised (MSA) scheme would be very well screened from the edge of Iwer Heath....to the east, new woodland planting on the embankments of the new slip roads, and on the land at the base of these would over time reduce the visibility of the embankments and associated traffic from the nearby properties...as such, significant effects would occur at four viewpoints (Viewpoints 5, 6, 7 and 10). However, at all of these, the increased amount of screening provided as part of the revised MSA scheme would mean that effects would reduce to non-significant levels in the medium term."*
- 4.4.8. The MSA LVIA visual assessment findings and in particular, the detailed Visual Assessment tables in Appendix 5.5 (as updated) of the MSA LVIA, have been reviewed and are summarised with LDA comments in Section 7.4 (Appendix).
- 4.4.9. Having reviewed the Visual Assessment tables it is agreed that significant effects would occur at a number of viewpoints in the short term. However, the increased amount of screening provided as part of the revised MSA scheme would mean that visual effects would generally reduce to non-significant levels in the medium to long term.
- 4.4.10. As set out earlier, one section of the MSA LVIA which could be improved is the assessment of construction effects. Although the range of construction activity is discussed in some detail, the landscape and visual effects are not quantified, and the conclusion of these effects being not significant is neither explained nor justified.
- 4.4.11. There is also limited information on night-time effects.
- 4.4.12. Landscape and visual effects on the Colne Valley Regional Park (CVRP) are set out in paras. 5.4.49-5.4.51 of the original MSA LVIA. The conclusion, set out in 5.4.51 is that *"...the Proposed Development would not materially affect the objectives of the CVRP (as set out in Section 5.3), and would indeed help to achieve objectives in terms of biodiversity, recreation and community"*.
- 4.4.13. While the Reviewers agree with the overall conclusion that the proposed MSA would not materially affect the objectives of the CVRP, and whilst it is also accepted that the LVIA has chosen to use the Colne Valley Landscape Character Assessment CVCAs as a basis for the assessment, there is no quantitative assessment of the construction and operational effects of the proposed development on the Colne Valley Regional Park as landscape receptor in overall terms.
- 4.4.14. Effect on the openness of the Green Belt is reviewed in paras. 5.4.52 -5.4.55 of the original MSA LVIA. It concludes that *"...To the west of the motorway, ... the Proposed Development would result in clear change in the elements present within the view (there would be a significant visual effect), but this change would not materially reduce the sense of openness. Views are presently towards a horizon defined by tree cover within the Site. The Proposed Development would replace the existing trees with new buildings and new tree planting, but would not restrict the views across*

the intervening fields towards the Site. The existing and proposed views when vegetation has become established are similar in nature and the perception of openness would not materially alter."

- 4.4.15. It is beyond the scope of this Review to consider the effect of the proposed development on the Green Belt, and no judgements are therefore made in relation to the principle of development in the Green Belt, nor the impact of development on the purposes of the Green Belt (as defined by the NPPF). However, consideration has been given to issues of openness and coalescence in so much that they relate to a landscape and visual perspective.
- 4.4.16. Having visited the site and environs and appraised the relevant photomontages and assessments of the study area, the Reviewers agree that while the proposed vegetation would largely contain the MSA, there would undoubtedly be some localised impact on the visual openness of the landscape and there are a number of viewpoints from which the visual effect of development will be significant in the short term.
- 4.4.17. In terms of wider context, the LVIA is correct in stating that open views across the study area (with the exception of some minor glimpses of Uxbridge through trees to the east and Iver Heath to the west) are currently limited around its periphery by tree groups and hedgerows, a majority of which are to be retained. The mitigation planting proposed would replace that lost to development in the centre of the site and the peripheral buildings and car park are generally designed to sit low in the landscape as can be seen in DAS Section 4.0, cross sections CC and DD. In these and the photomontages the amenity building would appear to lie generally below the perceived height of the mature existing/proposed trees, in which case it would not additionally restrict views across the site, as reported in the LVIA.
- 4.4.18. Overall, across the site itself and within its peripheral curtilage, (eg from VP5,) there would a *localised* reduction in length / extent of open of views, but little discernible change to the visual openness of the landscape beyond the site and its immediate environs.
- 4.4.19. In relation to the visual perception of settlement coalescence, the proposed development is located within a relatively narrow part of the Green Belt between Iver Heath and Uxbridge. However the landscape mitigation proposals in our opinion would help integrate the proposed development into the landscape and reduce the potential for visual coalescence.
- 4.4.20. Cumulative Landscape and Visual Effects in respect of introducing the Proposed Development into a scenario where the proposed "screen industries growth hub" south of Pinewood Studios is also present (application ref: PL/20/3280/OA) are assessed in paras. 5.5.1-5.5.3 of the original MSA LVIA. It concludes that "*...the effects of the two schemes would occur within different areas, and there would be little or no interaction between the two that would result in cumulative change to landscape character, or to views. As such, the effects of the Proposed Development in this scenario would not differ materially from those identified in Section 5.4, and cumulative landscape and visual effects would not be significant.*" This accords with the opinion of the Reviewers.

5.0 Review of LVIA Presentation

- 5.1.1. The MSA LVIA text is generally well presented and logical in terms of layout and contents. However in respect of the Minerals LVIA there are some issues regarding approach as mentioned above in 2.1.5 ; and in particular it is not always clear to the reader which elements relate to the Proposed Minerals Development, and which relate to the Proposed MSA Development.
- 5.1.2. The Landscape Character Effects tables in Appendix 5-4 are again generally well laid-out and informative. However, the function of the column between Susceptibility and Value and as to precisely which of the two headings it relates to, or both, is not immediately apparent to the reader; nor does it appear to be explained in the methodology.
- 5.1.3. The Viewpoint Effects tables in Appendix 5-5 are also generally well laid out and informative. However, one criticism is that the important findings towards the end of each table; i.e, effects and significance (short and long- term/ residual) are inconsistent and not immediately obvious to the reader who often has to "trawl" through the text in order to locate these.
- 5.1.4. The photographs and photomontages as noted above in 2.2.6, have been carried out in line with current good practice and are clearly presented. It is noted that foreground vegetation, fenceposts, gates and fencing appear in a number of the photographs and whilst this might offend some purists, it is nevertheless felt to be an accurate reflection of the site environs at these locations.
- 5.1.5. The LVIA figures all appear to be clearly presented and well laid out; although it is noted that there is no evidence of checking given.
- 5.1.6. ZTV issues are discussed above in 1.3.4.

6.0 Conclusions & Key Findings

- 6.1.1. LDA was commissioned in mid-October 2021 by Buckinghamshire Council, (BC) to review two inter-related Landscape and Visual Impact Assessments (LVIAs) supporting the following applications;
- The mining and minerals application, which, at the time of writing, is being considered by BC under reference CM/0036/21 (the Minerals Application/ the Minerals Development); and
 - The outline application for the Colne Valley Motorway Services Area (MSA), which at the time of writing, is being considered by BC under planning reference PL/20/4332/OA (the MSA Application/ the MSA Development).

The MSA Application relies on the Minerals Application as a pre-requisite of its subsequent implementation.

Here follows a summary of the main Review Conclusions with key findings **emboldened**.

- 6.1.2. The MSA Scoping Report appears to accord with the methodology subsequently adopted by the MSA LVIA. As regards the Minerals Development, there appears to be no reference to this in the MSA Scoping Report; nor does there appear to have been a Scoping Report produced specifically in support of the Minerals Application. **A Scoping Report produced for the Minerals Development specifically and an appropriate Scoping Response from BC Planning may have avoided the Applicant's approach issues identified in this Review.**
- 6.1.3. Since the MSA Development landscape mitigation proposals are assumed in the Minerals LVIA to be the ultimate restoration proposals for the Minerals Development, the ZTV, visual assessment tables and landscape assessment tables for the Minerals Development in the Minerals LVIA appear identical to those presented in the MSA LVIA. **There should be specific landscape and visual assessments of the "construction" and "operation" period of the mineral workings themselves. The application for the minerals application could also potentially include post-mineral extraction restoration plan, which could be put in place as a contingency in the eventuality that the MSA does not come forward.**
- 6.1.4. Specifically in relation to the proposed MSA LVIA, there is no detailed assessment for the construction period of the MSA and there are no clear judgements on the operational residual landscape and effects. **The construction and residual operational effects should be properly quantified. There is also limited information on night-time effects.**
- 6.1.5. The LVIA methodology appears to be informed by GLVIA3 and are considered to be generally robust and together with the choice of study area extent, are considered to be appropriate for the scale and nature of both the Minerals Development and the MSA Development. **However it is considered that 'value' is not clearly defined in the visual**

be little discernible change to the visual openness of the landscape beyond the immediate site environs.

- 6.1.12. Cumulative Landscape and Visual Effects in respect of introducing the Proposed Development into a scenario where the proposed “screen industries growth hub” south of Pinewood Studios is also present are assessed. This concludes that the effects of the Proposed Development in this scenario would not differ materially from those identified in the LVIA, and cumulative landscape and visual effects would not be significant. **It is agreed that the cumulative landscape and visual effects would not be significant.**

7.0 Appendix: Landscape and Visual Effects Review

7.1 Introduction

- 7.1.1. The following tables provide a review of the recorded operational effects on landscape fabric, landscape character and views. As noted above the residual effects predicted are the same for both the Minerals LVIA and the MSA LVIA. Disagreements with LVIA evaluations and assessments and suggested revisions are shown as **red text**.
- 7.1.2. It should also be noted that construction effects; night-time effects and the effects on the CVRP are not quantified, so no review / alternative judgements can be made.

7.2 Landscape fabric

7.2.1 Pasture Grassland

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Low-Medium		
Value	Low-Medium		
Sensitivity	Low-Medium		Mention should be made of former sand and gravel workings within development site that would be the precursor to the MSA development although this is unlikely to affect overall sensitivity.
Magnitude	Large		
Effects	Moderate Adverse / Not Significant Beneficial in longer term / level of significance not stated	Moderate-Major Adverse (Significant) Minor Adverse (Not Significant)	It is considered that effects have been understated. On balance the long term effects are considered to be adverse rather than beneficial. While there would be long term benefits from new planting, the majority of the existing grassland would be removed.

7.2.2. Trees and Hedgerows

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Medium-High	High	
Value	Medium-High	High	
Sensitivity	Medium-High	High	It is considered that sensitivity has been understated due to the important contribution trees and hedgerows makes to character of the site and its surroundings.
Magnitude	Medium		This reflects the amount of tree removal overall
Effects	Moderate Adverse / Not Significant Beneficial in longer term / level of significance not stated	Moderate-Major Adverse (Significant) Minor Adverse (Not Significant)	It is considered that effects have been understated. On balance the long term effects are considered to be adverse rather than beneficial. While there would be long term benefits from new planting, existing areas of woodland and hedgerow would be removed.

7.2.3. Topography

	Reported	LDA Judgements	LDA Comments
Susceptibility			
Value			
Sensitivity			
Magnitude			
Effects			This have not been assessed in the LVIA but it is considered likely that effects on topography would be adverse and significant - both in the short and longer term – due to permanent changes to ground levels.

7.3. Landscape Character

7.3.1. Colne Valley Regional Park

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change			
Value			
Sensitivity			
Magnitude			
Effects			This have not been assessed in the LVIA but it is considered likely that effects on the CVRP would not be significant - both in the short and longer term – due to the localised effects on landscape fabric / character and no changes to the key characteristics of the CVRP.

7.3.2. CVCA Colne Valley: A412 to Iver

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Medium		
Value	Medium		
Sensitivity	Medium		
Magnitude	Large (localised) Small (wider context)		Mention should be made of former sand and gravel workings within development site that would be the precursor to the MSA development although this is unlikely to affect overall sensitivity.
Effects	Moderate to Major Adverse / Significant (at site scale and immediate environs) Minor Adverse / Not Significant (in the wider context)		This broadly aligns with Reviewers Assessment

7.3.3. CVCA Denham Valley Floor

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Low-Medium		
Value	Low-Medium		
Sensitivity	Low-Medium		
Magnitude	Small		
Effects	Minor Neutral / Not Significant		This broadly aligns with Reviewers Assessment

7.3.4. CVCA Iver Heath Terrace

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Low-Medium		
Value	Medium		
Sensitivity	Low-Medium		
Magnitude	Medium-Large (localised) Negligible (wider context)	Medium-Large (localised) Small (wider context)	There would be some small changes to landscape character beyond the site, as a result of changes to landscape fabric and some intervisibility with the proposed development.
Effects	Moderate Adverse / Not Significant (at site scale and immediate environs) Negligible / Not Significant (in the wider context)	Moderate Adverse / Not Significant (at site scale and immediate environs) Minor Adverse / Not Significant (in the wider context)	It is considered that effects have been understated as described above. However, the effects would remain Not Significant.

7.4. Visual Effects

7.4.1. VP1: Denham Road

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Medium		
Value	Low		
Sensitivity	Low-Medium		
Magnitude	No Change		
Effects	No Effect (No change in view)		This broadly aligns with Reviewers Assessment

7.4.2. VP2: Bangors Road North; Bus Stop

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	High		
Value	Medium	Medium-High	The value judgement does not appear to reflect the views from nearby properties, despite this being part of the applied value criteria.
Sensitivity	High		
Magnitude	Negligible	Small	There would be some changes to views with built form potentially visible above intervening vegetation, including more open views from upper floors of two-storey houses along this route (see paras.2.2.5 and 2.2.8 and Plate 1 above).
Effects	Negligible Neutral / Not Significant	Minor Adverse / Not Significant	It is considered that effects have been understated as described above. However, the effects would remain Not Significant.

7.4.3. VP3: Bangors Road North

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	High		
Value	Medium	Medium-High	The value judgement does not appear to reflect the views from nearby properties, despite this being part of the applied value criteria.
Sensitivity	High		
Magnitude	Small-Medium (short term) Small (long term)		
Effects	Moderate Adverse / Not Significant (short term) Minor Neutral / Not Significant (long term)	Moderate Adverse / Not Significant (short term) Minor Adverse / Not Significant (long term)	It is considered that there will remain adverse long term effects due to potential structures being visible through / above the proposed woodland planting. However, the effects would remain Not Significant.

7.4.4. VP4: Footpath off Bangors Road North

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	High		
Value	Medium-High (NB – also referred to as Medium within body of text)	Medium	The value of the view to receptors on public footpaths is shown as Medium-High regardless of the prevailing context and in this case does not reflect the fact that the views out are filtered or obscured by adjacent fencing/ hedgerows.
Sensitivity	High	Medium-High	A lower value judgement would potentially reduce the overall sensitivity judgement.
Magnitude	Small-Medium (short term) Small (long term)		
Effects	Moderate Adverse / Not Significant (short term) Minor Neutral / Not Significant (long term)	Moderate Adverse / Not Significant (short term) Minor Adverse / Not Significant (long term)	It is considered that there will remain long term adverse effects due to potential structures being visible through / above the proposed woodland planting. However, the effects would remain Not Significant.

7.4.5. VP5: Footpath, Eastern Edge of Iver Heath

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	High		
Value	Medium-High (NB – also referred to as Medium within body of text)	Medium	The value of the view to receptors on public footpaths is shown as Medium-High regardless of the prevailing context and in this case, does not reflect the fact that southerly views are partially filtered or obscured by adjacent fencing/hedgerows.
Sensitivity	High	Medium-High	A lower value judgement would potentially reduce the overall sensitivity judgement.
Magnitude	Medium-Large (short term) Small (long term)		
Effects	Moderate-Major Adverse / Significant (short term) Minor Neutral / Not Significant (long term)	Moderate-Major Adverse / Significant (short term) Minor-Moderate Adverse / Not Significant (long term)	It is considered that there will remain long term adverse effects due to potential structures being visible through / above the proposed woodland planting. In addition, in accordance with the Applicants methodology, a medium-high sensitivity combined with a small magnitude would suggest effects that are towards the moderate level. However, the effects would remain Not Significant.

7.4.6. VP6: Field, North of White Cottage

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	High		
Value	Medium	Medium-High	The value does not appear to reflect the views from nearby properties, despite this being part of the defined value criteria.
Sensitivity	High		
Magnitude	Medium-Large	Medium-Large (short term) Small-Medium (long term)	In it considered that in the long term, as planting matures, the magnitude of change will reduce. While there will remain a change to views, with open foreground views and distant views across the Colne Valley obscured by the proposed woodland planting, new tree cover will be inherently more characteristic than views of built development.
Effects	Moderate-Major Adverse / Significant (short term) Moderate-Major; Neutral / Significant (long term)	Moderate-Major Adverse / Significant (short term) Moderate-Minor Adverse / Not Significant (long term)	As a result of the reduced magnitude, the effects will accordingly reduced. On balance the long term effects are considered to be adverse rather than neutral, due to the loss of open views and potential structures visible through / above the proposed woodland planting.

7.4.7. VP7: Mansfield Lodge Access

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	High		
Value	Medium	Medium-High	The value does not appear to reflect the views from nearby properties, despite this being part of the applied value criteria.
Sensitivity	High		
Magnitude	Large (short term) Medium (long term)		
Effects	Major Adverse / Significant (short term) Moderate Adverse / Not Significant (long term)		This broadly aligns with Reviewers Assessment

7.4.8. VP8: Denham Road Bridge

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Medium		
Value	Low		
Sensitivity	Low-Medium		
Magnitude	No Change		
Effects	No Effect (No change in view)		This broadly aligns with Reviewers Assessment

7.4.9. VP9: Junction of Footpath with Slough Road

	Reported: Short Term (1yr) / Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Medium		
Value	Low		
Sensitivity	Low-Medium		
Magnitude	Large (short term) Small (long term)		
Effects	Moderate Adverse / Not Significant (short term) Minor Beneficial / Not Significant (long term)	Moderate Adverse / Not Significant (short term) Minor Adverse / Not Significant (long term)	On balance the residual effects are considered to be adverse rather than beneficial, due to the considerable adverse changes to existing views in the short term and potential structures still being visible through / above the proposed maturing woodland planting in the longer term.

7.4.10. VP10: Mansfield Farm Access

	Reported: Short Term (1yr)/ Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	Medium		
Value	Medium	Medium-High	The value does not appear to reflect the views from nearby properties, despite this being part of the defined value criteria.
Sensitivity	Medium	Medium-High	
Magnitude	Large (short term) Medium (long term)		
Effects	Major Adverse / Significant (short term) Moderate Adverse / Not Significant (long term)		This broadly aligns with Reviewers Assessment

7.4.11. VP11: New Denham

	Reported: Short Term (1yr)/ Longer Term (10yr) (where stated)	LDA Judgements (where different)	LDA Comments
Susceptibility to Change	High		
Value	Medium-High		
Sensitivity	High		
Magnitude	Negligible		
Effects	Negligible Neutral / Not Significant		This broadly aligns with Reviewers Assessment

Appendix E- Chalfont St Peter MSA 1 ref: PL/19/2260/OA Appeal Decision

Appeal Decision

Inquiry held between 17 August and 3 September 2021

Site visits made on 10 August and 26 October 2021

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/X0415/W/21/3272171

Land between Junctions 16 and 17 of the M25, near Chalfont St Peter

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Extra MSA Group against Buckinghamshire Council.
 - The application Ref: PL/19/2260/OA, is dated 28 June 2019.
 - The development proposed is the erection of a motorway service area with all matters reserved with the exception of access from the M25, comprising of a facilities building, fuel filling station, electric vehicle charging, up to 100-bedroom hotel, service yard, parking facilities, vehicle circulation, landscaping, woodland and amenity spaces, sustainable drainage systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and associated mitigation, infrastructure and earthworks/enabling works.
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Decision

1. The appeal is dismissed and outline planning permission for the erection of a motorway service area (MSA) with all matters reserved with the exception of access from the M25, comprising of a facilities building, fuel filling station, electric vehicle charging, up to 100-bedroom hotel, service yard, parking facilities, vehicle circulation, landscaping, woodland and amenity spaces, sustainable drainage systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and associated mitigation, infrastructure and earthworks/enabling works is refused.

Procedural matters and background

2. The site address is taken from the application form but elsewhere the site is referred to as land at Warren Farm. In describing the appeal site in this decision, I will sometimes refer to it as Warren Farm.
3. The application was submitted to Chiltern District Council but, in April 2020, a new unitary authority, Buckinghamshire Council (BC), was formed from the County Council and the four district councils, including Chiltern. Therefore, BC is now the local planning authority.
4. The application is in outline with all matters reserved except for access from the M25. The illustrative master plan, parameters plan and landscape plans are provided to give an indication of how the site would be developed. That

said, the evidence provided at the inquiry was on the basis that a detailed scheme would follow the design principles set out in these plans. Moreover, a permission could be linked to the plans by condition. Therefore, I have based my assessment of the impacts of the development on the illustrative master plan, parameters plan and landscape plans.

5. The development falls under Schedule 2 Part 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project exceeding the thresholds and criteria in Schedule 2 of the Regulations. An Environmental Statement (ES) was submitted by the appellant together with two addendums.
6. The ES as a whole complies with the above Regulations. The information provided is sufficient to enable the environmental impact of the proposed development to be assessed. The contents of the statement, comments received on it and all other environmental information submitted in connection with the appeal, including that given orally at the inquiry, have been taken into account in arriving at this decision.
7. BC, at the meeting of the Strategic Sites Committee on 23 June 2021, resolved that, had it been in a position to determine the application, it would have been refused because of the harm to the Green Belt, landscape and visual impact, loss of the best and most versatile agricultural land (BMV), and harm to the setting of heritage assets.
8. The Council also raised a second putative reason for refusal relating to the absence of planning obligations. However, a unilateral undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (S106) dated 22 September 2021 deals with a range of obligations, namely an employment and skills strategy; a local procurement strategy; groundwater monitoring and management; the provision of a significant area of land to the west of the appeal site to be used as Community Land; a Public Rights of Way Strategy; a Underpass Improvement Strategy; a Woodland Management Strategy; Biodiversity Net Gain; Sustainable Drainage Systems (SUDs) Maintenance; a Security Framework, including for the Thames Valley Police (TVP) access; Highway Works; a Travel Plan; a North Orbital Cycleway Contribution; a Traffic Regulation Order Contribution; a Management Company for SUDs and the Community Land; and a Council Monitoring Fee. I will return to the S106 later in my decision.
9. There were three Rule 6 parties appearing at the inquiry. Bickerton's Aerodromes own Denham Airport which lies about 1km to the south of the appeal site and were solely concerned with the issue of aviation safety. Moto Hospitality Ltd (Moto) and Colne Valley Motorway Service Area Ltd (CVMSA) have put forward alternative sites for MSAs. These sites are not before me for determination but are potentially relevant as a material consideration. I visited the alternative locations.

Main issues

10. The appeal site lies in the Metropolitan Green Belt. The proposal constitutes inappropriate development in the Green Belt as set out in paragraph 149 of the National Planning Policy Framework (the Framework).

11. Taking into account the above background and other considerations raised in the evidence, the main issues are:

- the effect on Green Belt openness and purposes;
- the effect on the character and appearance of the area, including landscape and visual effects;
- the impact on the designated heritage assets at Mopes Farm, with particular reference to the effect on their setting;
- the effect on the BMV agricultural land;
- the effect on veteran trees, ancient woodland, and biodiversity more generally;
- the effect on aviation safety; and,
- whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations, so as to constitute very special circumstances.

Reasons

Green Belt openness and purposes

Openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
13. The MSA would involve a developed area of some 12 ha with significant building footprints, comprising the facilities building, the linked hotel and a filling station¹, and large areas of associated parking, access routes and other infrastructure. The appeal site is largely devoid of development, other than where it is dissected by the M25. Therefore, in terms of the spatial dimension, the proposal would cause a substantial loss of openness.
14. With regard to the visual dimension of openness, that part of the appeal site to the west of the M25 comprises a chalk valley cutting through rolling farmland. The open land extends between the M25 and Denham Lane, the latter forming the eastern extent of Chalfont St Peter. The MSA would involve a significant incursion of built form and infrastructure into this open landscape together with a marked change in landform.
15. These changes would be clearly perceived by users of the footpath which runs near to and across the northern part of the site and by the many motorists on the M25. Drivers on the M25 would have their eyes on the road ahead and would also anticipate seeing MSAs at regular intervals. That said drivers would have some appreciation of the surrounding open landscape. Moreover, passengers would be more likely to enjoy the passing open countryside preserved by Green Belt.

¹ In total over 8,000 sq m of building footprint

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16. The area to the east of the M25 is already close to major works associated with HS2 and crossed by overhead power lines. Moreover, most of the area would remain open with swathes of meadow and woodland planting. In this context the provision of slip roads and the bridge over the M25 would have some, but not a significant, effect on the openness of this parcel of land.
 17. In terms of the wider area, the topography and wooded landscape would limit views of the main areas of built development and parking. In particular, the lie of the land would prevent views of the MSA from Denham Lane and Chalfont St Peter. That said, parts of the buildings, the bridge and slip roads would be visible from some longer distance viewpoints.
 18. But overall, there would be substantial harm caused by loss of Green Belt openness.

Purposes

19. The Green Belt purposes of a) checking the unrestricted sprawl of large built-up areas; b) preventing neighbouring towns from merging into one another; and c) assisting in safeguarding the countryside from encroachment are relevant. There is agreement between the Council and the appellant that there would be harm caused to purpose c) and I concur.
 20. In terms of purpose a), the development would not be contiguous with the large built-up area of Chalfont St Peter and Gerrards Cross. The majority of the development would be contained by the M25 and HS2 to the east, open land to the west, and existing and proposed woodland and landscaping to the north and south.
 21. There would be some perception of sprawl caused by the development in that it would be in relatively close proximity to the eastern edge of the built-up area and would be experienced as such, most notably by users of the footpath as they walked to and from the settlement. Moreover, paragraph 137 of the Framework does not qualify its reference to sprawl by associating it only with large built-up areas. However, applying the specific wording of purpose a), there would not be unrestricted sprawl of the built-up area. In this respect my findings are consistent with the Inspector who considered the proposal for an MSA on a different site at Warren Farm to the south². In the previous appeal the MSA was further away from the settlement edge but in both cases the MSA would not be contiguous with the built-up area.
 22. With regard to purpose b), there is a gap of about 2km between the edges of Chalfont St Peter and Maple Cross and a greater separation between Chalfont St Peter and Harefield. The development would span some 0.5 km at its widest point, thereby eroding a significant proportion of the gaps. In views from the edges of Maple Cross and Harefield the overbridge and slip roads would be visible. These structures would be seen with the HS2 viaduct and embankment. But such existing and proposed works would have a clear connection with a major transport corridor and not contribute to a feeling of merger. The other parts of the development would not be visible from the edge of Maple Cross. Parts of the MSA buildings would be seen in the distance
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from the edge of Harefield but with the wide Colne Valley in the foreground. It would appear that none of the development would be visible from the edge of Chalfont St Peter. An MSA in this location would not lead to a merger of settlements. As with the development considered in the 1999 decision, the development would contribute to the closing of the gap but not bridge it.

23. All in all, there would be significant harm to Green Belt purpose c) but only limited harm to purpose a) caused by some perception of sprawl and no material harm to purpose b). In arriving at these judgements, I have had regard to the Buckinghamshire Green Belt Assessment³. The assessment is helpful in providing an overview of the sensitivities of areas of Green Belt. However, the relevant parcels included in the assessment (44b and 40b), although including the appeal site, are more extensive and abut the settlements of Chalfont St Peter, Maple Cross and Denham Green. Therefore, the scores attributed to the parcels cannot be applied directly to the appeal site.

Beneficial use

24. Paragraphs 142 and 145 of the Framework refer to compensatory improvements to, and beneficial use of, Green Belts. These provisions relate primarily to plan-making and to the positive role to be played by local planning authorities. However, the provision of access, the opportunities for informal recreation, and the enhancements to landscape, visual amenity and biodiversity that would be facilitated by the community land have been put before me as considerations that should be taken into account in considering the Green Belt impact of the development.
25. The development of Green Belt land is strictly controlled by current Government policy. However, the provisions of the UU would ensure that the community land would be managed and maintained as an open area in perpetuity which gives even greater certainty that it would be protected from development.

Conclusions on Green Belt

26. Notwithstanding any Green Belt benefits arising from the community land, the development would represent inappropriate development and would lead to substantial harm to the Green Belt by reason of its effect on openness and purposes. The development would undermine the fundamental aim of Green Belt policy set out in paragraph 137 of the Framework.

Character and appearance

27. My findings on the visual dimension of Green Belt openness above are also relevant to the landscape and visual effects. The MSA itself would result in a major transformation in the landscape to the west of the M25 with a less significant change to the east. The landscape change would arise from the creation of the development platform to replace the natural contours of the chalk valley with its linear hedgerow and trees, the introduction of significant built development in the dip, and provision of the associated infrastructure in and around the building complex, including slip roads, overbridge, and lighting.

³ CD 6.9 – 6.11 – Report and Pro-forma

The comprehensive planting, including woodland planting to the perimeters, would help to soften the harshest elements of the scheme but would not mitigate the effects on the existing landscape fabric of the site to any significant degree.

28. The relevant Statement of Common Ground (SOCG)⁴ sets out the agreed landscape effects. I generally concur with the findings. The development would have major negative residual effects on the landscape fabric of the site, significantly altering the most attractive landscape components within the site. As a result, there would be significant adverse effects on a localised section of the Chalfont St Peter Mixed Use Terrace Landscape Character Area (LCA).
29. In terms of the effects on the wider landscape, these would be generally limited because of the setting down of most of the development and the resultant extent of containment by topography and existing and proposed natural and man-made features. However, there would be some adverse effects on views across the Colne Valley, an important element of the wider landscape. This would particularly be the case from the east, at the edge of Harefield, from where the prominence of the overbridge, slip roads, lighting columns, relocated pylons and associated earthworks on the skyline would be evident. Even if the bridge was to be designed as a slender structure it would still sit on the skyline. However, apart from this specific aspect, residual landscape effects on the adjacent LCAs and the Colne Valley Regional Park would not be significant.
30. The SOCG also sets out agreed visual effects with which I again concur. Because of the sensitivity of footpath users and its position overlooking the development, the visual effects from the northern footpath would be major negative. Residual visual effects from other public viewpoints would be less harmful, ranging from negligible to moderately adverse, due to the aforementioned siting, containment, and mitigation. The moderate adverse effects would arise primarily from the aforementioned highway infrastructure and their effects on views from the edge of Harefield and bridleways immediately to the south and east of the site which form, in part, a stretch of the South Bucks Way. In relation to users of Denham Lane and residential receptors in the same locality there would be no discernible visual effects. The only residential receptor adversely affected would be The Orchards Traveller Site, albeit that tree planting would limit this to a residual minor negative effect.
31. Despite the background noise of the M25, parts of the appeal site have reasonable tranquillity which currently adds to the experience for recreational users. The MSA would significantly erode the tranquillity of these parts of the appeal site for such users, albeit that the community land would have the potential to provide similar areas for quiet recreation.
32. The scheme has sought to achieve the best landscape fit for the site, in the context of a desire to provide a range of facilities and infrastructure, many of which are essential features of an MSA. The siting of much of the development within the valley would reduce its conspicuousness. In addition, the landscaping improvements to the community land would enhance its landscape

⁴ CD 2.37

and visual qualities. Moreover, it is almost inevitable that the construction of an MSA on the north-west quadrant of the M25 would have significant landscape and visual effects.

33. However, notwithstanding these factors, the particular location of the development leads to inevitable major landscape and visual effects which it is not possible to mitigate. In this case the development would result in significant harm to the character and appearance of the area, by reason of its landscape and visual effects.
34. As a result, the development would not recognise the intrinsic character and beauty of the countryside and would conflict with Policies GC1 and GB30 of the Chiltern District Local Plan (CDLP) as it would not relate well to landscape features, would not be well integrated into its rural setting and would not conserve the scenic beauty or amenity of the landscape. That said, the new landscaping would be suitable for the development proposed and, therefore, there would be compliance with Policy GC4 of the CDLP.

Designated heritage assets

35. Mopes Farm, which lies off Denham Lane to the south-west of the appeal site, contains three Grade II listed buildings - the farmhouse, a barn, and a barn with an attached cottage. There is an historical association between Mopes Farm and part of the appeal site in that they were in the same ownership during the 19th century. Some of the appeal site would have been farmed from Mopes Farm.
36. The farmhouse and associated buildings are no longer used as a farmstead. There is no farmyard or the other familiar sights, sounds and smells of a busy farm. Through conversion, refurbishment, and alteration, they now have a solely residential function. The special architectural interest of the listed buildings lies in their surviving historic fabric, antiquity, and group value. Additionally, the farmhouse displays fine craftsmanship. These attributes are best experienced from within the complex and from close by, including, in the case of the cottage and barns, from Denham Lane. From these immediate surroundings the buildings can be read together. The historic fabric and special architectural interest of the Mopes Farm complex and the close-up experience would be unaffected by the appeal scheme.
37. The appeal site forms part of the wider setting of the heritage assets. Glimpsed views of the roof of the farmhouse can be seen from parts of the appeal site. However, there is now no functional relationship between the appeal site and Mopes Farm. The wider agricultural setting has been altered by the M25 which, along with modern agricultural methods, have reshaped the field pattern. Moreover, a relatively modern industrial unit lies between the farmstead and fields in and around the appeal site. Therefore, the wider setting, including the appeal site, makes only a limited contribution to the significance of the heritage assets. In any event arable fields, pasture and meadows would be retained on the community land between the development and the listed buildings. Thus, the listed buildings would not be hemmed in by the development. The views of the farmhouse roof from the appeal site, although not significant in experiencing the heritage assets, would not be materially affected.

38. In conclusion, the proposal would have a neutral impact on the designated heritage assets at Mopes Farm, with particular reference to the effect on their setting. Therefore, there would be compliance with Policy CS4 of the Chiltern Core Strategy (CCS), insofar as it relates to the protection of the historic environment, and Policies LB1 and LB2 of the CDLP, as the historic assets and the setting of the listed buildings would not be adversely affected. The setting of the listed buildings would be preserved.

Agricultural land

39. The proposal would result in the loss of some 16.5 ha of the BMV agricultural land (Grade 2 and Grade 3a land). Of the BMV land, some 6.5 ha to the east of the M25 is currently affected by the HS2 construction compound. The intention is that, without the appeal scheme, this land would be returned to agricultural use.
40. The appellant's evidence explained that reinstatement of agricultural land after construction works does not usually lead to land of the same quality. This is due to factors such as compaction and weather conditions affecting the displaced soils, particularly during soil handling. It was suggested, based on research, that only some 20% of such land is reinstated to the same quality after construction works.
41. Of the remaining 10 ha of BMV land to the west of the M25, there are a couple of very small parcels of Grade 3a at the north-west end of the site which, in practice, would be farmed alongside land of lesser quality rather than differently. That said, there are three more significant blocks of BMV land on the western portion of the site, including the largest parcel upon which the MSA complex would be sited.
42. Based on the above evidence, although the actual loss of BMV land equates to 16.5 ha, in reality the development would result in the effective loss of a little bit less than 10 ha of BMV land.
43. Most of the appeal site is 'share-cropped' whereby the landowner and those undertaking the cropping share the value of arable crops such as wheat, barley, and oilseed rape. The cropping is currently undertaken by Whitby Farms who are based near Slough. The land lost for cropping is unlikely to be significant for the farm business as a whole.
44. Finally, in relation to this issue, the soil resource displaced by the development would be likely to be reused within the site and community land for landscaping and to encourage wildflower meadows and grasslands.
45. All in all, the loss of the BMV agricultural land leads to moderate harm. In reaching this conclusion I have had regard to the Framework which highlights the economic and other benefits of the BMV agricultural land and Policy CS4 of the CCS which expects developments to take into account the presence of the BMV land.

Veteran trees, ancient woodland, and biodiversity

46. The proposal would lead to the loss of an ash tree (T247) sited alongside the concrete track. This has been assessed as being a veteran tree. The development would also lead to the loss of some fifty other trees, three tree

groups, one area of woodland and nine hedgerows. However, the majority of the trees are classified as Category C (trees of low quality).

47. There are two areas of ancient woodland immediately to the north of the appeal site, the larger of which is known as Bloom Wood, the smaller Middle Wood. The ancient woodlands would not be directly affected by the development. However, concerns have been expressed that increased vehicle activity in the locality would lead to harmful nitrogen deposits at the ancient woodlands. Modelling, assuming a worst-case scenario in relation to car park use, traffic speeds and the location of access roads, suggests deposition levels have the potential to exceed the relevant 1% critical load on a part of the woodland nearest the MSA. This has been assessed as having a minor adverse effect. However, in reality actual deposits would be likely to be less, given the robustness of the assessment.
48. The scheme incorporates significant new woodland planting, including extensions to the existing ancient woodland in the northern segment of the site. In addition, the UU would facilitate enhancement and management of Bloom Wood and the creation of hedgerows, tree planting and meadows within the community land. These measures would have biodiversity benefits, in addition to providing landscape and visual mitigation. Overall, the development would lead to a biodiversity net gain in accordance with paragraph 174 of the Framework. The enhancement and management of Bloom Wood would offset any minor adverse impacts from nitrogen deposits.
49. Paragraph 180 of the Framework requires that development resulting in the loss of irreplaceable habitats such as veteran trees should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Putting to one side whether the exceptional reasons strand of this national policy requirement has been met, the new planting proposed, which would result in a significant increase in tree cover on the site, would constitute a suitable compensation strategy.
50. Overall, the proposal would not harm ancient woodland and biodiversity more generally. There would be compliance with Policies CS24 and CS32 of the CCS. There would be some harm caused by the loss of a veteran tree. Whether there are wholly exceptional reasons to override this loss is a matter which I will return to in my overall planning balance.

Aviation safety

51. Part of the appeal site lies beneath the flight circuit for Denham Airport. The flight circuit is constrained in size and height due to the existence of Heathrow's airspace to the south and RAF Northolt to the south-east.
52. An assessment conducted by Bickerton's Aerodromes considered the risk posed by the MSA to aircraft using the Denham circuit. The assessment concluded that there is a significant risk that forced landings can and will occur in the vicinity of the appeal site and community land and that effectively removing part of the area would increase the risk. That the majority of flights from the airport are undertaken by single engine aircraft, where engine failure can have severe consequences, and many flights are for training purposes, are considerations in assessing the risk.

53. The risk assessment concluded that the level of risk fell within the 'as low as reasonably practicable' (ALARP) category. In such instances the risk should only be tolerated where it is considered justified by the benefits and the impracticalities of reducing the risk. This assessment is the only one before the inquiry. On the basis of this assessment, the aerodrome manager objected to the application.
54. There was much discussion at the inquiry about the role that land use planning has in reducing risk, given the regulatory framework which applies to airports which is primarily enforced by the Civil Aviation Authority (CAA). However, the relevant SOCG⁵ agrees that aviation safety is a material planning consideration for the appeal and this was agreed by the appellant at the inquiry. This reflects that planning has a role in controlling the use of land in the public interest which goes beyond the regulation of aviation activity by the CAA. The role can also extend beyond the safeguarding procedures set out in Annex 1 to the 2002 Direction⁶. This is supported by the references to aviation in the Framework, the non-regulatory role of the Airfield Advisory Team (AAT) within the CAA, and that the loss of areas for forced landings can be a material consideration in a planning decision⁷.
55. On the basis that the planning system has a role, it was reasonable for the aerodrome manager to commission the risk assessment and raise objections as a result of its conclusions, even though the area being assessed was not controlled by the aerodrome. Alternative forms of development for the appeal site and community land are very limited because it is Green Belt. Objecting to the current development proposals was a legitimate way that the aerodrome operator could mitigate the risk through the land use planning process.
56. That part of the appeal site to the west of the M25 and the adjoining community land is predominantly in arable use with large fields divided by hedgerows and tracks. The surface of the fields will vary depending on whether they are laid to crop, ploughed or fallow. However, whatever the exact condition, the combined site is one of the larger open areas for forced landings under the circuit. The area would not facilitate forced landings at take-off and landing but would provide a suitable zone on the downward leg of the circuit. This is demonstrated by the fact that a successful forced landing occurred in 2007 on the southern portion of the appeal site.
57. This is not to say that pilots predetermine that the area of the appeal site and community land would be used in the event of an emergency. However, it is good practice to alert pilots to potential areas for forced landings. Of those potential areas, the appeal site and community land is far from being the only area but is accessible from a good proportion of the circuit.
58. That said, the suitability of the area upon which the MSA itself would be built is affected by the topography of the valley and the proximity of woodland, the M25 and pylons. These features would be in the mind of a pilot during the short period when they need to make decisions about a forced landing.

⁵ CD 2.35 - SOCG on aviation issues between the appellant and Bickerton's Aerodromes

⁶ CD 10.1 - The Town and Country Planning (safeguarded aerodromes, technical sites, and military explosives storage areas) Direction 2002

⁷ See for example CD 10.17 - Appeal decision ref: APP/C2741/W/18/3223376 dated 31 October 2019

Therefore, some of the appeal site, particularly its north-east corner, would not be particularly suitable for forced landings at present.

59. That part of the appeal site to the east of the M25 has the line of pylons along its western boundary and woodland to the south. HS2 will run to the east. Parts of the site has the chalk valley running through it. Some of the area is suitable for forced landings but its utility is affected by the nearby features and its topography.
60. Of the areas that are less constrained, the majority would remain open as it would form part of the community land. A smaller field pattern, more hedgerows, and community use within this area, would have some effect on its utility for forced landings, but it would remain predominantly open and level. Some scrubland on the site of former minerals workings would be improved. Existing small obstructions, such as a metal container, would be removed. That said, the proximity of the MSA with its buildings, parking areas, road layout and human activity would be in the mind of the pilot, particularly because of the fear of undershooting on a northern approach into prevailing winds.
61. The position of the slip roads, the realignment of the pylons, and planting of woodland belts on the portion to the east of the M25 would reduce its utility. New slip roads would also create a further hazard in the belt of land immediately to the west of the M25.
62. Overall, there would be a moderate reduction in the utility of the area of land (the appeal site and community land) for forced landings when taken together and therefore some reduction in choice for a pilot. This is reflected in the AAT's conclusion 'that the development of the MSA will reduce the area available for a forced landing to a significant extent', bearing in mind that this comment did not take into account the benefits of keeping the community land open.
63. As a result, I conclude that there is likely to be some harm to aviation safety through an increased risk for aircraft pilots and any passengers. However, it is unlikely that the loss of some areas for forced landings would be of such a magnitude as to reduce the attractiveness of Denham Airport as a place to fly from. Those who take part in general aviation are unlikely to base their choice of airfield on the existence or otherwise of forced landing sites. If that were the case then the future of more constrained airfields would be under threat. Therefore, the existence of the airport would be unlikely to be prejudiced or its overall economic value in serving business, leisure, and training needs reduced, as referred to in paragraph 106 of the Framework. Moreover, the MSA would not place unreasonable restrictions on the airport. Furthermore, I do not see the increase in risk being of a magnitude which would be sufficient, in itself, to justify dismissing the appeal. But it is an issue that should be attributed some harm in the overall planning balance.

Other considerations

64. In terms of other considerations these comprise primarily the need for the MSA; economic, social, and environmental benefits; and other alternative sites for the provision of an MSA.

Need

65. Annex B of Department of Transport Circular 02/2013⁸ recognises that MSAs should be provided at intervals of no more than 28 miles apart. The Circular also notes that the distances are not prescriptive as travel on congested parts of the network may take longer.
66. There are no MSAs on the western section of the M25 between South Mimms (junction with the A1) and Cobham (near the A3). Taking into account the wider motorway and strategic road network connected via the M25, including the M1, M40, M4 and M3, there are some 42 gaps between MSAs exceeding 28 miles. Some of the gaps are upwards of 50 miles. There are a few other gaps close to 28 miles on these heavily congested stretches of the motorway network, where travelling can often take considerably longer than 30 minutes, particularly during peak periods. There is a clear need for a new service area in the north-west quadrant of the M25 between the junctions with the M1 and M4.
67. In arriving at the number of gaps above or close to 28 miles in the preceding and following paragraphs, the measurements use actual distances between the centre of MSA car parks and include gaps in both directions⁹. These figures build on those used in the SOCG on need¹⁰ to provide a more comprehensive assessment. It seems logical to use the points between which drivers can commence their rest period and such an approach has been endorsed by the Secretary of State in a case where there was a dispute¹¹. This method of measurement was supported by witnesses from both CVMSA and Moto. The measured distances using car park to car park is slightly greater than if measured from off slip to off slip (as favoured by the appellant) but does not make a significant difference in terms of the number of gaps which are above 28 miles.
68. Table 3.1 indicates that the appeal proposal would fall between 30 existing gaps which are 28 miles or greater and resolve 19 of them by bringing them down to less than 28 miles. The development would include all the minimum requirements for an MSA as set out in Table B1 of Circular 02/2013. Meeting this need would have considerable road safety benefits and would represent a significant positive in the planning balance.
69. There are some elements of the scheme that are not needed to meet the minimum requirements for an MSA. This includes the 100-bed hotel, the business centre within the facilities building and the level of car and HGV parking proposed. That said, whilst not supported by a strong need case, a hotel is a common element of an MSA and provides an extra facility with some safety and welfare benefits for motorway users. Moreover, there is an acknowledged severe shortfall of HGV parking in the south-east and the proposal would go some way to meeting this need. There would be limited

⁸ The Strategic Road Network and the Delivery of Sustainable Development

⁹ ID 2.3 - Table 3.1 of the proof of evidence of Mr Roberts

¹⁰ See CD 2.2

¹¹ Conjoined decisions by Secretary of State for MSAs and truck stop on the A1(M) North Yorkshire in 2012, Refs: (A) APP/E2734/A/09/2102196, (B) APP/G2713/W/09/2108815, (C) APP/E2734/W/10/2133571, (D) APP/E2734/W/10/2133577, (E) APP/G2713/W/10/2133567

benefit from the business centre and above standard car parking. All in all, these additional elements represent a moderate benefit.

Economic, social, and environmental benefits

70. The development would involve some £160 million of investment by the appellant and partners, up to about 750 construction jobs and 340 full-time equivalent operational jobs. It is expected that some 75% of the operational jobs would be taken up by people from the Chiltern local area. The jobs would be subject to a Local Employment Strategy, incorporating local employment and training opportunities. However, the economic benefits of an MSA go beyond jobs. As Circular 02/2013 points out, 'operating an effective and efficient strategic road network makes a significant contribution to the delivery of sustainable economic growth'.
71. The provision of the community land, including publicly accessible recreational space and an improved footpath network and landscape and ecological enhancements, would represent environmental mitigation. These works, alongside management of Bloom Wood, would also give rise to some social and environmental benefits, particularly through creating access opportunities in the Colne Valley Regional Park and achieving biodiversity net gain.
72. The provision of electric charging infrastructure and sustainably constructed buildings would be expected on a development of this nature and scale to comply with national and local policy and would not represent material benefits.

Highways and accessibility

73. The MSA would be accessed by slip roads off the M25 with an emergency vehicle access off Denham Lane. National Highways (previously Highways England) and BC as local highway authority (LHA) have no objection to the access proposals, subject to conditions and the planning obligations¹². The emergency access would be capable of being made safe and suitable, with acceptable visibility splays. The Denham Lane vehicular access would not allow police and other emergency vehicles to reach the M25 as such an arrangement would be contrary to Circular 02/2013. However, TVP would be able to access a dedicated parking area which would allow them to control anti-social behaviour and criminal activity at the MSA.
74. The site is not adjacent to centres of population. The development would be predominantly accessed by private vehicle, as is inevitable for an MSA. However, there would be the possibility of locals from the Chalfont St Peter area who work at the MSA reaching the development during daylight hours by foot or cycle using the footpath/cycleway connections from Denham Lane which would be provided through obligations relating to the community land. There are also bus services in and around Chalfont St Peter, albeit not many workers would undertake a bus journey and then walk to the site. The appellant also proposes a workers' minibus service as part of the travel plan.
75. It would be unlikely that significant numbers of workers and others would park on Denham Lane and residential streets nearby to access the MSA because of

¹² See CD 2.2 & 2.34- SOCG between appellant and Highways England and appellant and BC

the distance that they would need to walk. They are more likely to drive via the M25 and then park at the MSA. However, there are provisions within the S106 to monitor parking levels on and around Denham Lane for five years. Should this give rise to issues in the future then a Traffic Regulation Order could be implemented, funded by the appellant.

Pollution

76. I have addressed the air quality impacts in terms of ecological receptors above. In relation to human health receptors, the evidence provided in the ES and summarised in the technical note produced at my request¹³, indicates that air quality impacts from traffic emissions on the residents of the Orchards Caravan Park would be negligible and not significant. Due to the separation from the edge of Chalfont St Peter, there would not be any air quality impacts on the primary school and nearby residents. The air quality affects during the construction phase from Denham Lane would be time limited and unlikely to be significant.
77. Increased noise and light spill would be inevitable consequences of the MSA. However, the evidence indicates that the effects would not be significant providing mitigation relating the construction phase (best working practices) and operational phase (screening to the Orchards Caravan Park) are implemented.

Delivery

78. The appeal scheme is deliverable from a highway perspective. Although detailed design work would be needed, including for the overbridge, and works such as relocating power lines would be necessary, no major obstacles to delivery have been put before me. It would appear that the MSA would be capable of being open around 2026/27.

Alternative sites

79. It is common ground that there is a need for one MSA in the north-west quadrant of the M25. The proposal before me gives rise to 'clear public convenience or advantage' but also 'inevitable and adverse effects or disadvantages to the public'. Case law indicates¹⁴ that, in such circumstances, it is necessary to consider whether an alternative site exists for the same project which would not have those effects or would not have them to the same extent.
80. In considering the alternative sites put forward by Moto and CVMSA, it is necessary to consider whether they are likely to cause less harm than the appeal proposal, whether they would meet the need just as well or better than Warren Farm, whether other benefits would be comparable or greater and, crucially, whether they are likely to be deliverable. I will now go onto consider the two alternative sites put forward against these matters.

¹³ See ID 4.1

¹⁴ CD 7.5 - Secretary of State for the Environment v Edwards - Court of Appeal (1993) 69 P. & C.R. 607

Moto

81. Moto's site is to the south of M25 Junction 20 between Hunton Bridge and Kings Langley. The site would be served by an access off Watford Road, the A41. As such an MSA here would be 'off-line', in other words not served by direct access off the M25 between junctions. An application for an MSA on the site was refused by Three Rivers District Council in July 2021.
82. The Moto site lies within the Green Belt. An MSA would be inappropriate development in the Green Belt. The Moto site developed area would be more compact than the appeal site and, therefore, would cause less harm to the spatial dimension of openness. However, the Moto site is highly visible on rising ground. An MSA would be prominent from many surrounding viewpoints, including the M25, the A41, the church and minor road at Hunton Bridge, the canal towpath, the footpath near Round Wood to the north east, and residential streets in Abbots Langley. Considering the spatial and visual dimensions together, the effects on Green Belt openness would be likely to be comparable with the appeal proposal.
83. The Moto site would have an adverse effect on the Green Belt purpose c). In terms of purpose a), the site is sandwiched between the major transport corridors of the M25 and the A41. Open land alongside the River Glade and canal would not be affected, providing some separation from Abbots Langley which is contiguous with the large built-up area of Watford. The Green Belt gap to the north of the M25, towards Kings Langley, would be retained. However, because of the narrowness of the river valley gap and the way the site would be viewed from surrounding urban areas and settlement edges, there would be a perception of development leading to some unrestricted sprawl from the large built-up area of Abbots Langley/Watford.
84. With regard to purpose b), there are no settlements nearby to the west. The M25 and gap to the north provides a clear barrier and separation to prevent merger with Kings Langley. The effect on the Green Belt purpose of preventing the merger of towns would be limited.
85. Overall, an MSA on the Moto site would have no clear advantages in Green Belt terms compared with the appeal proposal.
86. The site is made up ground and there are many urban influences nearby, such as road and rail corridors with their associated noise, and the built-up areas of Abbots Langley, Watford, and Kings Langley. However, the site appears as a natural landform forming part of the western valley slopes to the Gade Valley. It is likely that the amenity building and parking areas would sit towards the top of the site. The prominence of the site from viewpoints would lead to an MSA having significant adverse effects on the landscape of the Gade Valley and significant visual effects for sensitive receptors nearby. The size of the site and its topography would limit the scope for effective mitigation. Again, I do not consider that, overall, the Moto site has any material advantage over the appeal site in terms of the landscape and visual effects of an MSA.
87. In terms of other harms, based on documentation and my site visits, there would be likely to be less than substantial harm to the significance of the designated heritage assets of the nearby Church of St Paul and associated structures, North Grove Lock and Lock House on the canal, and the Hunton

Bridge Conservation Area, by reason of the effect on their settings. The level of harm would be likely to be towards the lower end of the scale.

88. With regard to the effect on trees on the site, there would be likely to be some loss through the formation of the access and the removal of the hedgerow which divides the fields and that loss might include veteran trees. In this respect there is a dispute between experts for the appellant and Moto, albeit that the latter have had the benefit of a close visual inspection of the trees referred to. From the evidence before me, I assess that the harm in relation to the veteran tree issue at the Moto site would be comparable to that at the appeal site. Any loss of veteran and other trees could be compensated for by replacement planting. Standing deadwood could be retained as part of a scheme or its loss mitigated by on or off-site measures.
89. Additional traffic on the north off slip road of the M25 would be unlikely to be of a scale that would adversely affect the adjacent North Grove Wood by reason of a deterioration in air quality as there is a buffer of the embankment and planting between the slip road and the woodland. The site appears to have limited ecological value at present and an MSA would be capable of achieving biodiversity net gain.
90. As things stand, there are unresolved highway safety and congestion concerns because of the additional traffic movements which would occur at the roundabout at Junction 20 and because of the need for a new access off the A41. These concerns resulted in four highway related reasons for refusal more than 2 years after the application was submitted. There is continuing dialogue between Moto and the highway bodies, including about improvements to Junction 20 and works on the A41. But whether the objections from National Highways and Hertfordshire County Council as LHA are capable of being resolved remains to be seen.
91. The site does not comprise the BMV land. There would be no adverse impact on aviation safety. The site is capable of being accessed by foot and cycle from nearby built-up areas. There are frequent bus services on the A41. There is the potential to improve pedestrian and cycle connections and the bus corridor. Kings Langley Railway Station is about a mile's walk from the site. Therefore, notwithstanding the related reason for refusal, the site is capable of achieving a good level of accessibility for an MSA.
92. In comparison with the appeal site, the Green Belt, landscape, and veteran tree harms are of a similar magnitude in the round, there is likely to be a greater effect on listed buildings, but advantages in terms of the BMV land, aviation safety and accessibility. Biodiversity impacts are likely to be similar. As things stand, the greatest distinction in terms of harm is the effect of the Moto site on the highway network.
93. Turning now to need, as an off-line site, Moto would not align with National Highway's preference for on-line facilities as expressed by Circular 02/2013. The reasons for the preference are set out in paragraph B14 and relate to their conduciveness for encouraging drivers to take breaks and the avoidance of increased traffic demand on existing junctions. That is not to say that off-line MSAs are ruled out, but on-line MSAs have an advantage.

94. In terms of meeting the need in other respects, the Moto site would be comparable to Warren Farm in terms of bringing a similar number of gaps down to less than 28 miles. The Moto site would also be capable of providing a hotel and some HGV parking, albeit, in terms of the latter, not at the scale of the appeal proposal.
95. In terms of other considerations, the Moto site has the potential to generate around 200 full time jobs and create biodiversity net gain which would have economic, social, and environmental benefits.
96. The Moto site would not require a new motorway junction and also does not, on the face of it, have some of the other complexities of the Warren Farm site, such as the relocation of power lines and significant soil movement. However, a scheme has been refused planning permission and, at the time of writing, there has not been an appeal or further application submitted. There are questions about the deliverability of the site given the current planning position and the unresolved highway objections. The Moto site has similar drawbacks to the appeal site in overall terms, and when taking into account the disadvantage of being an off-line site and the questions over delivery, it performs worse. Therefore, Moto would not, based on what is before me, provide a persuasive alternative site.

CVMSA

97. The CVMSA site is between Junctions 15 (M4) and 16 (M40) to the east of Iver Heath. An MSA at the site would be 'on-line'. An application for an MSA on the site is currently before BC but remains undetermined.
98. The CVMSA site lies within the Green Belt. An MSA would be inappropriate development in the Green Belt. The developed area at Iver Heath would be likely to be broadly comparable to the appeal development. Therefore, in terms of the spatial dimension of openness the harm would be similar.
99. The CVMSA site has a public footpath running close to its southern boundary and a bridleway cutting through its centre. The latter would need to be diverted around the western boundary of the MSA which would take it away from the M25 for more of its length. There are some views into the site from Bangors Road North and from Slough Road near where it crosses the M25. The site is also visible from some properties on Bangors Road North and Slough Road and from Mansfield Lodge and New Cottage to the east. An MSA would have a clear adverse impact on the visual dimension of openness when seen from these local viewpoints.
100. However, the CVMSA site is relatively well-contained from the wider Green Belt by woodland to its north-west and south and by the M25 to the east. The M25 lies in a cutting hereabouts. The landform of the site combined with landscaping mitigation would allow most of an MSA to remain well-contained. Indeed, there is the potential to bench down parts of the development into the site. The exception in terms of containment would be where slip roads and associated earthworks would be required to the M25 which would be particularly prominent from the access road serving the Iver Environmental Centre and the residential and other uses nearby.

101. The CVMSA site would have an adverse effect on the Green Belt purpose c). In terms of purpose a), Iver Heath is not a large built-up area. A gap would be retained between the eastern edge of the site and the western extremity of Uxbridge. That said, there would be some perception of sprawl caused by the development in that it would be in relatively close proximity to Uxbridge. Part of the gap on the north side of Slough Road between the site and the urban edge accommodates a large national grid substation.
102. With regard to purpose b), gaps would be retained between the site and both Iver Heath and Uxbridge. The effect on the Green Belt purpose of preventing the merger of towns would be limited.
103. Overall, an MSA on the CVMSA site would have clear advantages in Green Belt terms compared with the appeal proposal because, although broadly comparable in terms of its effect on Green Belt purposes, there would be a considerably lesser impact on Green Belt openness.
104. An MSA on the site would also lead to some landscape harm in that it would lead to significant areas of buildings, hardstandings and highways infrastructure on an area of pleasant gently undulating open grassland. The landscape fabric would also be likely to be altered with cut and fill to create development platforms. In addition, the works required to the east of the M25 would affect a pleasant stretch of the tree lined Alderbourne Brook with its flanking low-lying pasture.
105. There would be localised visual effects as described above. As the residential and recreational receptors are sensitive, there would be major adverse visual effects. These effects could be reduced to an extent by new planting but would remain major for users of the footpath and bridleway and residents and others near the Iver Environmental Centre.
106. However, the Iver Heath site can be distinguished from the appeal site because the landscape overall is not as sensitive as that at Warren Farm, the amount of change to the landscape fabric would be likely to be considerably less and the extent of visual containment by woodland and other features is greater, other than for the area to the east of the M25. Of particular note is the different relationship with users of the M25 - those passing the appeal site would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.
107. In terms of other harms, there would be likely to be less than substantial harm to the significance of nearby designated and non-designated heritage assets, including in particular White Lodge, and Mansfield Farmhouse and associated buildings, by reason of the effect on their settings. The level of harm would be likely to be towards the lower end of the scale.
108. With regard to the effect on trees on the site, there would be likely to be some loss and that loss might include veteran trees. In this respect there is a dispute between experts for the appellant and CVMSA, albeit that the latter have had the benefit of a close visual inspection of the trees referred to. From the evidence before me, I assess that the harm in relation to the veteran tree issue at the Iver Heath site would be comparable to that at the appeal site. Any loss of veteran and other trees could be compensated for by replacement

planting. There is no evidence that there would be hydrological effects on the ancient woodland to the south of the site. It is unlikely that the alder trees lining the Alderbourne comprise an ancient woodland or that the Alderbourne is a wet woodland priority habitat. That said the brook is a priority habitat but with the potential for a scheme to increase its baseline value. The CVMSA site is capable of achieving biodiversity net gain which would support the aims of the Nature Recovery Network Zone 1 within which the Iver Heath site lies.

109. The area to the east of the M25 which would be used for highway infrastructure includes land that lies within Flood Risk Zones 2 and 3. There is criticism of some of the work undertaken to support the application, including the approach to the sequential test. But focusing on the site itself rather than the application, national policy accepts that, if there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, then the sequential test is capable of being met. Moreover, the need for the development and the ability to make the development safe would mean that the exception test would be likely to be met. The works that would take place in the areas at risk of flooding would not comprise vulnerable development.
110. Mineral extraction would be required from the site to deliver an MSA and meet national and local safeguarding policies¹⁵. Given that there is a shortfall of sand and gravel in the south-east and processing sites and markets are easily accessible from the site via the motorway network, mineral extraction would be a benefit¹⁶. Whilst a separate application has been made, it is unlikely that mineral extraction would significantly delay the site coming forward, more that it would be directly linked to the MSA as enabling works. HGV movements associated with minerals would be direct onto the M25 but not significant in terms of overall traffic movements.
111. Considering the site not the scheme, there might be some sterilisation of mineral resource on the southern periphery of the site. However, given the proximity of sensitive residential uses close to these boundaries, it is unlikely that mineral extraction would, in any event, be feasible. Therefore, potential sterilisation is unlikely to be significant.
112. As things stand and based on the current application, the site has given rise to unresolved highway safety concerns primarily because of 1) departures from the standard would be needed in terms of merge/diverge arrangements and weaving lengths and 2) the proposal for a link from the A4007 for staff and emergency services. Additionally, more information is needed relating to motorway widening to 6 lanes to mitigate weaving lengths and how the 6 lanes would function with plans for a smart motorway on this stretch of the M25. Additional infrastructure would be required alongside the motorway, possibly including new engineering structures. National Highways has not objected but has asked that the application is not determined (other than a refusal) until such time as concerns have been resolved. In addition, BC as LHA has asked for more information about potential shift patterns to assess impacts on the junctions of Bangors Road North with the A412 and A4007.

¹⁵ See paragraph 210 of the Framework

¹⁶ See paragraph 211 of the Framework

113. However, the above issues do not suggest to me that the MSA location is incapable of being served by a satisfactory access. There is likely to be a solution to accessing the site off the M25 but more time is needed. In this respect it is worth noting that the CVMSA application was not submitted until December 2020, some 6 months after the appeal proposal. A period of more than 12 months from submission to determination would not be unusual for a development of this scale and type.
114. The site does not comprise the BMV land. There would be no adverse impact on aviation safety. The site is capable of being accessed by foot and cycle from nearby built-up areas provided a link is allowed, similar to that included with the appeal proposal. There are daytime bus services on the A4007. Uxbridge Tube Station is about 1½ miles to the east. There are proposals to link the tube station to the site with a shuttle bus service for staff. Therefore, the site is capable of achieving a good level of accessibility for an MSA.
115. In comparison with the appeal site, the Green Belt and landscape harms would be significantly less. Veteran tree harms are likely to be of a similar magnitude. The eastern part of the Iver Heath site lies within high-risk flood zones. There is likely to be a greater effect on listed buildings, but advantages in terms of the BMV land, aviation safety, accessibility, and potentially minerals. Biodiversity impacts are likely to be similar. Unlike the appeal scheme, highway issues remain outstanding but would appear to be capable of being resolved.
116. Turning now to need, as an on-line site, Iver Heath would align with National Highway's preference for on-line facilities. In terms of meeting the need in other respects, the CVMSA site would be better placed than Warren Farm in that it would fall between 32 of the gaps which are around 28 miles or greater and would resolve 20 of them. It would also reduce the gap between Beaconsfield MSA on the M40 and Cobham MSA, measured at 27 miles, to 20 or 7 miles depending on the direction of travel. This is a very busy section of the motorway network where the journey is likely to be greater than 30 minutes driving time, more often than not. In this respect the site would serve those using the M40 combined with the western section of the M25, including the often-congested section between the M40 and M4. Traffic flows indicate that the CVMSA site would serve more motorway users. National Highways has made specific reference to an MSA being located on this stretch. The site would also be capable of providing a hotel and some HGV parking albeit, in terms of the latter, probably not at the scale of the appeal proposal.
117. In terms of other considerations, the CVMSA site has the potential to generate around 300 full time jobs, create biodiversity net gain and facilitate mineral extraction which would have economic, social, and environmental benefits.
118. There is no certainty that the site would be delivered given that some matters, most notably those relating to highways, remain unresolved. However, there have not been any objections from statutory bodies. There do not appear to be any insurmountable obstacles¹⁷. The site is being promoted by one of the major players in the market. There is a reasonable prospect that an MSA can be delivered in the next few years. Indeed, if outline permission were to be

¹⁷ Referred to as 'showstoppers' at the inquiry

given in 2022, delivery in 2026/27 would be realistic which would represent similar timescales to those projected for the appeal site.

119. The decision on the CVMSA site is for someone else, including deciding whether the very special circumstances test is passed. I can only make a judgement on the comparative merits. However, based on what is before me, the CVMSA site would provide similar benefits but with appreciably less harm. Therefore, the feasible alternative of the CVMSA site is a weighty other consideration.

Section 106 obligations

120. The Section 106 obligations seek to reduce the impact of the development in respect of Green Belt, landscape, biodiversity, highways, and accessibility, including through the provision of the community land. The community land also has the potential to reduce the risks to aviation safety.
121. Concerns have been expressed that some of the obligations that give rise to benefits go beyond the legal and policy tests set out in paragraph 57 of the Framework. However, it seems to me that the obligations are primarily seeking to mitigate the harm that would arise from the development. They are, on the face of it, necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, for the purposes of this decision, I have taken the obligations into account in arriving at my decision.
122. Similarly, I have assumed that there would be no issues in relation to the enforceability of some of the obligations and indeed some of the suggested conditions in connection with the access from Denham Lane. I consider that this is a reasonable assumption to make based on the evidence about the ownership and use of the sliver of land adjacent to Denham Lane.

Planning balance and conclusions

123. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be 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.
124. Any MSA in the north-west quadrant of the M25 would be highly likely to be on Green Belt land and would cause substantial harm to the Green Belt.
125. In this case there is substantial harm to the Green Belt, significant harm to the character and appearance of the area, moderate harm caused by loss of the BMV agricultural land and limited harm caused to aviation safety. Conditions and the S106 would not be capable of mitigating the harm to an acceptable level. Although there would be some harm caused by the loss of a veteran tree, taken on its own, the need for the MSA and the other benefits comprise wholly exceptional reasons to override the loss of a veteran tree.
126. The issues of heritage assets, highway safety and accessibility, and pollution are neutral considerations in the planning balance.

127. There is a very good chance that, if I grant planning permission, the appeal scheme would be delivered and would meet the need for an MSA on this part of the M25. It would provide investment and jobs, and achieve social and environmental benefits through, in particular, the provision of the community land. These economic, social, and environmental benefits, taken together, are substantial.
128. However, meeting the need is the most important benefit. The other economic, social, and environmental benefits from Iver Heath are capable of being similar to the appeal scheme, given the availability of more than 35 ha of additional land for off-site enhancement. The harm to the Green Belt and the landscape would be considerably less. There would be no impact on the BMV land and aviation safety. The other potential harms to veteran trees and heritage assets are unlikely to be matters that prevent an MSA coming forward at the Iver Heath site, notwithstanding the great weight that should be given to the conservation of designated heritage assets, including their setting. This is in the context of considering the public benefits which would (1) outweigh the less than substantial harm to the significance of designated heritage assets and (2) represent exceptional reasons for allowing the loss of any veteran trees. Flood risk issues would seem to be surmountable.
129. There is a reasonable prospect that the Iver Heath site could be delivered in that there do not appear to be any insurmountable obstacles. The CVMSA site may be lagging behind the appeal scheme in terms of resolving some technical issues. But, to my mind, it is worth giving a site, which is likely to be considerably less harmful to the Green Belt, the opportunity to run its course. This is in the context of the Government's imperative of protecting the Green Belt. On the assumption that planning permission is granted in the next 12 months or so, delays to delivery would not be significant in the greater scheme of things.
130. For the appeal site, the substantial harm to the Green Belt by reason of inappropriateness and effects on openness and purposes, together with the significant harm to the character and appearance of the area, the moderate harm caused by the loss of the BMV agricultural land, and the limited harm caused by the loss of a veteran tree and to aviation safety, would not be clearly outweighed by other considerations to constitute very special circumstances.
131. In coming to the above conclusions, I am mindful that, in principle, the need for an MSA in the north-west quadrant of the M25 is a benefit that should be attributed substantial weight, and along with other benefits, is capable of outweighing even a substantial amount of Green Belt and other harm. However, there is a reasonable likelihood that these benefits can be achieved in a less harmful way by an alternative site. Therefore, the weight that I give to the benefits of the appeal scheme is moderated.
132. In addition, I have attributed substantial weight to the harm to the Green Belt in accordance with paragraph 148 of the Framework. In doing there has to be a gradation of harms depending on the scale and particular location of development. In this case, due to the size of the MSA and its particular impacts, the harm is pushing towards the top of the scale of substantial harm.
133. In balancing harm against benefits, I note the significant differences between the appellants and Bickerton's Aerodromes on a range of matters related to

aviation safety. There are also some uncertainties as to the utility of the community land and parts of the appeal site for safe landings post development. That said, even if I had concluded that there would be no material harm to aviation safety (and therefore in this respect the appeal site would be on a par with Iver Heath), it would not have altered my overall conclusions.

134. There would be conflict with Policy CS1 of the CCS and Policies GB2, GB30 and T2 of the CDLP. These are the most important policies for determining the appeal as they seek to protect the Green Belt. There would also be conflict with Policy GC1 of the CDLP. Whilst there would be compliance with other development plan policies relating to specific considerations such as landscaping, heritage assets and biodiversity, there would be conflict with the development plan overall.
135. Policy GB2 is not fully consistent with the Framework in that, although it sets out the categories of development that are inappropriate, these do not correspond entirely with those in the Framework. Moreover, there is no reference in the policy itself to very special circumstances. That said the explanation to the policy set out the very special circumstances test. For these reasons I give moderate weight, rather than full weight to Policy GB2. As Policy GB30 is engaged only where development would be acceptable in accordance with Policy GB2 and refers to conserving landscape rather than recognising its character and beauty, I also give only moderate weight to this policy. Policy T2 also makes no reference to very special circumstances and should also attract only moderate weight.
136. On the basis that the most important policies for determining the application are out-of-date, paragraph 11 d) of the Framework applies. However, the policies of the Framework relating to Green Belts provide a clear reason for refusing the development proposed. Material considerations do not indicate that the application should be determined other than in accordance with the development plan.
137. For the above reasons the appeal should be dismissed and planning permission refused.

Mark Dakyns

INSPECTOR

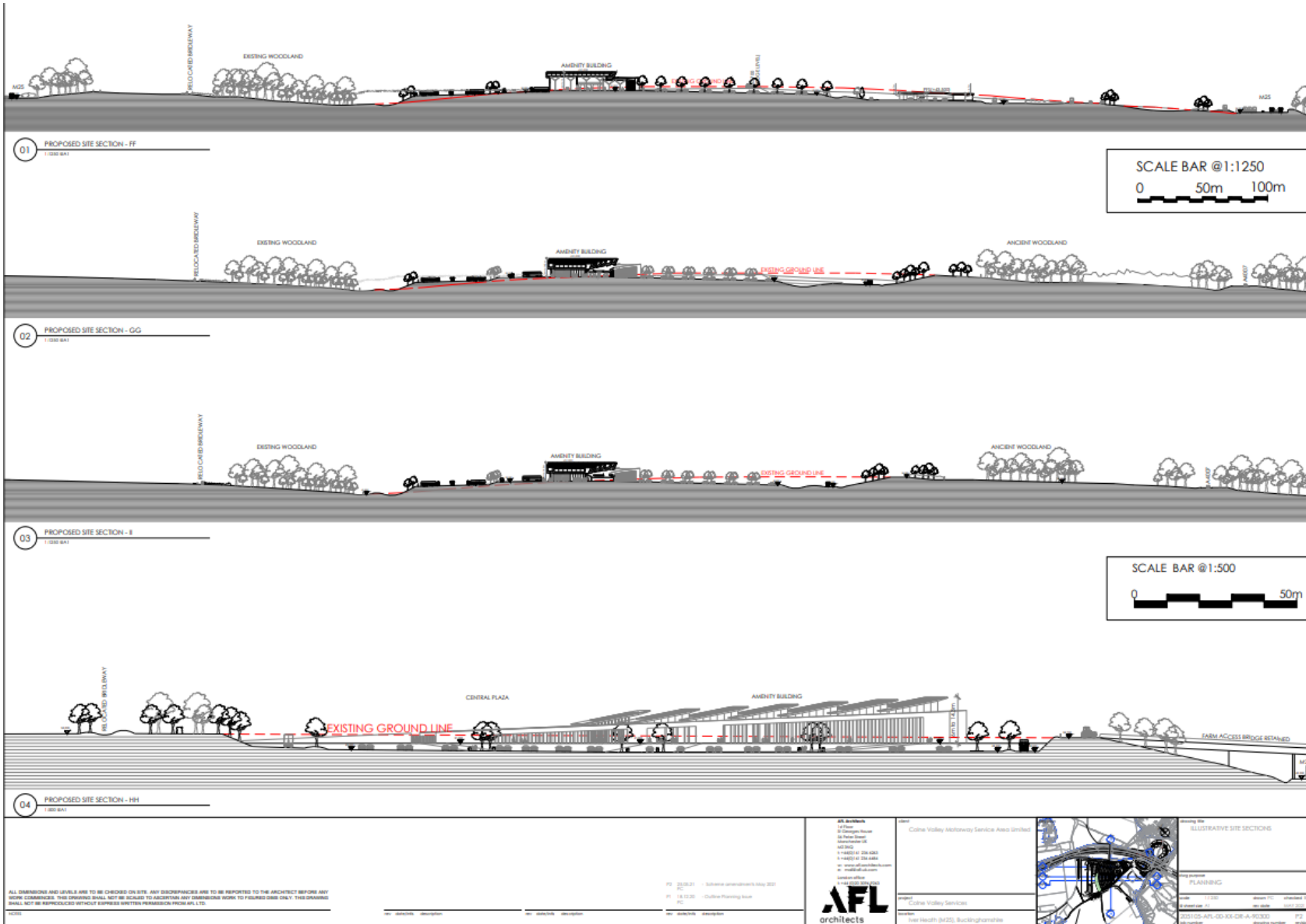
Attached

Annex A – Appearances

Annex B – Inquiry Documents

Appendix G – Indicative Plans and Images



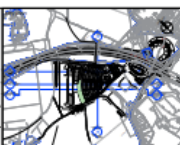


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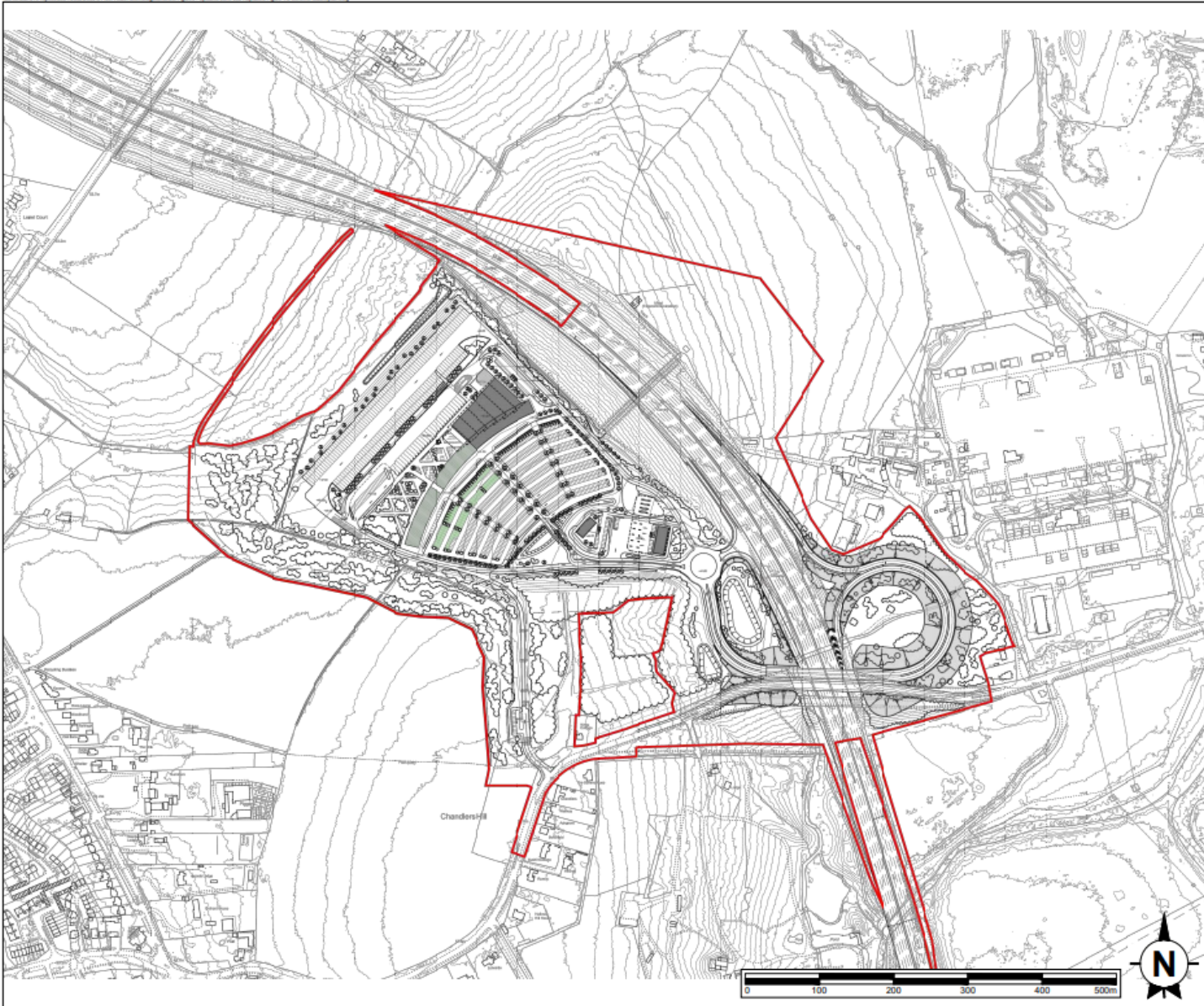
PS 22.05.21 - Scheme consultation & May 2021
 PL 18.12.20 - Outline Planning Issue
 01 04/04/2024 - Submission

AFL
 architects


Client: Colne Valley Metrolink Service Area Limited
 Colne Valley Services
 Site: Heath (M25), Buckinghamshire



Drawing No: ILLUSTRATIVE SITE SECTIONS		
Drawing Purpose: PLANNING		
Date: 11/2024	Author: [Name]	Approved: [Name]
Drawn by: [Name]	Checked by: [Name]	Scale: 1:1250
Drawing Number: 01/10-AFL-00-24-02-A-REV02		File Name: [Name]



axis

 Planning Application Boundary

REVISED COLNE VALLEY SERVICES SCHEME

Updated Figure 1.2

Scheme Masterplan

Scale
1:5000@A3

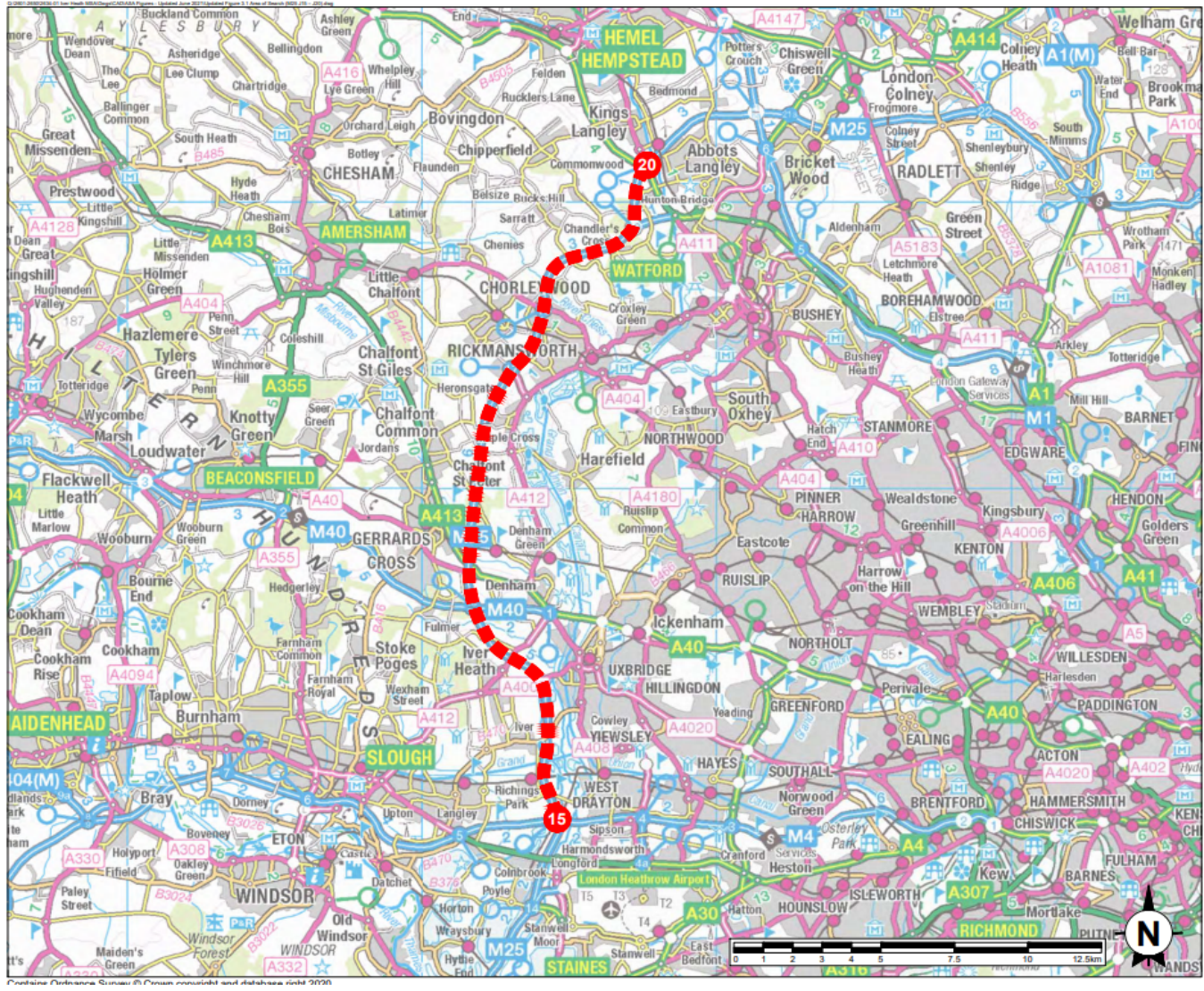
Date
June 2021



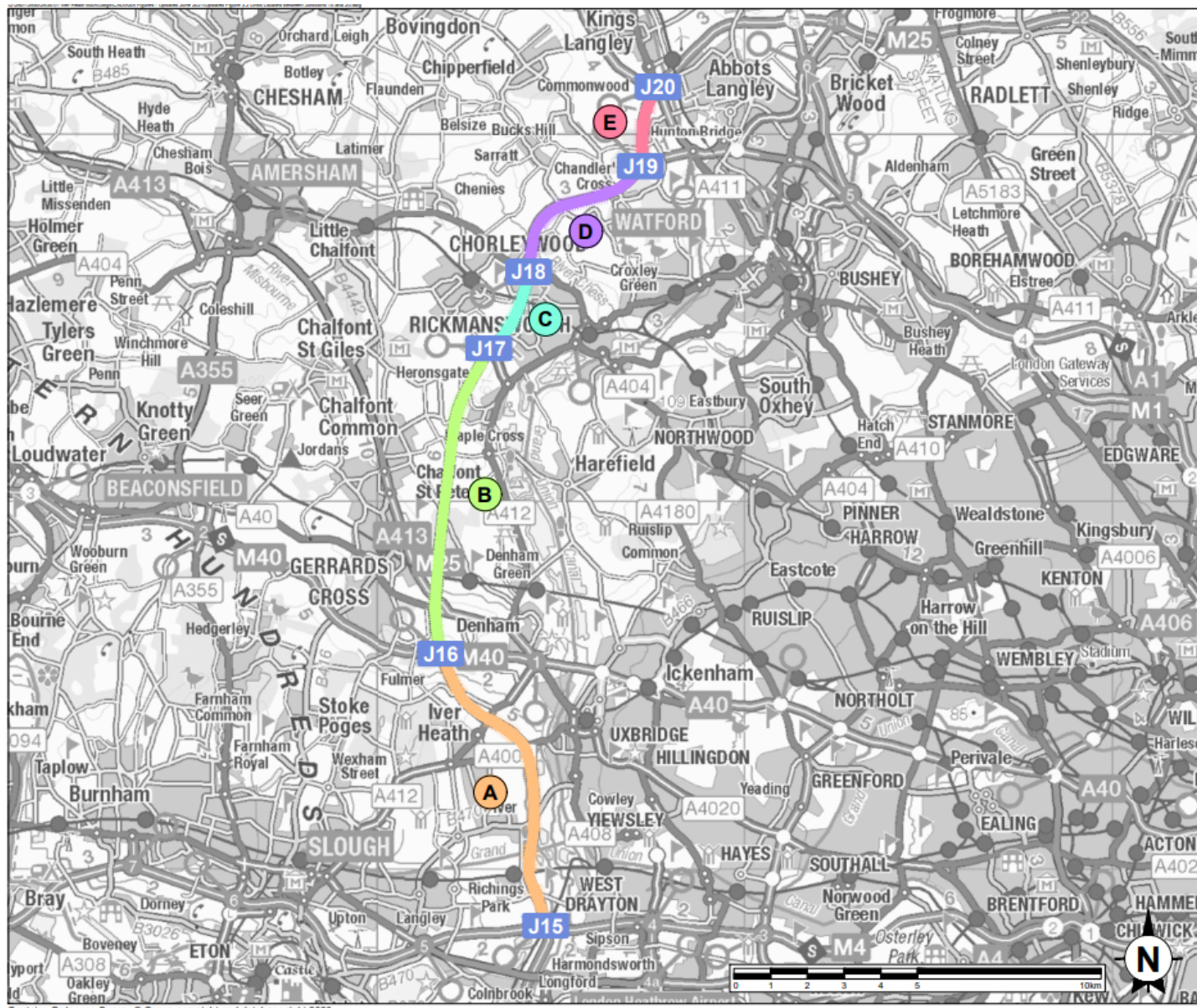




Appendix H – Alternative Sites



axis	
 Area of Search	
Colne Valley Services, Alternative Sites Assessment	
Updated Figure 3.1	
Area of Search (M25 J15 – J20)	
Scale 1:125,000@A3	Date June 2021



axis

- Link A - Junction 15 to 16
- Link B - Junction 16 to 17
- Link C - Junction 17 to 18
- Link D - Junction 18 to 19
- Link E - Junction 19 to 20

Colne Valley Services,
Alternative Sites Assessment

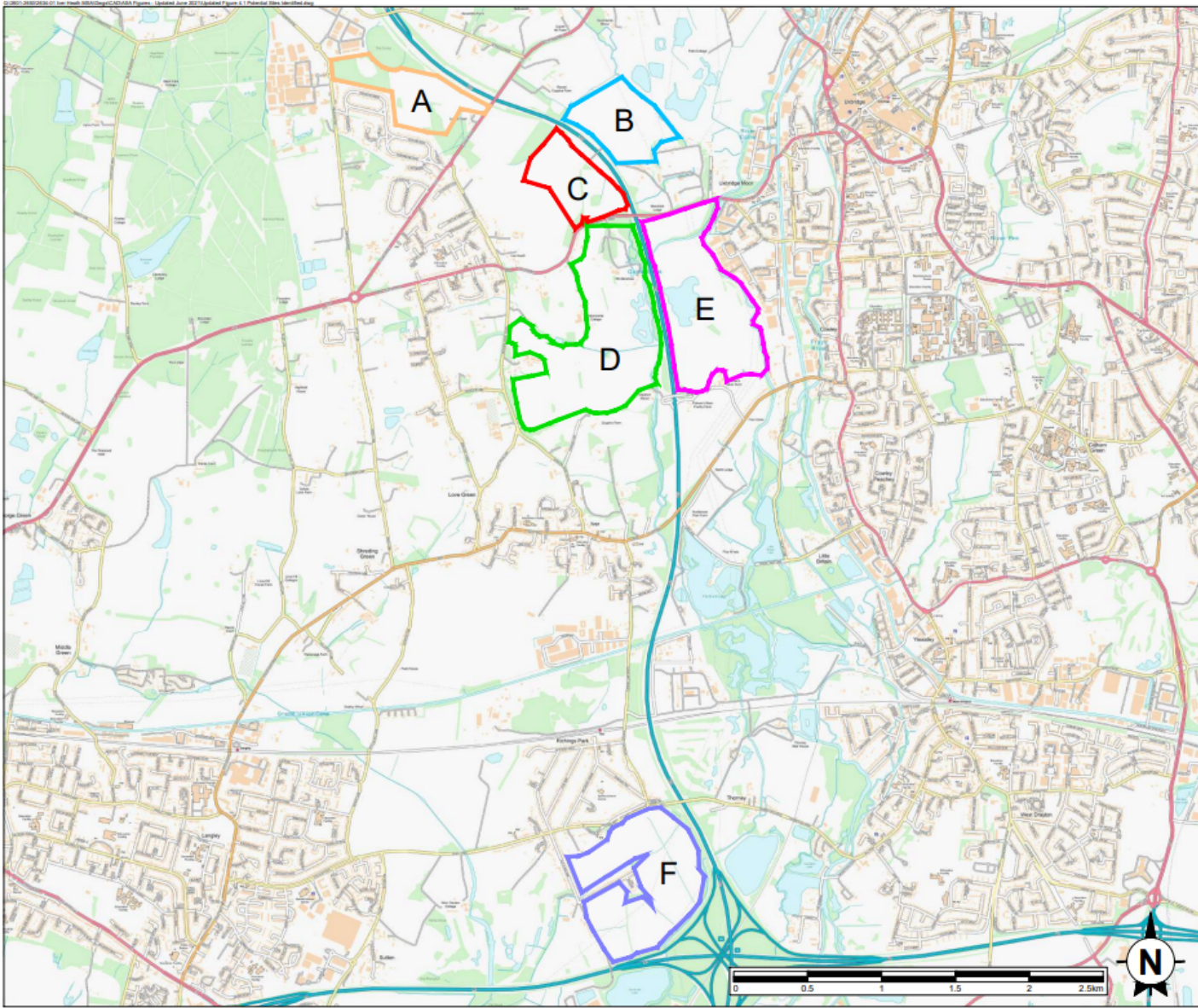
Updated Figure 3.2

Links Located Between
Junctions 15 and 20

Scale
1:100,000@A3

Date
June 2021

Contains Ordnance Survey © Crown copyright and database right 2020



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Coine Valley Services,
Alternative Sites Assessment

Updated Figure 4.1

Potential Sites Identified

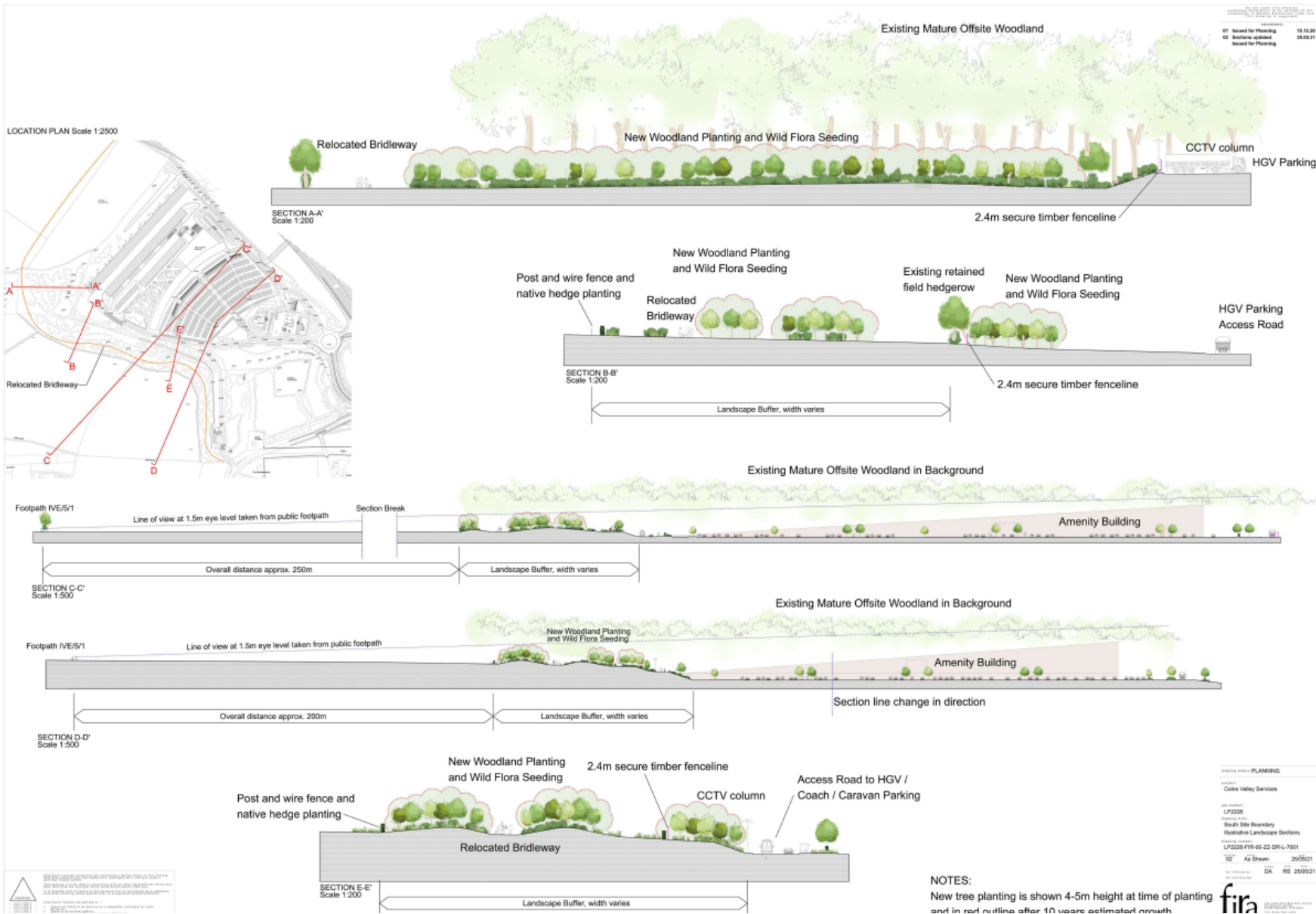
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Date
June 2021

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Appendix I – Biodiversity Netgain Plans





PLANNING PERMISSIONS
 01 Issued for Planning 15.12.20
 02 Issued for Planning 25.05.21

Working Series PLANNING
 01/2021
 Coke Valley Services
 Job Number: LP2228
 Drawing Title: South Site Boundary Restorative Landscape Sections
 Project Name: LP2228-FTR-00-ZZ-DR-L-7001
 Date: 25/05/21
 By: DA
 No: RS 25/05/21

NOTES:
 New tree planting is shown 4-5m height at time of planting and in red outline after 10 years estimated growth





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.

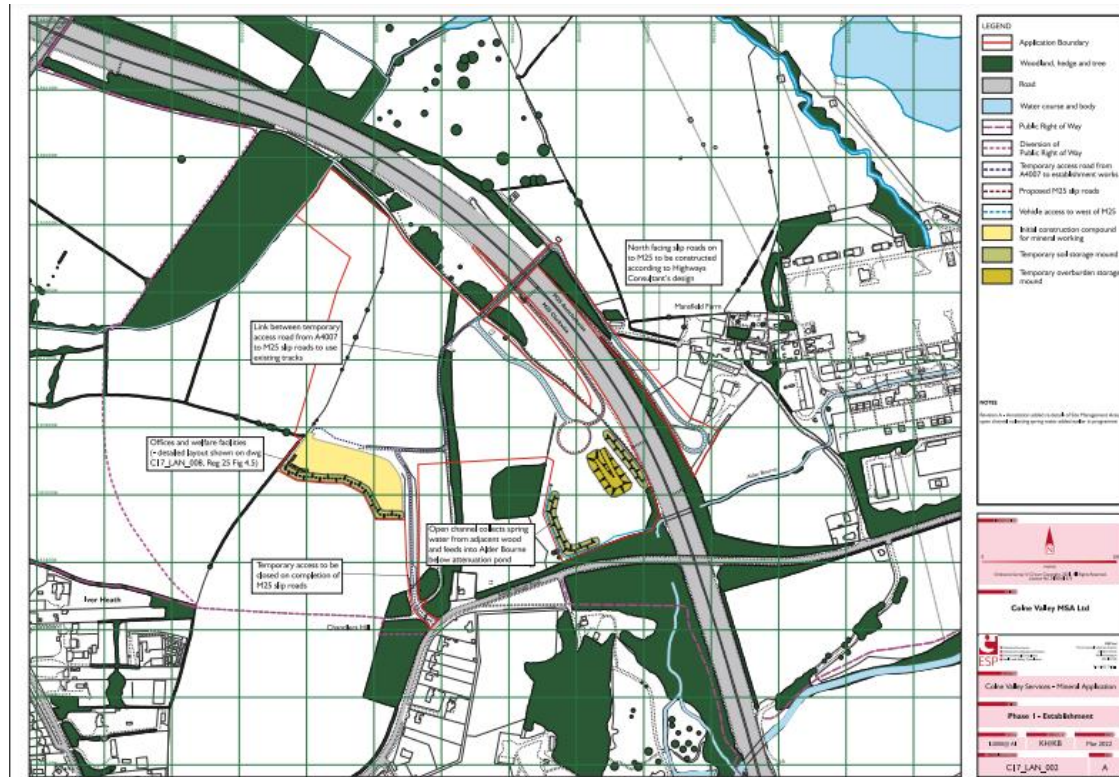
3 Description of Proposed Development

- 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 _{1hr}	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.

APPENDIX A: Consultation Responses

Councillor Comments

Cllr Griffin – I object in the strongest fashion to this proposal which will not only devastate the crumbling roads we have in the area but it will bring more polluting, heavy and noisy HGV traffic into an AQMA zone which regularly fails to meet the required standards.

Furthermore this proposal is based upon another MSA application which is yet to be determined by the Strategic Sites Committee and has huge opposition from the House of Commons, Bucks Unitary Council, The Ivers Parish Council and residents.

If this is allowed to proceed the amount extracted must only be commensurate with the proposed MSA application ie to create a lower base so as to lower the buildings outline behind the tree line and then ONLY if that other application is successful. This application must not proceed on a stand alone basis and should be conditioned within the MSA proposal. I would like this called to committee if possible. There MUST also be a comprehensive Traffic Management Plan with limited operational hours. Ideally there should also be a public consultation hosted and funded by the applicant to provide residents with the opportunity to voice their concerns or support for the project.

Cllr Sullivan – call in request for this application to be scrutinised by committee, alongside fellow ward Cllr request for call in.

Cllr Matthews – This application will result in large volumes of HGV traffic on our local roads with associated air pollution. Extraction will result in noise and dust which will impact on the quality of life for our residents. The restoration plan is inadequate.

I would like to call this application in and can confirm that I have no interest in it to declare.

Parish/Town Council Comments

Iver Parish Council – 16th September 2021

The Ivers Parish Council (TIPC) objects to the application (CM/0036/21) for mineral extraction and provision of access to facilitate the development of coal Valley services associated works under planning application reference PL/20/4332/0A at land adjacent to the M25 between junctions 15 and 16 Iver Heath Bucks. The basis for our objection is set summarised below:

- The volume of sand and gravel that is proposed to be extracted well exceeds any quantity of material required to facilitate the construction of the services area. As such the extraction is contrary to Mineral Planning policies.
- The proposal envisages the construction of new access points onto the motorway (M25). This new access does not support the creation of essential new infrastructure.
- The whole of this development falls within the green belt, specifically the Colne Valley Regional Park, it is not essential works and does not meet the criteria for development within the green belt.
- The Ivers Parish area is a designated Air Quality Management Area, additional HGV traffic for the construction phase and extraction phase will further contribute to poor quality air within the area. There is abundant scientific evidence to prove the negative health impacts of residents of poor air quality. This conflicts with the National Planning frameworks' policy to promote healthy and safe communities.
- We particularly note the document provided by the Buckinghamshire Council sustainable drainage team which includes an objection and their concerns around the impacts of surface level water and flood risk. Local knowledge will readily advise that the area has significant flooding and ground waters flow into the Colne Valley water system. We also note that critical consultees have been unable to fully consider this application as they note there is insufficient information contained within the application.

We draw to your attention the United Nations Sustainability Goals in particular SDG 15, "life on land". This goal asked member states to protect, restore and promote sustainable use of terrestrial ecosystems and halt and reverse land degradation and biodiversity loss. This development proposal and its excessive extraction of non-renewable resource is in direct conflict with goal 15.

Additionally, goal 12 asks member states to be responsible in their consumption and production, the excessive extraction once again conflicts with this goal. The National Planning Policy Framework makes explicit reference to and links with the United Nations Sustainability Goals, thus making them factors to be included in the determination of planning applications.

To restate our position, The Ivers Parish Council objects to this application. As required, we have set out a range of mitigations should Buckinghamshire Council be minded to approve this development. Please see attachment A which has this listing.

Attachment A

In the event that this application is recommended for approval, substantial mitigation will be required.

- i) Any development proposal that will generate an increase in traffic in the Ivers Parish area and will be required to contribute to public realm improvements and traffic mitigation measures at key locations. (Source: Emerging The Ivers Neighbourhood Plan)
- (ii) Provision of cycleway between Potters Cross and Uxbridge, giving access to the canal towpath.
- (iii) A contribution of £250,000 to progress the development of active travel routes in The Ivers See WGFC Report (The Working Group on Footpaths & Cycleways) adopted by TIPC.
- iv) Any disadvantage to Iver Environment Centre as a result of mineral extraction must be compensated.
- v) Financial Contribution of £150,000 to install green energy technologies at TIPC buildings to assist to offset the emissions generated from this development.
- vi) Financial Contribution of £215,000 for the development of open spaces and playing fields throughout the parish to assist to offset the emissions generated from this development and provide quality of life offsets to the community.
- vii) All jobs available be advertised first to residents of The Ivers Parish. This exclusive recruitment period is to be of sufficient duration for the recruitment process to consider and select these applicants before advertising more widely. Local employment results in less emissions when travelling to work and will assist to offset the emissions generated from this development.
- viii) Significant contribution to be made by the developer to the Colne Valley Regional Park for implementation for the Colne Green Infrastructure Strategy.

Consultation Responses (Summary of comments, full comments and previous comments are available via Public Access)

London Borough of Hillingdon – No comment received.

Hertfordshire County Council – No comment received.

Slough Borough Council –

31 August 2022

Department: Development Management
Contact Name: Alistair de Joux
Contact No:
Email: planning@slough.gov.uk
Your Ref: CM/0036/21
Our Ref: SMI/2022/10

Mr. James Suter
Minerals and Waste Planning Officer
Buckinghamshire Council
Walton Street Office
Aylesbury
Buckinghamshire HP20 1UY

Via email only:

mineralsandwaste@buckinghamshire.gov.uk

Dear Mr Suter,

Town and Country Planning Act 1990 - response to further consultation

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)
Location	Land Adjacent To M25, Between Junctions 15 & 16, Iver Heath, Buckinghamshire

Thank you for your consultation letter dated 19 May 2022 in which you invited comment on additional information that has been submitted by the applicant for the above application. Please accept our apologies in the delay in responding to you.

Slough Borough Council has no objections to matters contained in the additional information, but takes this opportunity to reiterate the content of our letter dated 10th December 2021, which was written in connection with this application and specifically in regards to routing HGV traffic arising from the proposed mineral extraction. I attach a copy of that letter with this one.

I trust that this response is of assistance. Please do not hesitate to contact me if you wish to discuss any aspect of the proposal.

Yours sincerely



Alistair de Joux

Principal Planning Officer

10th December 2021

Department: Development Management
Contact Name: Alistair de Joux
Contact No: 07595 466 381
Email: alistair.dejoux@slough.gov.uk
Your Ref: CM0036/21
Our Ref: SMI/2021/13

Mr. James Suter
Minerals and Waste Planning Officer
Buckinghamshire Council
Walton Street Office
Aylesbury
Buckinghamshire HP20 1UY

Via email only: mineralsandwaste@buckinghamshire.gov.uk

Dear Sir,

Town and Country Planning Act 1990

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)
Location:	Land Adjacent To M25, Between Junctions 15 & 16, Iver Heath, Buckinghamshire

Thank you for the opportunity to comment on the above application. Slough Borough Council has the following comments on the application:

Routing of construction traffic:

We request that the Construction Traffic Management Plan routes construction traffic via the M25 and the M40 Junction 1 and then A412 Denham Road or A4020 Oxford Road to reach the site. No HGVs should be routed through Slough's Local Highway Network in order to travel from / to M4 Junctions 5 or 6 via the A412 as this would have a detrimental impact on Slough's Air Quality, congestion and possibly on road safety.

I trust that this response is of assistance. Please do not hesitate to contact me if you wish to discuss any aspect of the proposal.



 de Joux
Principal Planning Officer
Development Management Team

BC Ecology – 12 August 2022

Application reference:	PL/20/4332/OA
Site:	Land To The North of A4007, Slough Road, (Between Junctions 15 and 16 Of The M25), Iver Heath, Buckinghamshire
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.

Summary

Holding Objection; Insufficient GCN Information Provided.

The advice given in this consultation response is synonymous with that of consultation on the consultation of the proposed mineral extraction works (CM/0036/21) to facilitate the Colne Valley Services (CVS) Motorway Services site.

Matters that remain to be satisfactorily address for the CVS application include:

- Assessment of presence/absence of great crested newt and potential impacts;

Further GCN Information Required:

- **Proof of entry into Buckinghamshire Council's District Licence Scheme – via provision of a NatureSpace Report or Certificate; or**
- **European Protected Species Mitigation (EPSM) Licensing for GCN.**

Discussion

Background

Following my previous response in relation to the CVS minerals application on the 16th June 2022, the applicant has submitted a Position Statement (22nd July 2022) to address a number of concerns in relation to Ecology. In my previous response, the following matters remained to be satisfactorily addressed:

- Assessment of presence/absence of great crested newt and potential impacts;
- Assessment of impacts on roosting bats in structures e.g. culverts potentially directly or indirectly impacted by construction activities;
- Re-survey and assessment of impacts for bats, reptiles and badger (as well as dormouse and breeding birds, should habitats have significantly changed);
- Evidence that habitat condition assessments have been undertaken in accordance with DEFRA Metric V3.0.

This response outlines which matters have since been clarified and those that require further information from the applicant prior to determination.

Biodiversity Net Gain

The Position Statement submitted by the applicant clarifies the methodology and changes made in transferring the condition assessments from Biodiversity Metric 2.0 to V3. It is reassuring that a under-precautionary approach has been taken in valuing the existing habitats in order to not deviate too much from the original assessment.

Given that the figures present a high magnitude biodiversity net gain, well in excess of the 10% threshold and that minor changes to the metric will not influence this outcome I am happy that my concerns surrounding habitat condition assessments have been addressed.

Protected Species

Bats

The submitted Position Statement clarifies that bat activity at both ends of the culvert were low. It has been discussed since the Preliminary Roost Assessments of trees was undertaken (October 2021) that additional surveys affecting trees/structures be conditioned prior to the commencement of works. I am satisfied that a similar approach can be undertaken with direct/indirect impacts of the culvert and my concern has therefore been addressed.

Badger

The Position Statement clarified that during the Preliminary Roost Assessment of trees undertaken in October 2021 that every tree, ditch, woodland block and boundary with suitable potential for badger was investigated for evidence of badger. As stated within the Position Statement "No signs of badger or any of the other target species within 50m of the red-line boundary" were found. Similar to bats additional surveys should be conditioned prior to the commencement of works. I am

satisfied that my concern has been addressed.

Reptiles

The applicant states that "A full suite of ecological surveys were carried out in 2019, 2020 and 2021 to support the application. This includes habitat surveys and several species-specific surveys which were informed by a data search of the local data centre." Given 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.

Great Crested Newt

The development is classified as an amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. A total of 0.348ha is within the red zone, 0.84% of the site. Therefore under the District Licensing we can take the *de minimis* approach. As <2% of the site is red we can downgrade the zone and classify as an amber zone instead. Within an amber zone, no on-site mitigation is required.

Since submission of the Position Statement, the applicant's ecologists have been put in contact with a different ecological consultancy that completed GCN population surveys on the pond for a neighbouring application. Contact with this consultancy has confirmed the presence of GCN within the pond, both through positive EDNA testing, and the associated population assessments. The applicant will require this data, or have to undertake their own population surveys next season, should they wish to proceed with an EPS licence.

European Protected Species Licensing for GCN

Before granting planning permission, the local planning authority must satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a protected species derogation licence is required, the licensing tests can be met and a licence is likely to be granted by Natural England. **In order to progress with the EPS approach, population surveys will be required prior to determination**

As a EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

Together with the ecologists report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document.

If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS

licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and enables a local planning authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species.

OR

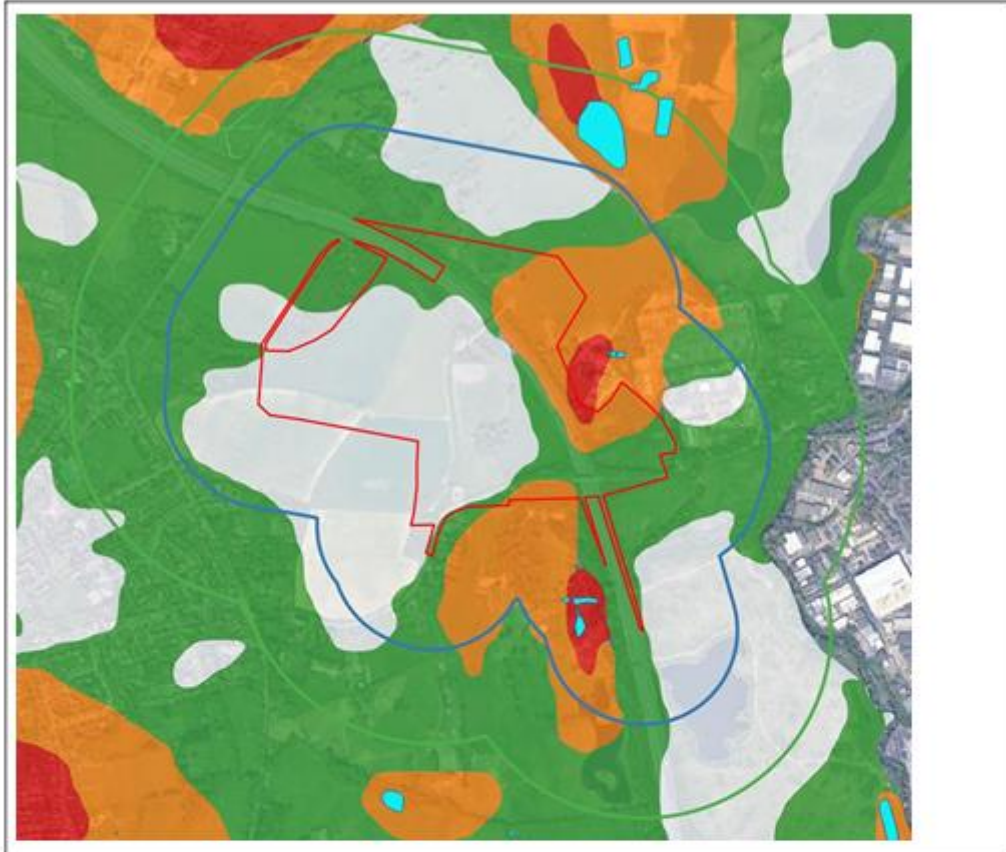
Buckinghamshire Council's District Licence for GCN

Alternatively, the District Licensing scheme (operated by the NatureSpace Partnership) can be applied for within the Chiltern & South Bucks Districts in the absence of the further information or in place of the current site-based mitigation licensing required above. Under Buckinghamshire Council's District Licence, development works that may cause impacts upon great crested newts can be authorised as part of the planning process. A NatureSpace Report or Certificate must be submitted **prior to determination** to demonstrate that the impacts of the proposed development can be addressed through Buckinghamshire Council's District Licence.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: charley.scales@naturespaceuk.com or charley.scales@buckinghamshire.gov.uk

The image below shows a rough outline of the site (red) in the context of the surrounding landscape, including the impact risk zones. Ponds are shown in light blue. A 250m buffer is shown around the site in blue and a 500m buffer in green.



Legislation, Policy and Guidance

Lifespan of Ecological Reports and Surveys

Validity of ecological reports and surveys can become compromised overtime due to being out-of-date. CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017) states, if the age of data is between 12-18 months, "*the report authors should highlight whether they consider it likely to be necessary to update surveys*". If the age of the data is between 18months to 3 years an updated survey and report will be required and anything more than 3 years old "*The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated*".

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under

Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Buckinghamshire Council have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result GCN and their habitats are a material consideration in the planning process.

Yours sincerely,

Nick Izard
Ecologist

BC Ecology (Great Crested Newts) – 26th January 2023

Application reference:	CM/OO36/21
Site:	Land Adjacent To M25 Between Junctions 15 & 16 Iver Heath Buckinghamshire
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)

Summary

No objection subject to district licence conditions:

- **The applicant has provided proof of entry into Buckinghamshire Council's District Licence Scheme via provision of a NatureSpace Report.**

For all other matters relating to Ecology please refer to the Ecology Officer's Comments.

Discussion

I am satisfied that the applicant has provided proof of entry into Buckinghamshire Council's District Licence scheme via the provision of a NatureSpace Report.

I applicant should note that works cannot commence until their stage 2 payment has been made to NatureSpace, and condition 2 as outlined in the report has been discharged. The District Licence conditions and informatives have been outlined below.

For all other matters relating to Ecology please refer to the Ecology Officer's comments.

Contact details: chloe.roberts@buckinghamshire.gov.uk

Conditions

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Proposed CVS Minerals Site: Impact Plan for great crested newt District Licensing (Version 1)", dated 24th January 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

Informatives

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Buckinghamshire Council have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result GCN and their habitats are a material consideration in the planning process.

BC LLFA – 26th May 2022

Application Reference: CM/0036/21
Location: Land Adjacent To M25 Between Junctions 15 & 16 Iver Heath
Buckinghamshire
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)

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Phase 2 – Schematic Drainage Plan (drawing no. C17_LAN_006, September 2021, ESP)
- Response to LLFA (ref. B/LH015/DOC/22, 12th April 2022, BCL Hydro)
- Chapter 10.0 Hydrology, Hydrogeology and Flood Risk (ref. 2634-01, July 2021, BCL Hydro)
- Flood Risk Assessment (ref. B/CVS/CVSMSA/FRA001/21, 13th July 2021, BCL Hydro)
- Hydrological and Hydrogeological Impact Assessment (ref. B/CVS/CVSMSA/HHIA001/21, 13th July 2021, BCL Hydro)
- Phase 1 Establishment (July 2021, Axis)
- Phase 2 Mineral Working (July 2021, Axis)

The LLFA has no objection to the proposed development **subject to the following planning condition listed below being placed on any planning approval.**

BCL Hydro have acknowledged the concerns raised on ensuring any existing flood risk is appropriately managed so as not to reduce the attenuation storage capacity for the runoff generated by the development. Any existing flood risk in the southeastern area of the site will be routed to a drainage channel, approximately one metre deep by two metres wide and routed around the southern perimeter to its outfall point on the Alderbourne as per the existing scenario. The approach to manage existing flood risk is shown on Figure 4.2 Phase 2 Mineral Working (April 2022).

Clarification has been provided on the approach to calculating the attenuation volume for the site drainage scheme. The discharge rate for the site will be limited to the Qbar runoff rate for the site which is 11.5l/s as per the submitted calculations. The additional attenuations storage required using this approach will be contained within the runoff capture/ polishing ponds within the extraction area.

In addition, the calculated discharge rate of 11.5l/s will be split across the two catchments, in line with the catchment area. Therefore, the north western pond will be limited to 6.9l/s and the eastern pond will be limited to 4.6l/s.

I would request the following condition(s) be placed on the approval of the application, should this be granted by the LPA:

Condition 1

Development shall not begin until a surface water drainage scheme for the site, based on the principles of Phase 2 – Schematic Drainage Plan (drawing no. C17_LAN_006, September 2021, ESP) and Flood Risk Assessment (ref. B/CVS/CVSMMSA/FRA001/21, 13th July 2021, BCL Hydro), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Full construction details of all surface water drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete (where necessary), together with storage volumes of all surface water storage components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a surface water drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Yours sincerely,

Vikki Keeble
Sustainable Drainage Team Leader

Highways DM – 15th September 2021

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)
Location: Land Adjacent To M25 Between Junctions 15 & 16, Iver Heath, Buckinghamshire

Thank you for your letter dated 17th August 2021 with regard to the above planning application.

I note this application seeks permission for mineral extraction required to facilitate the development of the proposed motorway service area (MSA), currently within the planning process under application PL/20/4332/OA. The Highway Authority has provided an initial response for the aforementioned MSA application which requested additional information and a follow-up response is currently being worked on. This application will therefore be assessed in light of the synonymus application for the MSA.

As within the application for the MSA, it is proposed to upgrade and use an existing field access from Slough Road for the initial months of construction until the accesses from the M25 have been built. Initially, this was estimated to take 3 months. After which, all construction access can be taken directly from the M25. However, within the current application, it has been stated that constructing the accesses from the M25 will now take 6 months, thus extending the period of time in which the use of the local highway network will be required.

The applicant has submitted a predicted two-way traffic impact over a 24-hour day which includes both vehicles and HGV's specifically. The largest percentage increase in vehicles is expected along Slough Road to the east of Bangors Road junction (1.2%) and the largest percentage increase in HGV's 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%). Whilst there is shown to be an increase in both all vehicles and HGV's, the amount is considered to remain negligible over a temporary period of 6 months. Therefore, the Highway Authority is satisfied that the proposed application will not have a detrimental impact on the local highway subject to the submission of a detailed construction traffic management plan (CTMP) prior to the commencement of the development.

Mindful of the above, I have no objection to the proposed development, subject to the following condition being included on any planning consent you may grant:

Condition 1: Prior to commencement of the development a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority for alterations to the existing field access onto Slough Road for temporary construction purposes. The access shall be constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Condition 2: Within 1 month of the construction access being made available from the M25 the temporary construction access off Slough Road is to be amended to facilitate the staff drop-off/emergency access and shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In order to provide a safe and suitable route for all users of the proposed access.

Condition 3: No part of the development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority, in conjunction with the Highway Authority. The CTMP shall include details of:

- i) A construction programme for the MSA
- ii) Number of HGV movements (with an agreed daily maximum)
- iii) Number of site operative LGV movements
- iv) The routing of construction vehicles
- v) Pre-condition surveys
- vi) Measures/systems to manage HGV construction traffic
- vii) The parking of vehicles of site operatives and visitors
- viii) Loading and unloading of plant and materials
- ix) Storage of plant and materials used in constructing the development
- x) Wheel washing facilities

The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents

Informatives:

S278 Agreement - Highway works

- The applicant is advised that the offsite works and alterations to the access onto Slough Road will need to be constructed under a section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact Highways Development Management at the following address for information: -

Highways Development Management
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 01296 395000

<https://www.buckscc.gov.uk/services/transport-and-roads/highways-development-management/apply-online/section-278-agreement/>

Signs in the Highway

- It is not the policy of the County Council to approve the erection of signs or other devices of non-statutory nature within the limits of the highway. If such signs are erected the County Council will remove them.

Mud on the Highway

- It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

Obstruction on the Highway

- No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

Works on the Highway

- The applicant is advised that as part of the detailed design of the highway works required by the above condition, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street/furniture equipment.

Pre-condition surveys - Construction Management

- The applicant is advised to contact the Highways Development Management delivery team to determine the extent of pre-condition surveys.

I trust these comments have been of some assistance.

Yours sincerely

Lucy Molloy

**Highways Development Management Officer
Highways Development Management
Planning Growth & Sustainability**

BC Landscape Advisors – 15 September 2022

Landscape Review of Planning Application for Development Management

Jacobs has been commissioned by Buckinghamshire Council (BC) to undertake a landscape review of the above planning application and to prepare a landscape consultation response based upon the following and any specific client instructions or modifications of the following as recorded below under CONTEXT

- Professional and technical evaluation of the submitted application;
- Assessment of whether the methodologies and study methods within the application documents are consistent with landscape best practice guidance;
- Assessment of whether the interpretation of the results and impact assessments are appropriate;
- Consideration of the landscape and visual effects (including cumulative effects with other developments where applicable), and the appropriateness and adequacy of the proposed mitigation during both the construction and operational periods;
- Assessment of compliance with BC planning policy and landscape character assessments; and,
- Response to specific issues to resolve non-compliance, and the identification of appropriate planning conditions and / or informatives.

This letter presents the findings of the review and is set out to the standard format requirements of BC for consultation responses.

DATE OF REVIEW: 28 August 2022

SUMMARY

Most effects have been assessed as of low significance and would occur during both the construction and operational phases, with the loss of mature vegetation extending the duration of effects on landscape character throughout the establishment of the landscape treatment. The application does not sufficiently document landscape character and visual effects beyond

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SE1 2QG

the completion of the mineral extraction per se, which should be addressed, and the fallback restoration scheme can be improved to better reinstate key landscape features and structure. 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 layout and landform albeit at a lower level, whilst other areas used for construction access and compounds would be reinstated generally as per the baseline and at current levels.

KEY APPLICATION DRAWINGS/DOCUMENTS REFERENCED

ES Volume 3

Figures 5.1a, 5.1b (ZTVs and viewpoints)

ES Volume 5

Updated Chapter 4 Scheme Description

Updated Figures 4.1, 4.2, 4.3 (Scheme working and cross sections)

Updated Chapter 5 Landscape and Visual Effects

Appendix 5-1 LVIA Methodology

Updated Appendices 5-2a, 5.2b, 5.2c, 5.2d (Extracts from character and strategy documents)

Updated Appendices 5-3, 5.4 (Effects on landscape character and viewpoints)

Updated Figures 5.1a, 5.1b (South Bucks and Colne Valley landscape character)

Updated Figures 5.2a-k (Viewpoint visualisations 1-11)

Additional Chapters 14 Fall Back Restoration, and 15 Secondary Effects

Updated Chapter 16 Summary of Effects

Figure 14.1 Mineral Restoration Without MSA Development

Updated Appendix 6-10 Arboricultural Impact Assessment

SITE VISIT

None. NB Site visit was carried out by LDA in October 2021 – see below.

CONTEXT

CM/0036/21 is for mineral extraction and provision of access to facilitate the proposed Colne Valley Services (CVS) for the M25 and associated works proposed under PL/20/4332/OA.

BC appointed LDA to review the Landscape and Visual Impact Assessments (LVIA) accompanying the related 2020 CVS and 2021 mineral applications. The LDA review report (Colne Valley MSA LVIA Review on Behalf of Buckinghamshire Council January 2022) noted that residual effects predicted are the same for both LVIA's (each assuming that the CVS would be built) and disagreed with some LVIA evaluations and assessments LDA identified key findings (recommendations).

Revised LVIA's and other documentation were submitted in 2022 for both applications. The mineral application now provides a 'fall back restoration' should the mineral extraction be completed but the MSA does not subsequently proceed. The updated Environmental Statement (ES) and LVIA for the mineral application continue to assume subsequent use of the land for the CVS with the exception of additional Chapters 14-16.

As instructed by BC, there has been no further analysis and comment upon the overall LVIA methodology applied. Accordingly, only change or no change to the LVIA in response to the key

findings of the LDA review report, and the 'fall back restoration' proposal have been considered. Changes to the application since the LDA review that are unrelated to and not covered by the LDA review report and are relevant to landscape and visual considerations have been included. No review has been undertaken of PL/20/4332/OA.

NB In view of the BC instruction the full review approach as set out in the Landscape Institute publication 'Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)' Technical Guidance Note 1/20 (10 Jan 2020), has not been adopted. However, the general principles therein have been applied.

DETAILED COMMENTS

1. ISSUE- CHANGES TO APPLICATION IN RESPONSE TO LDA VIA REVIEW REPORT

Section 6 of the LDA review report includes 'key findings' in relation to both the CVS and mineral applications. The revised application documents for the mineral application only have been reviewed to assess the response to the key findings (paraphrased below).

Section 7 Appendix: Landscape and Visual Effects Review tabulates the LVIA outcome re landscape fabric, landscape character and views, and shows where LDA disagree with the evaluations and assessments.

RESPONSE TO ISSUE

Para 6.1.3- Specific LVIA of the 'construction' and 'operation' period of the mineral application.

Comment 1.1: Now provided, however the revised application does not separately assess effects during the mineral extraction (construction and operation) period, and during the restoration and post restoration period, ie restoration to farmland and new habitat and thereafter. Effects are considered only during the 'enabling works/construction' (months 1-6) and 'operational minerals extraction' (months 6-10). There is no assessment of effects during the restoration (which could be expected to be generally similar to during minerals extraction) and subsequently at Years 1 and 15 as is normal LVIA practice. See also Comments 4.1 and 5.1.

Para 6.1.3- Inclusion of a post-mineral extraction restoration plan as a contingency.

Comment 1.2: Rectified in revised application documents - the application now includes a post-mineral extraction restoration plan as a contingency. See related comments below - see Issue 2

Para 6.1.5- 'Value' not clearly defined in the visual assessment, potentially resulting in under/over stating of visual receptor value and subsequently sensitivity.

Comment 1.3: No change relating to 'value' has been made in the revised methodology set out in Updated Appendix 5-1: Landscape and Visual Impact Assessment Methodology

Para 6.1.10 - No quantitative assessment of the construction and operational effects on the Colne Valley Regional Park overall as a landscape receptor.

Comment 1.4: No change has been made, the LVIA continues to consider effects on landscape character areas only.

Section 7 – Revisions suggested by LDA to correct under and over statement of effects .

Comment 1.5: Not applicable to this updated application . (The residual effects originally predicted and upon which LDA commented, assumed that the CVS was built The revised LVIA considers only the effects of the mineral extraction .)

2. ISSUE- FALLBACK RESTORATION

The proposed fallback restoration scheme as described in Additional Chapter 14 Fall Back Restoration; Additional Appendix 14.1 Biodiversity Net Gain Calculations; and Additional Figure 14.1 Mineral Restoration Without MSA Development; contains no details regarding timescales or duration , only the general comment in para 14.2.7 of Chapter 14 that "All works would take only a few months, but timing could depend on weather conditions for soil spreading." The proposals for reinstatement of the land and associated landscape and planting proposals are outline only and do not depict landscape features that would be removed.

RESPONSE TO ISSUE 2

Comment 2.1: Clarification is appropriate of the durations and the timing of the restoration phase should the CVS not proceed i.e., covering the reinstatement of the land to productive use following mineral extraction , the completion of all other reinstatements, and the full implementation of the fallback restoration proposals.

Comment 2.2: A condition is appropriate to provide full details and specifications for the fallback restoration scheme including placement of overburden and soils, agricultural works and seeding; fencing; planting of trees and hedgerows; 5-year aftercare and establishment management programme. See also Comment 3.1.

Comment 2.3: A condition is appropriate requiring provision for the fallback restoration within a Construction Environmental Management Plan (CEMP) and a Landscape & Ecological Management Plan (LEMP).

Comment 2.4: To assist in ready understanding of the proposed landscape change, amendment of Additional Figure 14.1 Mineral Restoration Without MSA Development would be helpful to show in outline the woodlands and hedgerows that would be removed. (The Arboricultural Impact Assessment shows trees to be removed for the CVS application but does not identify removals required for the mineral extraction only .)

3. ISSUE- LANDSCAPE FABRIC

The significant loss of trees including a strong hilltop tree belt constituting a local landscape feature is not fully addressed in the fallback restoration scheme which provides dispersed small areas of new woodland planting only . The applicant refers in Additional Chapter 15 Secondary Effects and Updated Chapter 16 Summary of Effects to these losses being outweighed by onsite and off site planting under the CVS proposals, however this is not relevant to the fall back restoration.

The proposed landform at a lower level is designed as a platform for the CVS and is not specifically designed as a restoration landscape. Nevertheless, the proposed landform is overall

considered acceptable as a restorationlandform subject to appropriate interface between undisturbed and restored ground.

Whereas the selection of viewpoints has been previously discussed and accepted, it is noted that in the vicinity of Viewpoint 9 there is a very useful view to the eastern part of the application area north westwards from the bridge carrying the A4007 Slough Road over the M25. This view is available to road users including walkers and would allow unrestricted views to the application area during construction and operational phases. The importance of the hilltop tree belt in providing a strong skyline is quite evident from this location.

RESPONSE TO ISSUE 3

Comment 3.1: To maintain the strong skyline feature it would be appropriate to reinstate a strong tree belt at the time of preparation of detailed landscape proposals - see also Comment 2.2.

Comment 3.2: To assist in ready understanding of the change of levels proposed, amendment of Updated Figure 4.3 Cross Section would be helpful to depict final restoration levels (including overburden and soils) that provide a smooth transition between existing and restored ground, and amendment of Additional Figure 14.1 Mineral Restoration Without MSA Development to show existing and proposed contours.

4. ISSUE- LANDSCAPE CHARACTER

ES Volume 5 Updated Appendix 5-3 Effects on Landscape Character(now provided in response to para 6.1.3 of the LDA review report – see above)describes effects and significancebased entirely upon assessment ofenabling works/construction during months 1 -6, followed by minerals extractions operations during months 6 -10. No formal consideration is given beyond this 10-month period of ongoing effects during restoration to the fallback scheme (timescales unknown – see Comment 2.1), nor of residual effects following restoration for which reliance is placed upon the short para 14.3.1 in Additional Chapter 14.0 Fallback Restoration which concludes (paraphrased) that 'effects upon the physical fabric of the site and upon the character of the surrounding landscape would be negligible and would not be significant.'

RESPONSE TO ISSUE 4

Comment 4.1: Amendment is appropriate to Updated Appendix 5-3 to consider the full operational period (i.e. up to and including the completion of the fallback restoration scheme) and residual effects following restoration at Year 1 and at Year 15.

5. ISSUE- VISUAL

ES Volume 5 Updated Appendix 5-4 Effects on Viewpoints (now provided in response to para 6.1.3 of the LDA review report – see above)describes visual effects and significancebased entirely upon assessment of enabling works/construction during months 1 -6, followed by minerals extractions operations during months 6 -10. These effects are also summarised in Table 5.2 of the Updated Volume 5 Chapter 5.0 Landscape & Visual Effects.

No formal consideration is given beyond this 10-month period to the ongoing effects during restoration to the fallback scheme (timescales unknown – see above), nor to the residualeffects

following restoration for which reliance is placed upon the short para 14.3.2 in Additional Chapter 14.0 Fallback Restoration which concludes that 'effects would be negligible at worst and would not be significant.'

RESPONSE TO ISSUE 5

Comment 5.1: Amendment is appropriate to Updated Appendix 5-4 to consider the full operational period (i.e., up to and including the completion of the fallback restoration scheme) and residual effects following restoration at Year 1 and at Year 15.

6. ISSUE- CUMULATIVE EFFECTS

Since the LDA review report and the update of the LVIA, a major planning application PL/22/2657 /FA has been submitted relating to two expansion areas at Pinewood Studios.

RESPONSE TO ISSUE

Comment 6.1: It is considered unlikely that the cumulative landscape and visual effects would be of greater significance with this latest application compared to planning permission PL/20/3280/OA for extension southwards of Pinewood Studios that is considered by the LVIA.

COMPLIANCE WITH POLICY

It is considered that the proposals suitably amended and conditioned would not be contrary to the following policies:

Buckinghamshire Minerals and Waste Local Plan ('BMWLP') 2016-2036 (Adopted July 2019) - Policies 16, 18, 20, 21 (Green Belt), 24 and 25.

South Bucks Core Strategy adopted in February 2011- Core Policy 9.

SUMMARY

Most effects have been assessed as of low significance and would occur during both the construction and operational phases, with the loss of mature vegetation extending the duration of effects on landscape character throughout the establishment of the landscape treatment. The application does not sufficiently document landscape character and visual effects beyond the completion of the mineral extraction per se, which should be addressed, and the fallback restoration scheme can be improved to better reinstate key landscape features and structure. 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 layout and landform albeit at a lower level, whilst other areas used for construction access and compounds would be reinstated generally as per the baseline and at current levels.

CONDITIONS AND/OR INFORMATIVES

The application is not accompanied by a detailed landscape proposal, nor an establishment maintenance plan based upon stated management objectives. Conditions are appropriate as identified under Comments 2.2 and 2.3.

NB Standard condition codes and informatives suitable for use in minerals and waste applications have not yet been provided by BC to Jacobs Jacobs is able to comment upon and assist in the drafting of conditions and informatives if so required.

ADDITIONAL INFORMATION REQUESTED

No additional information is required for purposes of responding to the landscape consultation.

MINOR POINTS

ES Volume 3 Figure 5.1b ZTV and Viewpoints has not been adjusted to relate to the mineral extraction and access works only. It continues to show in pink the ZTV based on the proposed 14m high CVS main amenity building and in yellow the ZTV relating to 4.5m high HGVs. The latter would be generally applicable to the mineral working and restoration but can be expected to include part but not all of the pink area.

It should be noted that the methodology applied to the LVIA assessment makes the judgement that 'greater than moderate effects are more likely to be significant.' Typically, LVIAs adopt moderate as the start point for significant effects. In this assessment the adoption of moderate as the start point would increase to significant the effects on landscape character for CVCA Colne Valley: A412 to Iver only.

Direction of view is stated on Updated Figures 5.2a-k Viewpoint Visualisations 1-11 but could usefully have been shown also on ES Volume 3 Figure 5.1b ZTV and Viewpoints.

The extent of tree removal indicated by labelling on Updated Figure 5.2f Viewpoint 6 includes trees to the east of the M25 which would be removed for the CVS development, but which would not require removal for the mineral application.

All viewpoint visualisations use annotated photographs dating from October 2020 when leaves were still on trees, and do not illustrate worst case scenario from each viewpoint.

Please contact me if you would like to discuss any aspect of the above.

Yours sincerely



Jon Mullins BSc MA CMLI Senior Consultant Landscape Architect jon.mullins@jacobs.com

BC Arboriculture – 20th May 2022

There are no current Tree Preservation Orders within the site. A parcel of Ancient Woodland (AW) is situated within the site and there are two parcels of AW situated just outside the site on the southern and northern boundary of the site. The Forestry Commission is a non-statutory consultee on developments in or within 500m of an AW <http://www.forestry.gov.uk/forestry/infd-98uh7n>. Joint standing advice by FC and NE can be found on the following link <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences> which outlines what LPA's should consider when development is near ancient woodland or/and veteran trees. Forestry Commission Area Office contact details <http://www.forestry.gov.uk/england-areas>.

As outlined previously for planning application PL/20/4332/OA (pending consideration) I requested a planning condition for a AMS to be submitted if permission is permitted following review of arboricultural information (AIA) submitted to help support planning application.

For this waste and mineral application an AMS is required to take into account the proposed mineral extraction and provision of access to facilitate the development of the Colne Valley Services which also includes the removal of trees as shown on submitted plans. ES appendix 14.1 volume 5 (12 April 2022) covers biodiversity net gain with information on habitat loss and retention. I have reviewed Arboricultural Impact Assessment (January 2022) by Barton Hyett Arboricultural Consultants which is in accordance with BS 5837 guidance. As outlined in paragraph 9.3. "An AMS and finalised TPP will need to be produced. Where the feasibility of a scheme has been agreed upon by the Local Planning Authority, this detail can be agreed and submitted later as part of a reserved matters application or pre-commencement planning condition (by agreement with the applicant)".

If planning permission is permitted I would suggest following planning condition:

No works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until a Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) has been submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority.

Ground protection measures including protective fencing shall be erected or installed prior to the commencement of any works or development on the site including any works of demolition and shall conform to current British Standard 5837 specification guidance. The approved fencing and/or ground protection measures shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas without prior written agreement from the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

The AMS and TPP shall include:

- 1.) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
 - 2.) Details as to the location of proposed and existing services and utilities including sustainable drainage, where these are close to Root Protection Areas (RPAs);
 - 3.) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees (area within the development to which it applies); demonstrating that they can be accommodated where they meet with any adjacent building
-

damp proof courses.

4.) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998.

5.) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters and details of supervision and reporting by a qualified arboriculturist is to be sent to the Local Planning Authority planning department.

6.) Siting of work huts and contractor parking; areas for the storage of materials and the siting of skips and working spaces; the erection of scaffolding and to be shown on submitted TPP.

Reason: To maintain the amenity of the area and ensure retained trees, shrubs and hedges are not damaged during all phases of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 by ensuring the development accords with method statement and that the correct materials and techniques are employed which conform to current British Standard 5837 specification guidance. I did not see any comments from FC or Woodland Trust in regards to AW within and adjacent to the site. Please ensure the FC is consulted as they are non-statutory consultee on developments in or within 500m of an AW <http://www.forestry.gov.uk/forestry/infd-98uh7n> so that current government guidance for AW and veteran trees are fully considered by the council during the process of this application.

Tree Officer / Arboriculture Comment – 14 October 2022

As you aware I have made previous comments on the above application 14 Jan 2021, 26 July 2021 and 25 May 2022. I have also made comments on CM/0036/21 on 19 Aug 2021, 20 May 2022.

The 20 & 25 May 2022 comments for both applications was in regards to the submitted Arboricultural Impact Assessment (January 2022) by Barton Hyett Arboricultural Consultants. As outlined in the tree report there are a number of veteran trees within or adjacent to the site that are either being retained or removed. I consider this report to be to a high standard in the condition and description of trees within the site.

I visited the site yesterday with Graham who kindly had the AIA report above so were able to view T62, T60, T59, T11. The attached document are pictures of T60, T59 & T11. We could not gain access to all parts of the site so we could not assess T12 & G6.

- * T12 is described in detail paragraphs 6.9 - 6.15 as a notable and emerging veteran tree.
- * T60 is described in detail paragraphs 6.16 - 6.18 as a notable tree but lack of veteran characteristics.
- * G6 is described in detail paragraphs 6.22 - 6.32 and basically this group of alders has a mixture of notable, veteran and ancient trees.

In my opinion:

- * T11 notable.
- * T59 notable.
- * T60 veteran.
- * T62 notable.

Tree Officer / Arboriculture Comment – 12 September 2023

Graham

Following review of your various photographs of T12 in my opinion it would be notable.

Richard

Tree Officer / Arboriculture Comment – 15th September 2023

From: Richard Garnett <Richard.Garnett@buckinghamshire.gov.uk>
Sent: Friday, September 15, 2023 1:25 PM
To: James Suter <james.suter@buckinghamshire.gov.uk>
Cc: Graham Mansfield <Graham.Mansfield@buckinghamshire.gov.uk>
Subject: FW: Colne Valley Motorway service area- Iver Heath CM/0036/21 and PL/20/4332/OA

James

T65

They may following recent arboricultural assessment determine to remove this tree for the construction of the SUD but it could be easily retained as a snag/monolith.

I do not consider it to be veteran and agree with the findings of the Barton Hyett Associates AIA (Jan 2022) paragraphs 6.20 – 6.21.

Richard

Woodland Trust – 26th September 2022

Objection – Direct loss and deterioration of ancient woods and trees

As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and ancient and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the application to the local authority.

Veteran Trees

Natural England's standing advice on veteran trees states that they "*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 also irreplaceable habitats. A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value.*" We consider that not all veteran trees are ancient, but all ancient trees are also veteran trees.

We **object** to this application on the basis of loss, damage, and deterioration of veteran trees, as well as other notable and over-mature trees, as outlined in our consultation response dated 18th August 2021 to application PL/20/4332/OA. We are concerned about numerous trees detailed within the applicant's various arboricultural reports. We note that multiple assessments of the trees in question have been undertaken, but we wish to maintain our position with respect to the following trees:

Tree number	Species	WT Categorisation	Impact
T4	Oak	Veteran	RPA encroachment
T11	Oak	Notable	Direct loss
T12	Oak	Veteran	Direct loss
T60	Oak	Veteran	Direct loss

T65	Oak	Veteran	Direct loss
G6f	Alder	Veteran	RPA encroachment

Deterioration of Ancient Woodland

We also hold serious concerns about the proximity of the proposal (and therefore likely deterioration) to an area of unnamed Ancient Semi Natural Woodland (Grid reference: TQ03703883516) designated on Natural England's Ancient Woodland Inventory (AWI).

Natural England and the Forestry Commission, the Government's respective bodies for the natural environment and protecting, expanding and promoting the sustainable management of woodlands, define ancient woodland as follows within their standing advice¹:

"Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:

- *Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
- *Plantations on ancient woodland sites – [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"*

Planning Policy

The National Planning Policy Framework, paragraph 180, states: *"When determining planning applications, local planning authorities should apply the following principles:*

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists;"

Footnote 63, defines exceptional reasons as follows: *"For example, 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."*

There is no wholly exceptional reason for the development in this location and as such this development should be refused on the grounds it does not comply with national planning policy.

Further to this, paragraph 174 of the NPPF states the following: *"Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".* Where an application involves the loss of irreplaceable habitats, such as veteran trees, net gain for biodiversity cannot be achieved. The development should be evaluated as meeting the wholly

¹ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

exceptional test before any compensation strategy is considered for the loss of irreplaceable habitats.

Impacts to Veteran Trees

The proposed scheme will require the loss of three veteran and one notable oak tree to facilitate site access and the surface water attenuation basin, plus root encroachment to a further two veteran trees. We note that the Arboricultural Impact Assessment has been revised in response to our previous consultation reply to application PL/20/4332/OA. However, we maintain our position with respect to the veteran status of numerous trees on site, and we refer you to said consultation response for further detail.

It is essential that no ancient or veteran trees are lost as part of the development. The loss of any such trees can have a significant impact on local wildlife, particularly those which depend on the habitat provided by veteran trees. Any loss of veteran trees can also be highly deleterious where there is a wider population of veteran trees within close proximity, which may harbour rare and important species.

We understand that where trees have been acknowledged as veteran specimens on site, Natural England and the Forestry Commission's standing advice regarding veteran buffer zones has been applied. We would therefore request that all trees considered 'notable' by the applicant and/or 'veteran' by the Trust should be protected in line with this guidance, to ensure that these trees continue to provide sufficient habitat for wildlife as they continue to develop veteran features (if not already present).

Impacts to Ancient Woodland

Our concerns for this scheme also relate to the proximity of the mineral void area to an unnamed parcel of ancient woodland. Whilst we note that a buffer zone has been provided to the ancient woodland, we are uncertain on the exact distance between the wood and the mineral void area.

Natural England and Forestry Commission have identified impacts of development on ancient woodland and veteran trees within their standing advice (please see the annex at the foot of this document for the full range of impacts outlined). This guidance should be considered Government's position with regards to development impacting ancient woods and trees, although Natural England and Forestry Commission should still be consulted for specific comment on this application.

We are specifically concerned about the following impacts to the ancient woodland:

- Pollution occurring from by-products of the quarrying activity e.g. stone dust, airborne soil particles from the movement, storage and stripping of soils, transport emissions, and chemical impacts from works. These can alter the composition of plant communities through differentially stimulating or changing competitive interactions that determine relative species abundance and diversity.
- Disturbance by noise (blasting), floodlighting, vibration, trampling and other activities from the development during both construction and operational phases.
- Hydrological changes altering ground water and surface water quality and quantity. Run off, drainage issues and dust loaded rainwater drift from the development will result in changes to the characteristics and quality of adjacent woodland's water sources from pollution, contamination etc.

When land use is further intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

Mitigation for Ancient Woodland Impacts

Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts. Natural England and Forestry Commission have also produced guidance on mitigation measures to alleviate impacts to ancient woods and trees within their standing advice (please see the annex at the foot of the document).

Additional mitigation approaches are also outlined in our Planners' Manual²; these measures would help ensure that the development meets policy requirement and guidance and include:

- Non-invasive root investigation for ancient trees and protection beyond the limit of the usual investigative tools.
- Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape.
- Measures to control noise, dust and other forms of water and airborne pollution.
- Sympathetic design and use of appropriate lighting to avoid light pollution.
- Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met.

Buffering

Buffering ancient woodland can be an ideal mitigation measure as buffer zones can be used to establish distance between the development and habitat, which helps to alleviate harmful impacts, while also creating new areas of habitat around the ancient woodland.

With regards to the proposed quarrying works, we acknowledge that the applicants have afforded the adjacent ancient woodland with a buffer zone area which appears larger than the 15m recommended by Natural England and Forestry Commission's standing advice. However, with the potential impacts posed, the Woodland Trust adopts a precautionary principle and would advise a buffer zone of **100 metres**.

The buffer should be part-planted before construction commences on site. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

This is backed up by Natural England and Forestry Commission's standing advice which states that *"the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."* Further information on buffer zones is outlined in the annex below.

² <https://www.woodlandtrust.org.uk/media/3731/planners-manual-for-ancient-woodland.pdf>

Conclusion

Ancient woods and trees are irreplaceable habitats, once lost they are gone forever. Any development resulting in loss or deterioration of ancient woodland or veteran trees must consider all possible measures to ensure avoidance of adverse impact.

The Trust **objects** to this proposal on account of the direct loss and detrimental impact to ancient woods and trees. This application contravenes national planning policy designed to protect ancient woodland and veteran trees and should be considered for refusal.

If you would like clarification of any of the points raised, please contact us via campaigning@woodlandtrust.org.uk

Yours sincerely,

Nicole Moses
Campaigner – Woods Under Threat
Woods Under Threat Team

Forestry Commission – 28th June 2022

Dear Sir or Madam

Mineral extraction and provision of access to facilitate the development of the Colne Valley Services

Thank you for consulting the Forestry Commission on the proposed Mineral Extraction.

The Forestry Commission is the Government department with statutory responsibility for woodland. It is a statutory consultee for restoration of mineral workings to woodland and on all National Strategic Infrastructure Projects.

As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development could have on woodland including ancient woodland.

Ancient Woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless *“there are wholly exceptional reasons¹ and a suitable compensation strategy exists”* (National Planning Policy Framework paragraph 180).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#).

One of the most important features of ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil
- damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
- increasing levels of air and light pollution, noise and vibration
- changing the water table or drainage
- damaging archaeological features or heritage assets
- changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss

Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:

- breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects
- reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- reducing the resilience of the woodland or trees and making them more vulnerable to change
- increasing the amount of dust, light, water, air and soil pollution
- increasing disturbance to wildlife, such as noise from additional people and traffic
- increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- increasing damaging activities like fly-tipping and the impact of domestic pets
- increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration
- changing the landscape character of the area

It is therefore essential that the ancient woodland is considered appropriately to avoid the above impacts. Attached is a map showing the known ancient woodland which have been identified on the mapping system. There is a block of ancient woodland on the boundary of the working area. There could also be the potential for ancient or veteran trees in the hedgerow landscape or as isolated trees. The standing advice applies to veteran and ancient trees too.

[Planning Practice Guidance](#) emphasises: *'Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management).'*

When considering the ancient woodland it is important to note that woodland under 2 hectares may not appear on the Ancient Woodland Inventory but may still have ancient woodland characteristics so we would support that a detailed investigation is undertaken to ascertain whether any additional ancient woodlands exist that may be impacted by the proposed scheme.

This also applies to ancient and veteran trees. Ancient trees and veteran trees can be individual trees, or groups of trees including within hedgerows¹. Site investigations should be undertaken to identify ancient and veteran trees and suitable measures put in place to protect them.

Priority Habitat

Within the local area Deciduous Woodland has been identified which is classed as priority habitat along with the ancient woodland. They may also be other woodland. These other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades. It would appear that there will be woodland loss connected to the slip road to the M25 and access route from the highway.

Woodland Loss

Where there is loss of woodlands that cannot be avoided it should be included in the calculation of the compensation package for creating new appropriate woodland. Opportunities to strengthen and buffer existing woodland, especially ancient woodland, and provide connectivity should be considered.

The Forestry Commission would encourage a significant package of additional woodland creation as well as the replacement of existing woodland and hedgerow loss, which is secured in perpetuity.

Woodland Creation

It is important that the right trees are planted in the right locations and it is hoped that this project will be an exemplar of environmental net gain in line with the

¹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Government's 25 year Environment Plan by undertaking substantial woodland creation and woodland management.

The Forestry Commission would very much welcome the opportunity to discuss the proposed locations of the new woodland following the principles of strengthening, buffering and linking existing woodland features.

We would welcome a statement on ensuring biosecurity is a priority with the introduction of tree species to the proposed area. We would welcome the use of the Plant Healthy scheme [Welcome to Plant Healthy - Plant Healthy](#) to ensure that there are no negative affects to the local landscape from pest and disease.

We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a [felling licence](#) from the Forestry Commission.

We hope these comments are helpful to you. If you have any further queries, please do not hesitate to contact me on the email address provided above.

Yours sincerely,



Richard Pearce

Partnership and Expertise Manager
London, Thames and Chilterns

BC South Area Heritage – 30th August 2023

Heritage
Application consultation response

Date: 30th August 2023

From: JOANNA HORTON BA (Hons) Int. Arch, MA Cons, IHBC.



Application reference:	PL/20/4332/OA & CM/0036/21
Site:	Land to the North of A4007 Slough Road (between junctions 15 and 16 of the M25) <u>Iver</u> Heath
Proposal:	<p>Outline application for a Motorway Service Area between M25 junctions 15 and 16 near <u>Iver</u> 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</p> <p>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)</p>
Action required prior to determination:	No <i>(see below)</i>

Summary

Heritage assets are an irreplaceable resource, and it is important to preserve them in a manner appropriate to their significance. In heritage terms, Less than substantial harm has been identified to the assets detailed in the discussion below. Any harm or loss of significance to a heritage asset requires clear and convincing justification and should be weighed against public benefits.

Heritage Assets

Mansfield Farmhouse – Grade II listed building (80m east)
 Barn to north-east of Mansfield Farmhouse - Grade II listed building (70m east)
 Dovecote to east of Mansfield Farmhouse - Grade II listed building (120m east)
 White Cottage - Grade II listed building (adjacent to east)
 Barn to north-east of Southlands Manor - Grade II listed building (690m north)
 The above are designated heritage assets

Mansfield Lodge – Non-designated heritage asset (adjacent to south)				
Relevant planning history				
N/A				
Discussion				
<p>Consultation responses have been provided by another case officer in relations to these proposals. The purpose of these comments is to clarify the levels of harm in heritage terms to enable the appropriate weight to be given to heritage matters in the Planning assessment.</p> <p>Discussion: The previous Heritage Officer (Consultant) has identified Less than substantial harm to the significance of the GII listed buildings at Mansfield Farmhouse, Barn to the NE of Mansfield FH, Dovecote to East of Mansfield FH and White cottage due to the proposed changes within their setting. The landscape and setting changes are discussed in the previous comments using Landscape terminologies. I would expect that the assessment of 'Moderate adverse change' was identified through discussion with the Councils Landscape Team by the Heritage Consultant. <u>In order to</u> provide clarification, I have reviewed the proposals against the existing situation and would confirm that in heritage terms I would assess the harm in heritage terms as low level LTSH.</p> <p>The following are factors in this review: The existing separation and severing of visual links and shared setting due to the M25, Slough Rd substation and existing green screening. The temporary nature of construction and excavation stages of the proposal. The sunken nature of the proposed MSA and vegetation renewal proposed. The orientation of the farm buildings away from the proposed new slip road.</p>				
Substantial Harm		Less than Substantial Harm	Y	Enhancement required

Heritage Policy Assessment				
The Planning (Listed Building and Conservation Areas) Act 1990				
<p>The proposals due to the further erosion of their agricultural setting and adding to the cumulative effect of modern development within their setting through noise and light pollution would not preserve the architectural and/or historic interest of the listed building and therefore does not comply with section 66 of the Act.</p> <p>NPPF</p> <p>The proposal due to the further erosion of their agricultural setting and adding to the cumulative effect of modern development within their setting through noise and light pollution would cause less than substantial harm to the significance of the designated heritage asset. Paragraph 202 therefore applies; in applying this policy it is considered that the following paragraphs also apply:</p> <p>Paragraph 189 – Heritage assets are an irreplaceable resource and should be preserved in a manner appropriate to their significance.</p> <p>Paragraph 195 - planning authorities should assess the particular significance of any asset affected by a</p>				

<p>proposal, including by development within its setting and aim to avoid or minimise any conflict between the asset's conservation and any aspects of the proposal.</p> <p>Paragraph 197 – Assessment should take account of the desirability of sustaining and enhancing the significance of heritage assets and should provide a positive contribution to local character and distinctiveness.</p> <p>Paragraph 199 - great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether the harm amounts to substantial, or less than substantial harm.</p> <p>Paragraph 200 – Any harm or loss of significance of a designated heritage assets from its alteration or destruction, or from development within its setting should require clear and convincing justification. The Case Officer should ensure that this is considered within their final assessments.</p> <p>The NPPF paragraph 206 - Local planning authorities should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets, to <u>enhance</u> e or better reveal their significance. As noted above pre-existing development has already undermined the relationships between White Cottage and the related Mansfield FM assets.</p>
Conclusion
<p>For the reasons given above it is felt that in heritage terms:</p> <p>That the application does not comply with the relevant heritage policy and therefore the harm should be weighed in the Planning Balance against public benefit.</p>

26th November 2021

Summary
As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. Given that this proposal is inextricably linked to works set out in planning reference PL/20/4332/OA, this would result in harm to the significance of a number of heritage assets, due to the permanent the permanently severing of the historic associations between the heritage assets, further erode of their agricultural setting, adding to the cumulative effect of modern development within their setting and noise and light pollution, there is felt to be insufficient justification for this harm to the significance of these heritage assets. Any harm to, or loss of, the significance of a heritage asset (from its alteration or destruction, or from development within its setting), requires clear and convincing justification. As such the proposals fail to comply with s.16 and 66 of the P(LB&CA)A 1990, heritage policy of the South Bucks Local Plan and South Bucks Core Strategy and heritage advice in section 16 of the NPPF.
Heritage Assets
Church of St Margaret Dairy in the Grounds of Elk Meadows - Grade II* Listed Building (475 m south of the site) <u>Mansfield Farmhouse – Grade II listed building</u> <u>Barn to north-east of Mansfield Farmhouse - Grade II listed building</u> <u>Dovecote to east of Mansfield Farmhouse - Grade II listed building</u> <u>White Cottage - Grade II listed building (200m south of the mineral extraction area and approximately 50m east of the temporary access road)</u> Southlands Manor - Grade II listed building Barn to north-east of Southlands Manor - Grade II listed building
The above are designated heritage assets. Those underlined above and below lie within close proximity to the site.

<u>Mansfield Lodge – Non-designated heritage asset (adjacent to south)</u>
Relevant planning history
Discussion/Issues
<p>This planning application is for mineral extraction and provision of access to facilitate the development of the Colne Valley Services, a proposed new Motorway Service Area on land between junctions 15 and 16 of the M25, near Iver Heath.</p> <p>This planning application relates to the wider construction phase associated with the proposed new Services (to which I raised a heritage objection), that is the removal of soils and sand and gravel from the site and to the establishing of access to the site.</p> <p>The proposal should not be viewed in isolation as a separate or standalone minerals application. It is an application made in detail for the mineral removal component of the service station scheme. If the service station is not consented, the mineral extraction will not happen, irrespective of whether permission for the extraction is granted or not.</p> <p>There are four Grade II Listed Buildings - Mansfield Farmhouse, Barn to north-east of Mansfield Farmhouse, Dovecote to east of Mansfield Farmhouse and White Cottage, and a non-designated heritage asset - Mansfield Lodge, which lie within close proximity to the proposed site. These buildings were constructed as part of the post-medieval Mansfield estate.</p> <p>The Mansfield estate is of medieval origin and was an agricultural use; it is recorded on the tithe map and apportionment. The setting of these buildings relates both to their historical relationship, and their historic setting of a rural agricultural environment.</p> <p>Whilst their setting has been much altered in recent times through the construction of the M25 and other modern developments the proposed development would further truncate these assets by constructing on land between them. This would further erode and destroy the historical associations of these heritage assets, leaving this only to survive in archive records. The proposed development would also significantly reduce what is left of their agricultural setting and their historic association with agricultural land. It would also add to the harmful cumulative effect of modern development within their setting and add significantly to traffic movement within this setting as well as noise and pollution.</p> <p>I concur that this harm would constitute less than substantial harm in relation to the policy test required as part of the NPPF. However I consider that the relative sensitivity of the wider settings of the Listed Buildings and non-designated building historically associated with Mansfield Farm is medium given the proximity of the development and that the proposed development would constitute a medium magnitude of change during excavation and construction and the resulting levels of effect would be Moderate adverse change.</p> <p>Whilst the excavation works are temporary in nature, the proposed works and the associated proposed service station and access road would permanently sever the historic associations of these heritage assets, further erode their agricultural setting, add significantly to the cumulative effect of modern development within their setting, and add to noise and light pollution. As such I consider that would be a negative element within the setting that would erode the significance of the historic assets to a clearly discernible extent.</p>

Heritage Policy Assessment
The Planning (Listed Building and Conservation Areas) Act 1990
The overall proposal due to the permanently severing of the historic associations between the heritage assets, further erode of their agricultural setting, adding to the cumulative effect of modern development within their setting and noise and light pollution would not preserve the architectural and/or historic interest of the listed building and therefore does not comply with sections 16/66 of the Act.
NPPF
The proposal due to the permanently severing of the historic associations between the heritage assets, further erode of their agricultural setting, adding to the cumulative effect of modern development within their setting and noise and light pollution would cause less than substantial harm to the significance of the designated heritage asset. Paragraph 202 therefore applies. Paragraph 189/197/199 of the NPPF should also be considered in determining the application.
Conclusion
For the reasons given above it is felt that in heritage terms: That the application does not comply with the relevant heritage policy and therefore unless there are sufficient planning reasons, it should be refused for this reason.

BC ROW – 10th June 2022

Thank you for your email of 7th June 2022.

With regard to my request for a revised blue edge plan to confirm ownership of land through which the temporary diverted bridleway will pass, you confirm suitable assurances have been received [reference: ES Chapter 4 addendum 4.7.3] and that a revised blue edge plan is unnecessary.

The agent clarifies the crossing facility along Slough Road is delivered by the MSA [PL/20/4332/OA], not the minerals application [reference: ES Chapter 4 addendum 4.7.5].

This resolves outstanding matters from rights of way. However, I would be grateful if you would include Informative 1 & Informative 2 from my 6th June 2022 response.

Yours sincerely,

Jonathan Clark
Snr Strategic Access Officer

Date: 6th June 2022

Aylesbury Vale Area Planning

Dear Sir/Madam,

CM/0036/21 | 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) | Land Adjacent To M25 Between Junctions 15 & 16 Iver Heath Buckinghamshire

Thank you for your letter of 19th May 2022.

My 4th October 2021 comments raised no objection to the application, but sought clarity on:

- 1) the temporary bridleway diversion which partly runs outside the blue edge; and
- 2) which application delivers the crossing facility and new footway on Slough Road.

There appears to be no information on either of these requests. With regard to 1] the '*Location and Existing Situation*' plan isn't superseded. The application therefore doesn't demonstrate control of land over which the temporary bridleway diversion will pass. With regard to 2] unless I hear to the contrary, I will assume this application delivers the crossing facility.

I also raised the question regarding site restoration in a scenario where the MSA application is refused. In this regard Fig 14.1 is submitted: '*Mineral Restoration without MSA Development*', indicating a slightly more circuitous route to the east for the permanently diverted bridleway compared to the existing – see Plan 1 and Extract 1 for comparison. Nevertheless, I don't think this would detract greatly from existing connectivity or user experience, providing there is adequate drainage on the east side of the ditch. An informative is recommended [1].



Plan 1

Extract 1

To clarify, where mention is made of the bridleway diversion in Chapter 16 of the ES, this is the *temporary*, not permanent diversion around the western edge. The permanent diversion reverts largely back to the original alignment, with a short diversion to the east, in the scenario the MSA permission is refused.

The following is recommended, which includes the informative [2] from my previous response. Further information is requested, as above.

Informative 1

An application should be made to permanently divert Bridleway IVE/32/1 under Section 257 of the Town and Country Planning Act 1990 to run in parallel with discharging the condition relating to formal restoration of the site, in accordance with Figure 14.1, 'Mineral Restoration without MSA Development'.

Informative 2

Bridleway IVE/33/1 should be closed for the duration of the works in the interest of public safety, requiring an application for a temporary diversion under to the highway authority under section 261 Town & Country Planning Act 1990.

BC Sustainability / Energy Team – No comment received.

Archaeology – 8th June 2022

We have reviewed the updated plans and feel that our advice dated 11th November 2021 remains valid and we have no further comments to make.

King George V Road
Amersham
HP6 5AW

11 November 2021
Ref: PL/20/4332/OA
Our Ref: CBC15076

Dear Graham

Land To The North Of A4007 Slough Road (Between Junctions 15 and 16 Of The M25) Iver Heath Buckinghamshire

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, a controlled vehicular access from the A4007 for staff and emergency vehicles only, facilities buildings, Drive-Thrus, fuel filling stations, electric vehicle charging, hotel, parking facilities, service yard, vehicle circulation, landscaping, woodland and amenity spaces, a Sustainable Drainage Systems, a diverted public bridleway; together with associated mitigation and infrastructure and with earthworks / enabling works including mineral extraction.

The Buckinghamshire Council Archaeological Service (BCAS) has received new information regarding the above application. We maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 194 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

This letter supersedes the advice given in our letter dated 5 August 2021.

Historic Environment Record (HER) information

As per our previous letters, dated 26 January 2021 and 5 August 2021, we consulted the Buckinghamshire Historic Environment Record (HER) and note that the following records are relevant:

HER reference	Designation Status*	Description
0482200000	PLN	IVER HEATH Modern field system visible on aerial photographs on Iver Heath
0084200000	PLN	SANDSTONE, IVER

		Early Mesolithic flint scatter found in gravel workings at Sandstone
0505301001	HER	Mansfield Farm Probably Mesolithic wooden stake excavated in advance of construction of the M25 at Mansfield Farm.
0482201000	HER	Field to S of M25, IVER HEATH Strongly enhanced magnetic susceptibility and cut features located including linears, small enclosure and a possible penannular ring-ditch to south of M25
0995700000	HER	Area 4, Chandlers Hill Iron Age to medieval pits, ditches, and Saxon sunken featured buildings identified by geophysical survey and excavation
0995600000	HER	Area 2, Chandlers Hill Undated linear features and a possible pit identified during geophysical survey
0505300000	HER	MANSFIELD FARM:MWY 569-573 Mesolithic occupation site and watercourse excavated in advance of the M25 at Mansfield Farm

* COA = conservation area; LB = listed building; RPG = registered historic park; SAM = scheduled monument; PLN = planning notification area (undesignated area of archaeological interest); HER = historic environment record

Note: some records relate to extensive areas such as historic landscapes, historic towns and villages or areas of high archaeological potential. For full HER information and a licence for commercial use please contact the Bucks HER Officer.

Archaeological and related interests

We refer to our letter dated 26 January 2021, where we requested the following works pre determination;

- *Due to the potential for significant Mesolithic deposits to be present, we would request archaeological test pitting be undertaken across the southern area of the application site, as shown in blue on figure 9.17 of the submitted EIA. This work would aim to inform a more detailed deposit model, as well as looking to identify the presence of in situ flint scatters and/or preserved organic remains.*
- *Following the results of the test pitting, an updated deposit model to be produced which should inform a detailed archaeological Impact Assessment. The Impact Assessment should cover the whole application site.*

This additional information was requested to help inform the County Archaeology Service in determining appropriate guidance and mitigation, and to identify where significant archaeology could be preserved in situ if present.

As explained in our letter dated 5 August 2021, we welcomed the efforts of the applicant to address the first stage of works, and acknowledge the logistical difficulties faced in attempting to carry out the archaeological test pitting. The updated EIA has not managed to include details of any additional test pits, but it has included detail from previous archaeological works to enable a more detailed deposit model. The results of this work suggest that potentially significant Mesolithic deposits are unlikely to remain within the Site or be impacted upon by the scheme.

We have now received the second piece of works requested, namely an Impact Assessment which covers the whole of the red line boundary area, and also covers the construction compound footprint which lies immediately to the south west. Based on the information provided in this Impact Assessment, we have amended our recommendations for this application.

The Impact Assessment has demonstrated that the main impact, where there will be no scope for preservation in situ, is the mineral void. The mineral void is located partially within an Archaeological Notification Area identified due to known and potential Saxon settlement and multi phase activity. Approximately half of the mineral void footprint has already been subject to a geophysical survey, which highlighted a potential enclosure in the north eastern region but no other clear archaeological anomalies. The area of main impact from the mineral void is at the far north eastern area of the ANA, furthest from the known Saxon remains. It is considered on balance, that the potential for significant archaeological remains to be present within the mineral void footprint is moderate but not high.

With the exception of the mineral void, all of the other areas are shown in the Impact Assessment to have a degree of flexibility in the depth of proposed works, with some areas potentially suitable for preservation in situ.

On consideration of the proposals, the potential significance of the archaeology and the potential for some areas of the site to be preserved in situ if required, we feel that the potential harm to the archaeological resource at this site could be mitigated through appropriately placed conditions on any planning permission granted.

If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following conditions:

- **No development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.**
- **Where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the planning authority.**
- **Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.**

The archaeological investigations should be undertaken by a professionally qualified archaeologist working to the agreed written scheme(s) of investigation which should be based on our on-line template briefs.

We would expect the first phase of works, comprising evaluation of the whole application area and the construction compound, to be undertaken in one phase in advance of the mineral extraction works. We acknowledge that some of the application area has already been subject to geophysical survey, so we would not expect these areas to be resurveyed. However, the trial trenching should cover the whole application site and both phases of evaluation should include the construction compound area despite this lying outside the red line boundary. The evaluation should also include appropriate works to identify evidence of Mesolithic activity, either by additional test pits, or by the sieving of topsoil and plough soil.

If you have any queries regarding this advice please do not hesitate to contact me.

Yours sincerely



Lucy Lawrence BA MCIFA
Archaeology Officer
Planning Growth and Sustainability
Buckinghamshire Council

Denham Aerodrome – 31 August 2022

Application CM-0036-21

Thank you for your email of 26 August.

I act on behalf of Bickertons Aerodromes Limited, the owner and operator of Denham Airport ('the Airport').

You will recall that we only received your letter alerting us to this application after the deadline for consultation had closed on 25 September 2021. I understand this was because the Council did not have a record of an address for Denham Airport. For your future records, Bickerton's Aerodromes Limited's address is:

Hangar C Ops, Hangar Road, Tilehouse Lane, Denham, Bucks, UB9 5DF

At the time, you told me that there would be a re-consultation and I passed on to you the email address for Amy Paul, the Aerodrome Manager.

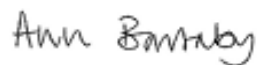
Neither Ms Paul nor I recall seeing any further correspondence on this application. However, I am grateful to you for taking the trouble to prompt any comments from us now.

The application relates to the proposed Colne Valley Services between Junctions 15 and 16 on the M25. As this site is well to the south of Denham Airport we have no objection to the application for mineral extraction.

In fact, we have expressed strong support for this ultimately to be the location for a new MSA on this part of the M25. From an aviation safety perspective, this site for a MSA is significantly preferable to the site that was proposed and rejected at appeal last year, and the new site currently being promoted, between Junctions 16 and 17. That location, just the north of the Airport and lying under the flying circuit, would have adverse impacts on aviation safety and potentially also to the safety of people on the ground.

Therefore we would urge early and positive determination of this minerals application so as to facilitate the development of the MSA in this preferable location.

Yours sincerely



Ann Bartaby BSc (Hons), Dip TP, MRTPI, FRAeS, FRGS

National Planning Casework Unit – Notified of application.

CPRE Bucks – No comment received.

Public Health BC - No comment received.

Colne Valley Regional Park CIC – September 2022

President: Rt.Hon. the Lord Randall of Uxbridge Kt.PC.

Planning Service
Buckinghamshire Council
King George V House
King George V Road
Amersham
HP6 5AW



September 2022

Dear Sir/Madam

CM/0036/21

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)

Land Adjacent to M25, Between Junctions 15 & 16, Iver Heath Buckinghamshire

**This response is from and behalf of
The Colne Valley Regional Park**

The Colne Valley Regional Park was founded in 1965 when local authorities – including Bucks County Council – showed great foresight in agreeing to work together to preserve and enhance this precious area for recreation and nature conservation.

It is supported by more than 80 member organisations including local authorities, businesses, residents' associations, environmental charities and user groups. Groundwork South acts as the Park's managing agent.



President: Rt.Hon. the Lord Randall of Uxbridge Kt.PC.

The Colne Valley Regional Park has six objectives:

<https://www.colnevalleypark.org.uk/whats-special/>

Landscape

The Colne Valley Regional Park (CVRP) covers eight local planning authorities. As a result, the valley is rarely, if ever, considered at a landscape scale.

The creation of a Green Infrastructure Strategy <https://www.colnevalleypark.org.uk/green-infrastructure-strategy-downloads/> for the Colne Valley Regional Park aims to bring the green and blue on the map to the forefront of planning policy and decisions, and feature the landscape of the Valley as a whole, rather than from the perspective of its various council boundaries. These boundaries are an administrative convenience – they don't exist as real barriers to people and wildlife. The Crane Valley has been added to this strategy to provide a truly landscape-scale picture of the area.

This cross-border approach is entirely consistent with Green Belt policy in the National Planning Policy Framework.

Summary of response

The whole site is within the Colne Valley Regional Park and is designated Green Belt.

We recognise that mineral extraction is one of the accepted uses within the Green Belt however we are concerned about the extraction of minerals in this location as a precursor for the development of a motorway service area.

In our response on the motorway service area latest scheme, we mentioned concerns regarding the hydrology of the area and the impact of the development on the Alderbourne catchment. This concern is repeated here. The mineral extraction will result in the reprofiling of the land to provide a platform to build the MSA. It has not been demonstrated in this application that there has been sufficient research to show that there will be no long-term impact on the Alderbourne by the reprofiling. Boreholes have been dug to ascertain water levels however these have been dug in two of the driest summers ever. This land traditionally has a high water table. Indeed, the response from the Minerals and Waste Officer in his response to the MSA application dated 3rd August 2022 refers to complications due to the presence of the Alderbourne including high ground water levels.

We note that the Environment Agency in their comments on the MSA and indeed in the applicants own consultants advice that there will be impacts on the Alderbourne. This is a rare chalk stream and damage to its hydrology will have a profoundly negative effect on this feature.

President: Rt.Hon. the Lord Randall of Uxbridge Kt.PC.

In addition there are veteran trees on the site and nearby woodland, of which some is ancient, which would be adversely affected by this proposal, in particular by dust. This would also have an adverse impact on flora and fauna in the area.

There will also be adverse impacts from heavy traffic and lighting on nearby residents in Iver Heath and potentially on those using public rights of way.

The CVRP therefore **objects to this application** on the basis that this site has not been previously identified for mineral extraction and should not proceed unless permission is granted for the MSA development subject to adequate safeguarding on the issues identified above and mitigation as outlined in our response to application PL/20/4332/OA dated February 2021 and the subsequent response of June 2022 including further information on the NPPF context for why mitigation is justified.

The application as it stands conflicts with our objectives, is inconsistent with the aims of the Regional Park, and may cause actual harm.

Buckinghamshire Council should therefore support the CVRP in delivering its six objectives which are consistent with this paragraph and is contrary to Core Policy 9 and therefore you should not allow this development as it stands.

The applicant should be advised by the Colne and Crane Green Infrastructure Strategy when looking at additional mitigation.

Jane Griffin
Director
Colne Valley Regional Park

BC Environmental Health –

Air Quality – 7 October 2021

Application Reference: CM/0036/21

Location: Land Adjacent to M25 Between Junctions 15 & 16 Iver Heath Buckinghamshire

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)

With reference to the Air Quality section of the Environmental Statement submitted as part of the planning application outlined above, I have the following comments to make

1. The applicant has screened out the requirement to undertake an air quality assessment based on screening criteria outlined in the IAQM Land-Use Planning & Development Control: Planning for Air Quality Guidance. The IAQM guidance provides screening thresholds of +100 LGV AADT and +25 HGV AADT (where within, or adjacent to, an AQMA) as indicating the need for an air quality assessment, whether this takes the form of a Simple or Detailed Assessment.

During Phase 1, access to the Site will be via the temporary access road to be constructed off the A4007 Slough Road. The HGVs during this period would therefore 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. I recommend a condition to restrict the number of HGV movements in Phase 1 to 40 (20 in and 20 out) as mentioned in the report.

2. 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 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. I understand that permission has not yet been received from Highways England to construct these slips. Therefore, I recommend the following:

- a. Should permission be received to construct slips I recommend a condition to restrict the HGV numbers to 140 movements (70 in / 70 out). This is above the relevant IAQM indicative threshold.
 - b. Should permission not be received from Highways England then this will need to be reconsidered as it is likely that these HGV movements will then be redirected onto the A4007 Slough Road where there are receptors within 200m.
3. It is recommended that condition for a Dust Management Plan to be developed and following review by the Local Planning Authority implemented is included in the Decision Notice.
 4. The following request for s106 funding may be considered in conjunction with the application for the development of the Colne Valley Services and associated works proposed under planning application ref (PL/20/4332/OA). There are concerns about the potential air quality impacts of cumulative developments in the Ivers as many individual schemes, deemed insignificant in themselves, are potentially contributing to a "creeping baseline". There is a concern that in combination the emissions of local planning developments and the National Infrastructure Projects could result in a significant increase in NO₂ concentrations in Iver and also contribute towards an increase in particulate matter. The Air Quality Action Plan for the Iver contains a number of measures that should reduce NO₂ concentrations in Iver Parish. The council are requesting a financial contribution from all developments that increase concentrations within the Iver area regardless of magnitude to offset the increase and prevent baseline creep.

If you have any queries regarding the contents of this letter, please do not hesitate to contact me.

Yours sincerely

Cerys Williams
Environmental Protection Officer
Housing and Regulatory Services

Noise – 12 October 2021

Thanks for the opportunity to comment on the above application, sorry for the delay.

I have read the documents relating to noise sound and vibration (Chapter 7.0 Noise and Vibration) and broadly agree with the summary and conclusions in paragraph 7.6.

I have reproduced my earlier comments relating to the previous part of the application (*italics below*) because the author of the noise chapter (Chapter 7.0 Noise and Vibration) has referred to them.

PL/20/4332/OA

I have no objections to make on environmental noise grounds. This is largely because the site noise climate is dominated by the contribution from vehicle movements on the M25 .

I've read through Chapter 7 of the noise and vibration report several times and broadly agree with the assessment (Summarised at Para 7.6.12 Table 7.29). Should likely significant adverse noise impacts be identified during the detailed design stage we would seek to mitigate them by recommending appropriate conditions. It is noted that construction impacts will be controlled through a CEMP (Para 7.5.2), I would recommend that the Council be consulted on the production of this document with a view to at the very least agreeing core working hours.

The part of the application currently under consideration implies that working hours will be 07.00 hours to 19.00 hours Monday to Friday and 07.00 hours to 13.00 hours on Saturday (with no working outside of these hours or on Sundays or Bank Holidays without prior agreement of Buckinghamshire Council). I recommend we reserve our previous position on production of the CEMP and not, by default, agree to core hours at this stage. Other large projects are more constrained. I am concerned that consequential offsite noise effects might occur due to lorry movements until the slip roads have been constructed. It is appreciated that this recommendation might not be material to the planning decision.

If you have any questions please don't hesitate to contact me.

Contamination – 29 July 2022

I have reviewed the additional information that has been submitted.

I have no further comments to make with regards to land contamination.

A ground investigation should be undertaken prior to the commencement of the development.

Conservation Team – No comment received.

Crime Prevention for Bucks – No comment received.

Environment Agency – 19th November 2021

Dear Sir/Madam

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).

Land Adjacent To M25, Between Junctions 15 & 16, Iver Heath, Buckinghamshire.

Thank you for your consultation on the above planning application.

Environment Agency position

We have **no objections** to the proposed development subject to the following **conditions** being imposed on any planning permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to this application.

Development that encroaches on watercourses can have a potentially severe impact on their ecological value. Mineral extractions in connectivity with groundwater can have impacts to groundwater dependent terrestrial ecosystems such as chalk streams through impacts to turbidity of water. There are also potential impacts to water quality through surface water run off.

Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 10 metre wide buffer zone around the River Alderbourne.

1) Condition: No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the

development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting, etc.

Reasons:

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Gravel workings in proximity to groundwater fed watercourses can be particularly damaging. By including a 10m buffer zone throughout the duration of the mineral extraction operation, the integrity of the watercourse is maintained. The buffer zone will provide additional protection to the watercourse against surface water run off.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

This condition is also supported by local plan policy 16 of the Buckinghamshire Minerals and Waste Local Plan 2016-2036 Adopted Plan (July 2019).

2) Condition: No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Informatives

Advice to applicant - Abstraction licence

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment

Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Advice to applicant Dewatering – derogation on local water supplies

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

Requirement for an environmental permit – Main river

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to applicant and LPA - Net gain metric

Within the calculations for the River metric, the Alderbourne has been classed as medium distinctiveness. The Alderbourne is a globally rare, chalk stream and so should be classified as high distinctiveness. Please can the applicant update their calculations. The current calculations show a net loss of river units at this site. Under the new environment bill, development should provide a minimum 10% net gain in biodiversity, including for the river metric. Mitigation measures have been suggested within the report and should be included within the metric to understand the implications for net gain.

Final Comments

Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us.

Please quote our reference number in any future correspondence.

Natural England – 23 June 2022

The advice provided in our previous response applies equally to this amendment

Date: 03 September 2021
Our ref: 364697
Your ref: CM0036/21



Customer Services
Hornbeam House
Crews Business Park
Electra Way
Crews
Cheshire
CW1 6GJ

T 0300 060 3900

Buckinghamshire Council

BY EMAIL ONLY

Dear Sir/Madam,

Planning consultation: Mineral extraction and provision of access to facilitate the development of the Coine Valley Services & associated works proposed under planning application ref (PL/20/4332/OA).

Location: Land adjacent to M25 between Junctions 15 & 16, Iver Heath, Buckinghamshire

Thank you for your consultation on the above dated 17 August 2021 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.

Natural England's further advice and recommendations on other natural environment issues is set out below. We have made recommendations for appropriate planning conditions or obligations that could be attached to any planning permission to secure the measures discussed below.

Biodiversity Net Gain

We welcome the use of the Biodiversity Metric 2.0 and the aspiration to provide biodiversity net gains in excess of 10% as stated in the Biodiversity Offsetting Calculation produced by Argus Ecology Ltd (dated 28/9/21). However, we recommend the submission of a plan demonstrating measurable net gains for biodiversity will be applied.

Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. Planning Practice Guidance describes net gain as an 'approach to development that leaves the natural environment in a measurably better state than it was beforehand' and applies to both biodiversity net gain and wider environmental net gains. For biodiversity net gain, the [Biodiversity Metric 3.0](#) can be used to measure gains and losses to biodiversity resulting from development. Any action, as a result of

development, that creates or enhances habitat features can be measured using the metric and as a result count towards biodiversity net gain.

The Chartered Institute of Ecology and Environmental Management, along with partners, has developed '[good practice principles](#)' for biodiversity net gain.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Priority habitats and species

The site coincides and is adjacent to stands of deciduous woodland priority habitat. We advise that these areas are retained and enhanced. A condition stipulating the implementation of a management plan should be implemented to prevent disturbance or damage to ecological assets.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

The proposed development is located adjacent to a patch of ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Should the proposal change, please consult us again.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectedandmanagedhabitandspeciesimportance.aspx>

RAF Northolt – 27 September 2021

MOD Safeguarding-RAF Northolt

Proposal: Mineral Extraction and provision of access to facilitate the development of Colne Valley Services & associated works proposed under planning application ref (PK/20/4332/OA).

Location: Land Adjacent to M25, between junctions 15 & 16, Iver Heath
Buckinghamshire

Grid Ref: 503857,183604

Thank you for consulting Ministry of Defence (MOD) on the above proposed development which was received by this office on 17/08/2021.

The applicant is seeking full planning permission for the mineral extraction and provision of access to facilitate the development of Colne Valley Services & associated works proposed under planning application ref (PK/20/4332/OA).

The application site falls within the statutory height, technical, and birdstrike safeguarding zones for RAF Northolt and is located approximately 6.3km west from the centre of the airfield at RAF Northolt.

Aerodrome height and technical safeguarding zones

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

Birdstrike safeguarding zone

Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and, or, flocking birds close to the aerodrome.

Having reviewed the plans for this proposal I can confirm the MOD has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter

Yours sincerely

Kalie Jagpal
Assistant Safeguarding Manager

Historic England – 7 September 2021

**LAND ADJACENT TO M25 BETWEEN JUNCTIONS 15 & 16 IVER HEATH
BUCKINGHAMSHIRE
Application No. CM/0036/21**

Thank you for your letter of 24 August 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Sarah Caradec
Business Officer

National Highways – 11th July 2023

Council's Reference: CM/0036/21

Location: Land Adjacent To M25 Between Junctions 15 & 16 Iver Heath
Buckinghamshire

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)

National Highways Ref: 92422

Referring to the consultation on a planning application dated 6 August 2021 referenced above, in the vicinity of the M25 motorway that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) ~~offer no objection (see reasons at Annex A);~~
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);
- c) ~~recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- d) ~~recommend that the application be refused (see reasons at Annex A)~~

National Highways Planning Response (NHPR 22-12) December 2022

Highways Act 1980 Section 175B is relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.

Signature:  Date: 11 July 2023
Name: Janice Burgess Position: Spatial Planner
National Highways: Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

Highways Act Section 175B

For the purposes of minerals extraction applied for under planning application CM/0036/21, access to and from the M25 motorway will be secured through planning application PL/20/4332/OA.

In accordance with Section 175(b) of the Highways Act 1980 (as inserted by The Infrastructure Act 2015) National Highways has agreed to work with Developers of a proposed Motorway Service Area between junctions 15 and 16 of the M25 Motorway to develop proposals for the formation of an access on to the M25 Motorway. This agreement is valid only for application CM/0036/21 and is subject to a) that the minerals extraction cannot occur separately from the construction of the motorway service area b) that access to the motorway service area is achieved in accordance with the Design Manual for Roads and Bridges and DfT Circular 1/22.

Annex A National Highways' assessment of the proposed development.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current

National Highways Planning Response (NHPR 22-12) December 2022

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. He has 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.

National Highways has worked with Buckinghamshire Council and the applicant team to understand and agree the requirements of National Highways in respect of proposals set out in CM/0036/2. National Highways is recommending two conditions be applied to any consent that may be given for this application and they are set out below.

Recommended Conditions

Condition 1

The development hereby approved shall not be commenced, nor shall any soil movement operations, demolition or other site clearance occur until such time as planning permission reference: 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 and a copy of the contract has been submitted to the local planning authority prior to such commencement. This is with the exception of any necessary ground investigations and surveys. The operator shall provide written notification of the date of commencement to the Local Planning Authority within one week of that date.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

Condition 2

The minerals extraction work consented by application CM/0036/21 shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall set out but not be limited to the following:

- Programme for the extraction of minerals approved under planning application CM/0036/21
- The proposed traffic routes to the site, to be identified on a plan;
- Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from by vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0930) and PM Peak (1630-1800) periods);
- an estimate of the daily traffic movements, profiled for each minerals extraction phase, identifying the peak level of vehicle movements for each day;
- details of local road temporary traffic management measures.
- confirmation that a formal agreement from National Highways for temporary access/egress has been obtained (if required) for the M25 motorway
- details of any proposed strategic road temporary traffic management measures on the M25 motorway;
- Management and hours of construction work and deliveries;
- area(s) for the parking of vehicles of site operatives and visitors;
- area(s) for the loading and unloading of plant and materials;
- area(s) for the storage of plant and materials used in constructing the development;
- details of wheel washing facilities;
- the mitigation measures in respect of noise and disturbance during the minerals extraction including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- a scheme to minimise dust emissions arising from ~~construction~~ activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- details of waste management arrangements;
- the storage of materials and construction waste, including waste recycling where possible;
- the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- measures to avoid impacts on the non-statutory designated sites and retained habitats;
- details of drainage arrangements during the minerals extraction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- protection measures for hedgerows and grasslands;
- contact details of personnel responsible for the works; and
- soil movement methods and tracking of soil movement

National Highways Planning Response (NHPR 22-12) December 2022

Reason: In the interests of highway safety, convenience of highway users and to ensure that the M25 and M40 Trunk Roads continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

End of conditions

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Open Spaces Society – No comment received.

Ramblers Association – No comment received.

British Pipelines Agency Ltd – No comment received.

Buckinghamshire Fire and Rescue Service – 17 June 2022

TOWN & COUNTRY PLANNING ACT APPLICATION NO: PL/20/4332/OA

Further to the planning consultation amendment for the above development Buckinghamshire & Milton Keynes Fire Authority seek to request your early consideration for the incorporation of an appropriate automatic water suppression system (i.e., Sprinklers) within the planning conditions for the project.

Buckinghamshire & Milton Keynes Fire Authority firmly believes that automatic water suppression systems and in particular, sprinklers provide huge benefits to our communities.

The main purpose of fire sprinkler systems, which conform to the relevant standards, is to control and contain fires throughout a building. In so doing, they protect the premises from the effects of fire and contribute to the safe evacuation of persons from the premises. They significantly help to:

- Reduce death and injury from fire
- Reduce the risks to fire-fighters
- Protect property and heritage
- Reduce the effects of arson
- Reduce the environmental impact of fire
- Reduce fire costs and the disruption to the community and business
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture

Design Freedoms

Architects are able to design more innovative, open, light and airy buildings. Please look at the following advantages: larger compartment sizes; more open spatial designs; extended travel distances; reduced exit door widths; reduced periods of fire resistance to elements of structure; reduced space separation constraints for example, distances between buildings; reduced design fire size allowing for alternative smoke management strategies; overcoming firefighting access constraints; allowing more flexible building management plans for the end-user.

Myth Busting

Each sprinkler head is fitted to cover a designated area of the property and designed to work independently, only releasing water if its thermal element is activated by the heat from a fire. The operation of one sprinkler head does not mean that all heads in the system will activate, this is a misconception that is popularly believed. Only very specific systems

Buckinghamshire Fire & Rescue Service
Brigade Headquarters, Stocklake, Aylesbury, Bucks HP20 1BD
Tel: 01296 744400 Fax: 01296 744419

needing such operation are designed in this way and in virtually all internal sprinkler systems, only the head actuated will release any water.

A further protection from unwanted operation is the thermal capacity of the sprinkler bulb. Generally, these are designed to operate at a fixed temperature not less than 30 degrees Celsius above the ambient temperature which makes it very unlikely indeed that operation will occur other than in fire conditions. Recent surveys indicate that the possibility of an accidental sprinkler head operation due to malfunction of the system is 1 in 16 million.

Once a sprinkler head has operated, it will typically discharge between 40-45 litres of water a minute to control the fire. This represents between 1 and 4% of the amount of water that would be used by the fire service to control a similar sized fire. So the sprinkler will reduce water damage and the consequent repair costs.

In Summary

The nature of protection provided by a sprinkler system can be summarised as follows:

- It is automatic
- It detects fire in the early stage of development and will operate before the fire or the products of combustion become life threatening;
- The system will operate when a fire raises the temperature to a predetermined level and will sound an alarm both internally and externally as well as indicating the fire location
- Water will be discharged at a predetermined rate over the affected area only
- Water from the activated sprinkler will cool the atmosphere around the fire including the hot gases released from the flaming area
- Directly reduce the rate of burning of the ignited material
- Directly reduce the production of smoke and hot gases
- Cool the surrounding materials limiting fire spread

Research illustrates that the vast majority of fires controlled by a sprinkler system have involved just one sprinkler head activating.

Sprinklers are installed to BS EN 12845:2003 for non-residential premises.

In the United Kingdom, no one has died in a fire where properly maintained fire sprinkler system has been installed.

Please don't hesitate to contact me if you wish to discuss further.

Yours sincerley,

Jonathan James

Jonathan James
Business Fire Engineering Design Technician & Primary Authority Manager

HSE – 20 May 2022

Subject: FW: [EXTERNAL] Re: Planning Consultation CM/0036/21 for Re-consultation

From: LUP enquiries
Sent: 20 May 2022 11:20
To: Minerals & Waste, Mailbox <mineralsandwaste@buckinghamshire.gov.uk>
Subject: [EXTERNAL] Re: Planning Consultation CM/0036/21 for Re-consultation

You don't often get email from lupenquiries@hse.gov.uk. Learn why this is important

Dear Sir or Madam

Thank you for your email seeking HSE's observations on application CM/0036/21

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

HSE were consulted on this planning application on 17 August 2021 by David Periam and HSE's advice was received (HSL-210817124816-463 Does Not Cross Any Consultation Zones). Therefore, HSE Land Use Planning team has no comments to make on this application.

As the proposed application is for mineral extraction, developments around Nuclear or Quarry sites, planning authorities must consult the appropriate team for advice: see below:-
Nuclear sites (<http://www.onr.org.uk/land-use-planning.htm>); please contact:- Office for Nuclear Regulation - Email: ONR-Land.Use-Planning@onr.gov.uk

Or Quarries (<http://www.hse.gov.uk/quarries/index.htm>) please contact:- National Quarries Inspection Team, Health and Safety Executive, Government Buildings, Phase 1, Ty Glas, Cardiff CF14 5SH - Email: formsadmin.cardiff@hse.gov.uk (Please place "Quarries application" in the email title)

Regards

Sue Howe
HSE's Land Use Planning Support Team
HSE Science and Research Centre
Harpur Hill, Buxton, Derbyshire, SK17 9JN

Find out how HSE is Helping Great Britain work well
For HSE's Land Use Planning Advice Terms and Conditions, please click on the following link <https://www.hsl.gov.uk/planningadvice> and then click on 'terms and conditions'.

Quarries team consulted 27th May 2022, no comment received.

Thames Water – 23rd August 2021

Buckinghamshire County Council
County Hall
Walton Street
Aylesbury
Bucks
HP22 1UY

Our DTS Ref: 68286
Your Ref: CM/0036/21

23 August 2021

Dear Sir/Madam

Re: Land North of A4007, Slough Road, -, Iver Heath, BUCKINGHAMSHIRE, SLO OEB

Waste Comments

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Yours faithfully

Affinity Water – No comments to make.

London Heathrow Airport Safeguarding – 24 May 2023

**Application type: ADDITIONAL INFORMATION RECEIVED ON APPLICATION REF: CM/0036/21
Location: Land Adjacent To M25, Between Junctions 15 & 16, Iver Heath, Buckinghamshire
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)**

Applicant: Colne Valley Motorway Service Area Limited

Our reference: LHR5268

I refer to your email received on 17 May 2023 and telephone conversation we had last week.

Having received further explanation about the site and drawings showing the proposed mineral extraction activity on site and its restoration, which does not involve any buildings of significant height, I can confirm that we do not require to apply a height condition to this site and we are happy to remove it.

Regarding the requirement of a Bird Hazard Management Plan, we have reconsidered that the risk of the site attracting birds is low and the condition may be removed. This was based on further explanation provided by the developer about the nature and duration of the mineral extraction operations with no landscaping areas or planting areas associated with the operations. The two small and temporary water bodies will be created for managing site water during excavations, but only very limited groundwater is expected to be encountered, therefore low volumes of water will be managed and those water bodies won't be landscaped or planted, so they will not be attractive to birds.

Based on these comments the development has been re-examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. I can confirm that we do not have any other aerodrome safeguarding concerns. Therefore the 2 initial conditions can be discarded, however any future changes to the current proposals will be subject to a new assessment.

Yours sincerely

Catalina Peters
Airport Planning Manager
For and on behalf of Heathrow Airport Limited

Canal and River Trust – 5th July 2023

Dear James Suter,

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)

Location: Land to the North of A4007, Slough Road, (Between Junctions 15 and 16 Of Thr M25), Iver Heath

Waterway: Grand Union Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural, and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

The Trust have submitted comments in relation to the proposed redevelopment of the site for a Motorway Service Area (LPA ref: PL/20/4332/OA) and a copy of that response is attached for convenience.

However, in relation to this current application for mineral extraction we note that the access for the site works would be predominately from the M25, and we therefore have no comments to make on the proposed mineral extraction.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Anne Denby MRTPI
Area Planner

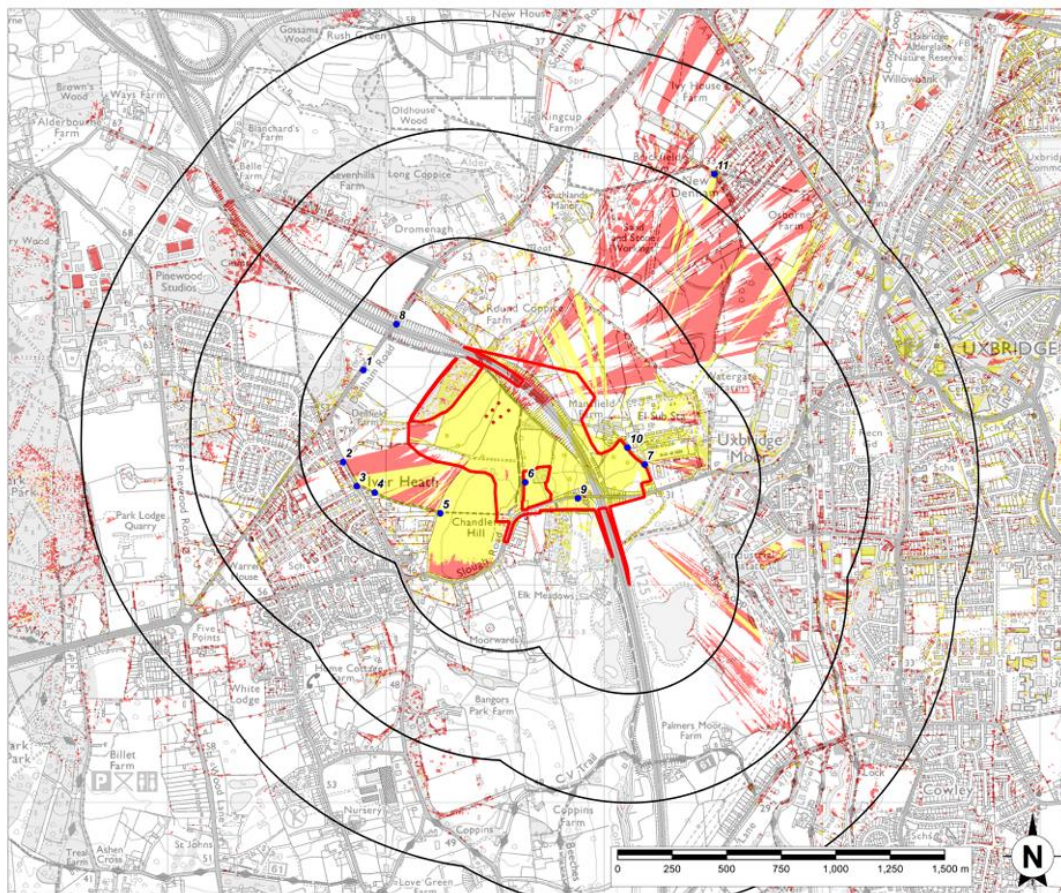
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APPENDIX B: Site Location Plan



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APPENDIX C: Viewpoint Location Plan



axis

Key

- Site Boundary
- Distance from Site Boundary at 500m intervals
- ZTV of 4.5m HGVs
- Location of points used in HGV ZTV calculation
- ZTV of 14m high Main Amenity Building
- Location of points used in main Amenity Building ZTV calculation
- Viewpoint Location

VIEWPOINTS:

1. Denham Road
2. Bangors Road North, bus stop
3. Bangors Road North
4. Footpath off Bangors Road North
5. Footpath, e edge of Iver Heath
6. Field in of White Cottage
7. Mansfield Lodge Access
8. Denham Road Bridge
9. Junction of footpath with Slough Road
10. Mansfield Farm Access
11. New Denham

NOTES:

1. Zone of Theoretical Visibility has been generated using a BlueSky 2m photogrammetric digital surface model (DSM), which takes account of the screening effects of vegetation, buildings or other structures.
2. ZTV generation has allowed for the curvature of the earth and light refraction.
3. ZTV has been generated based upon an observer eye height of 1.7m above ground level.
4. Due to the nature of the DSM, the ZTV illustrates visibility from tree tops and from building roofs.

REVISED COLNE VALLEY SERVICES SCHEME	
Updated Figure 5.1b	
ZTV and Viewpoints	
Scale 1:15,000@A3	Date June 2021

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APPENDIX D: Supporting Plans

C17_LAN_002 Phase 1_Establishment_Rev A

C17_LAN_002 Phase 2_Mineral_Working Rev A

C17_LAN_004 Cross Sections_Rev A

C17_LAN_008 Initial Site Management Compound

JNY10850-07 Proposed Slough Road Access.

JNY10850-16a



- LEGEND**
- Application Boundary
 - Woodland, hedge and tree
 - Road
 - Water course and body
 - Public Right of Way
 - Diversion of Public Right of Way
 - Temporary access road from A4007 to establishment works
 - Proposed M25 slip roads
 - Vehicle access to west of M25
 - Initial construction compound for mineral working
 - Temporary soil storage mound
 - Temporary overburden storage mound

NOTES:
 Revision A - Annotation added re details of Site Management Area; open channel collecting spring water added earlier in programme

INFORMATION

0 200 metres
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CLIENT
Colne Valley MSA Ltd

PROJECT
 Colne Valley Services - Mineral Application

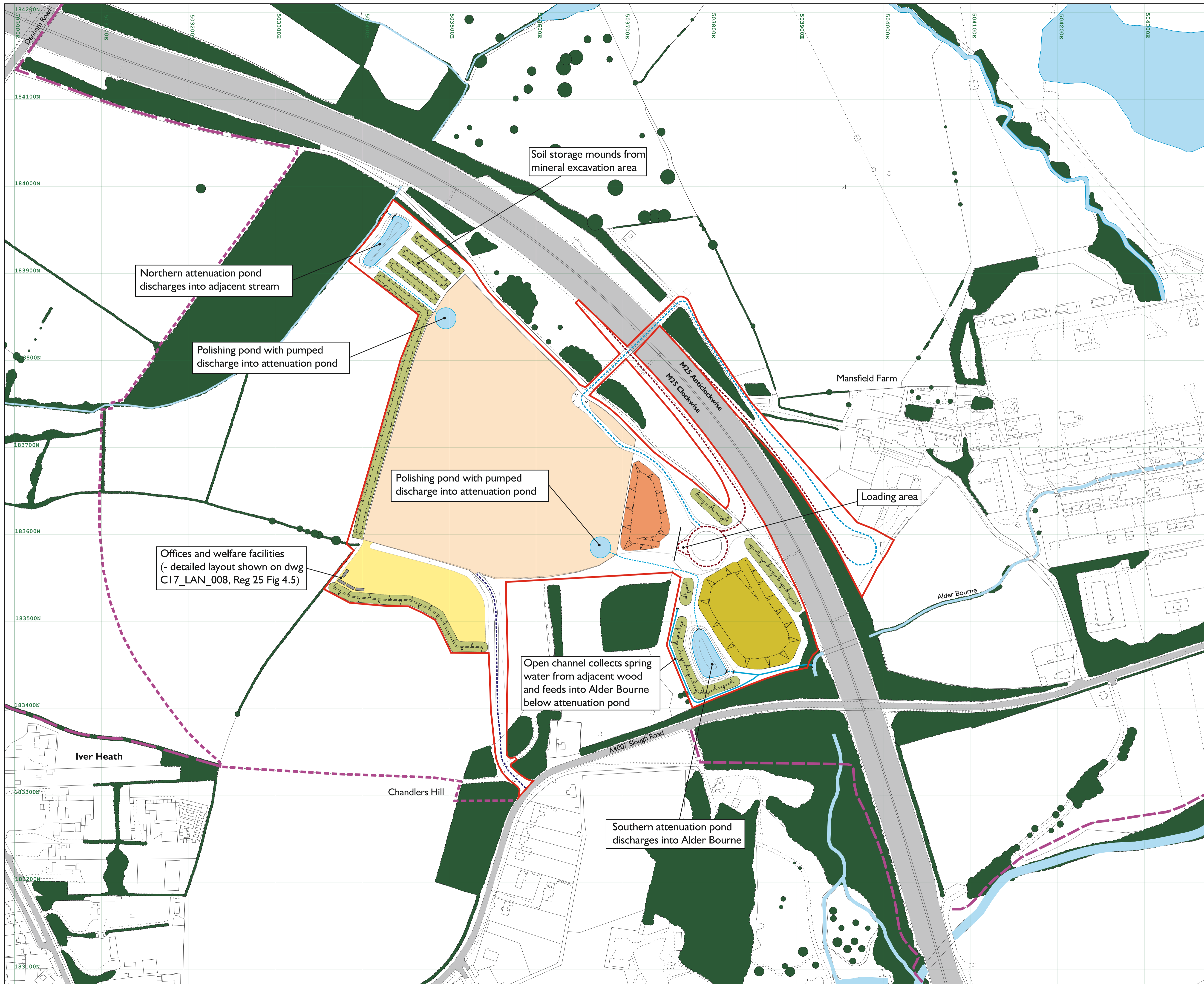
TITLE
Phase I - Establishment

SCALE 1:2000@ A1 **DRAWN BY** KH/KB **DATE** Mar 2022

DRAWING NUMBER C17_LAN_002 **REV** A

ESP Ltd
 The Creative Industries Centre
 Glaston Drive
 Wolverhampton
 WV10 9TG
 Tel: 01902 771311

ESP
 Chartered Surveyors
 Chartered Landscape Architects
 Environmental Consultants
 Health and Safety Consultants



- LEGEND**
- Application Boundary
 - Woodland, hedge and tree
 - Road
 - Water course and body
 - Public Right of Way
 - Diversion of Public Right of Way
 - Temporary access road from A4007 to establishment works
 - Proposed M25 slip road
 - Vehicle access to west of M25
 - Initial construction compound for mineral working
 - Mineral void
 - Soil storage mound
 - Overburden storage mound
 - Staging area for transfer of mineral to HGVs

NOTES:
 Revision A - Addition of soil storage mounds from extraction area; addition of water management details

INFORMATION

0 200
metres

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CLIENT

Colne Valley MSA Ltd

PROJECT

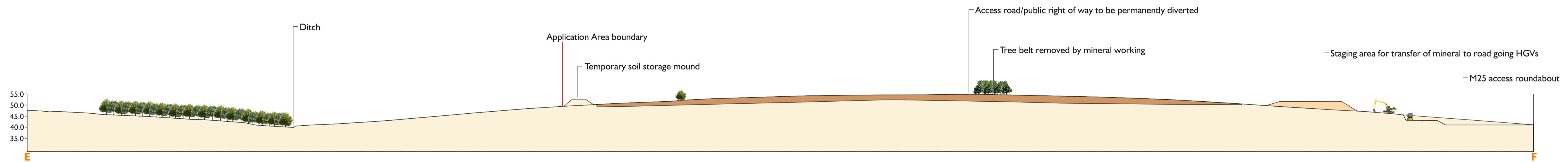
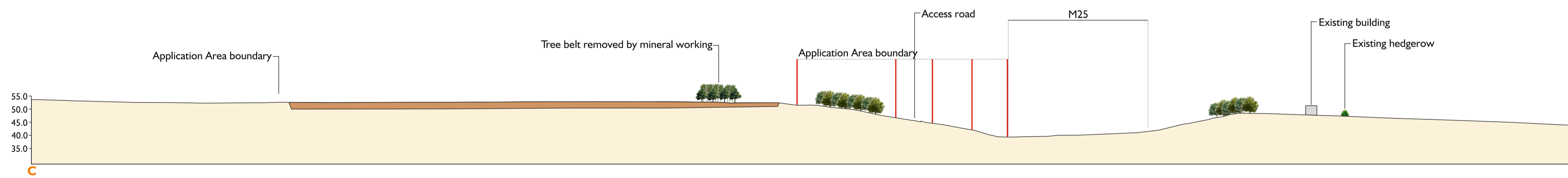
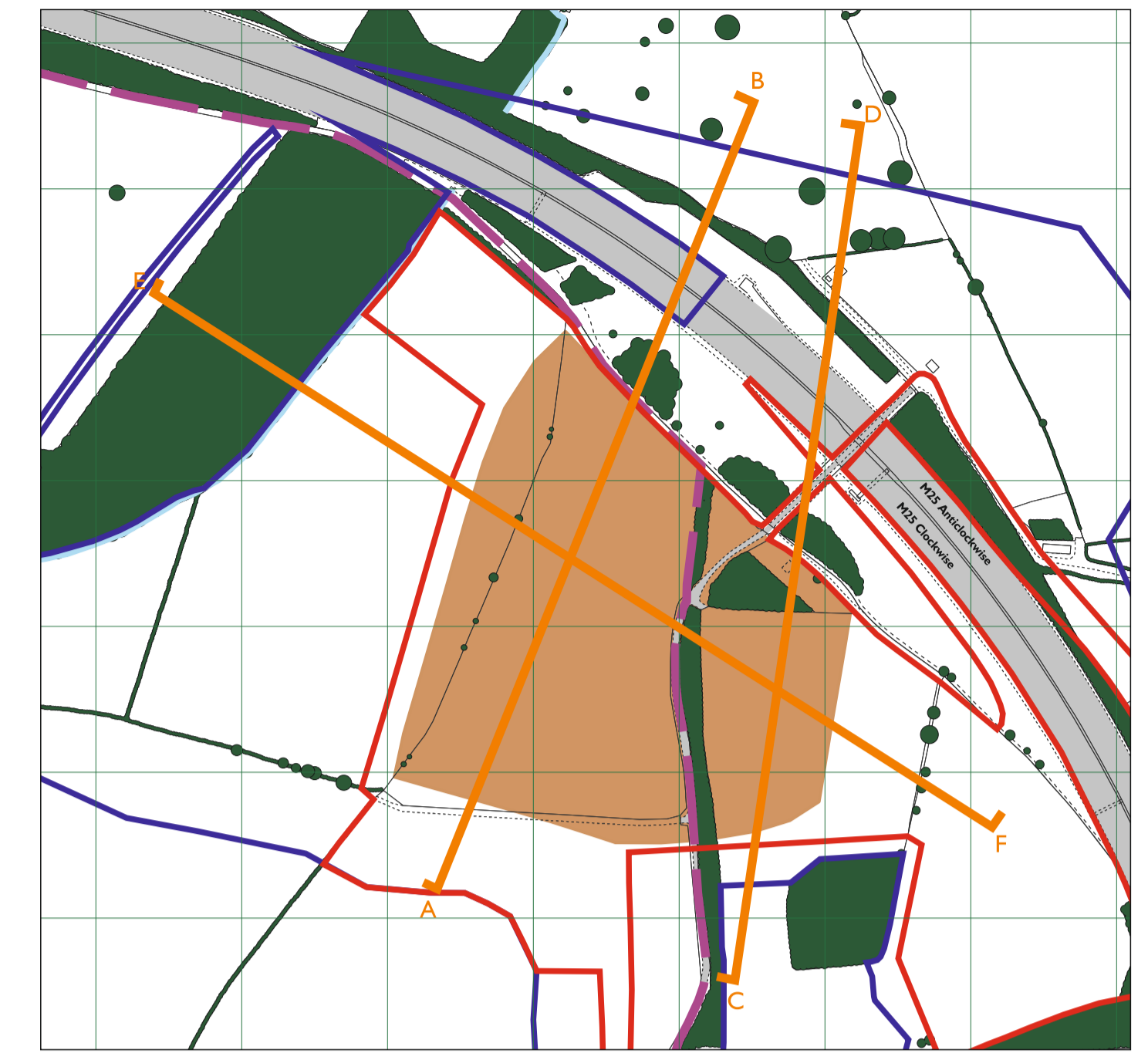
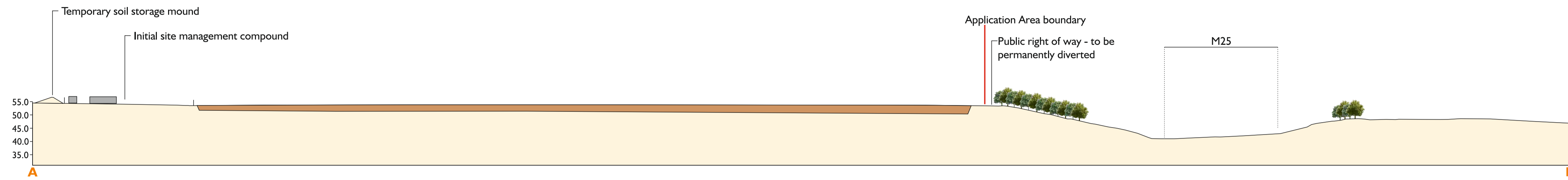
Colne Valley Services - Mineral Application

TITLE


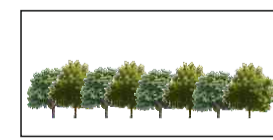

Phase 2 - Mineral Working

SCALE	DRAWN BY	DATE
1:2000@ A1	KH/KB	Mar 2022

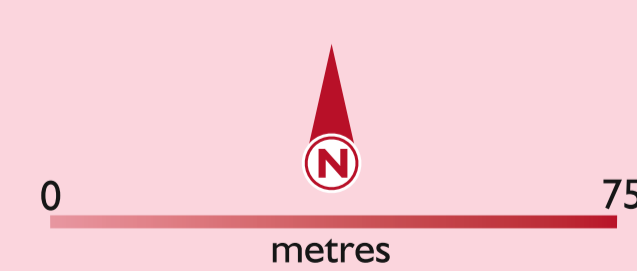
DRAWING NUMBER	REV
C17_LAN_003	A

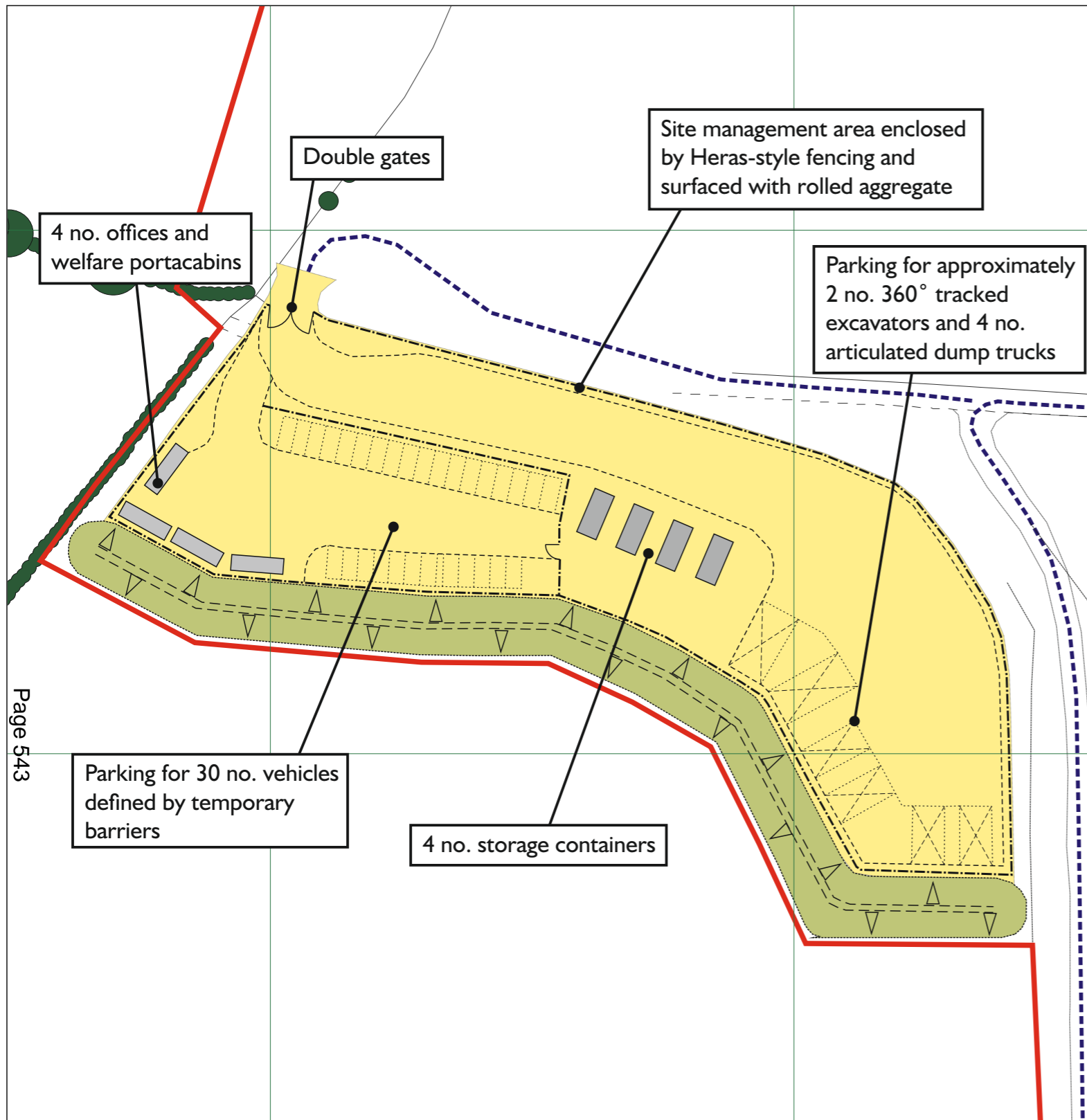


LEGEND

-  Mineral to be excavated
-  Existing vegetation
-  Temporary mineral stock pile in staging area for transfer to road going HGVs

NOTES:
Revision A - Addition of soil storage mounds from extraction area and site management portacabins

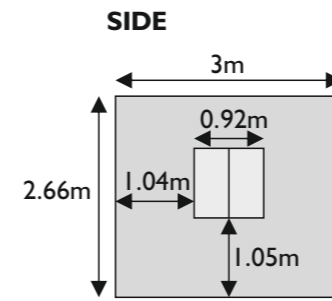
<p>INFORMATION</p> 		<p>ESP Ltd Chartered Surveyors Chartered Landscape Architects Environmental Consultants Health and Safety Consultants The Creative Industries Centre Glacier Drive Wolverhampton WV10 9TG Tel: 01902 771311</p>
<p>CLIENT</p> <p>Colne Valley MSA Ltd</p>		<p>PROJECT</p> <p>Colne Valley Services - Mineral Application</p>
<p>SCALE</p> <p>1:1000 @A1</p>		<p>TITLE</p> <p>Cross Sections</p>
<p>DRAWN BY</p> <p>KH/KB</p>	<p>DATE</p> <p>Feb 2022</p>	<p>DRAWING NUMBER</p> <p>C17_LAN_004</p>
<p>REV</p> <p>A</p>		



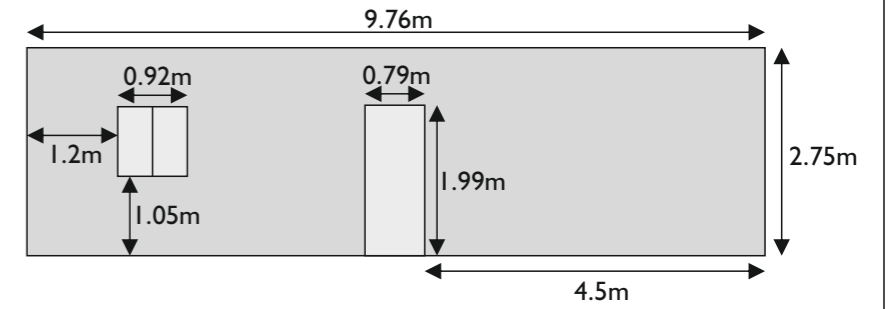
Page 543

Office and welfare portacabins

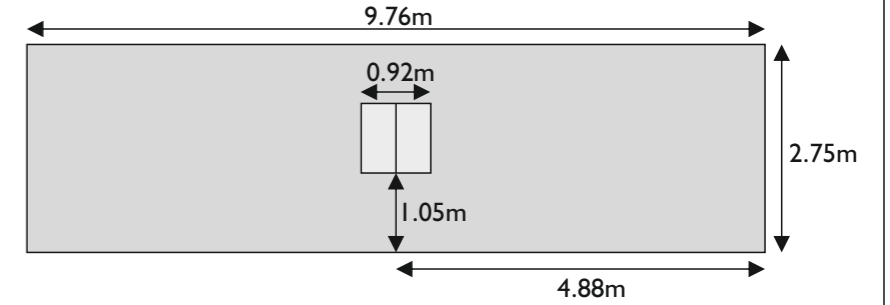
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1:100



FRONT



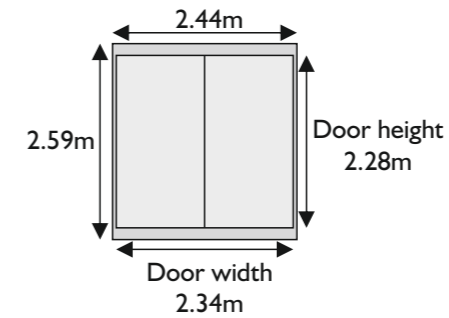
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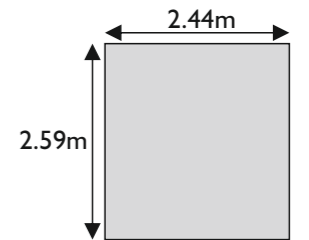
Storage containers

Pre-fabricated steel painted dove grey,
1:100

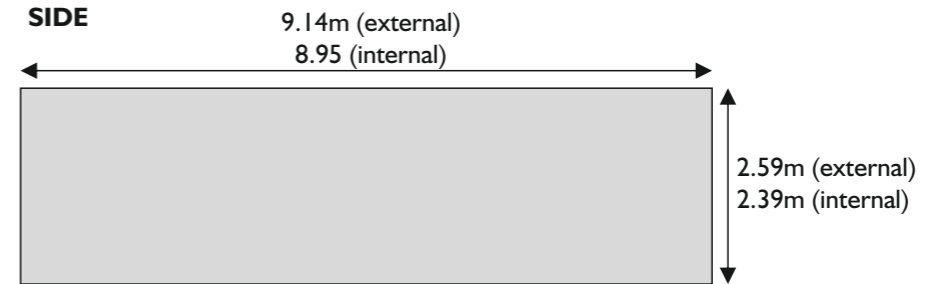
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BACK



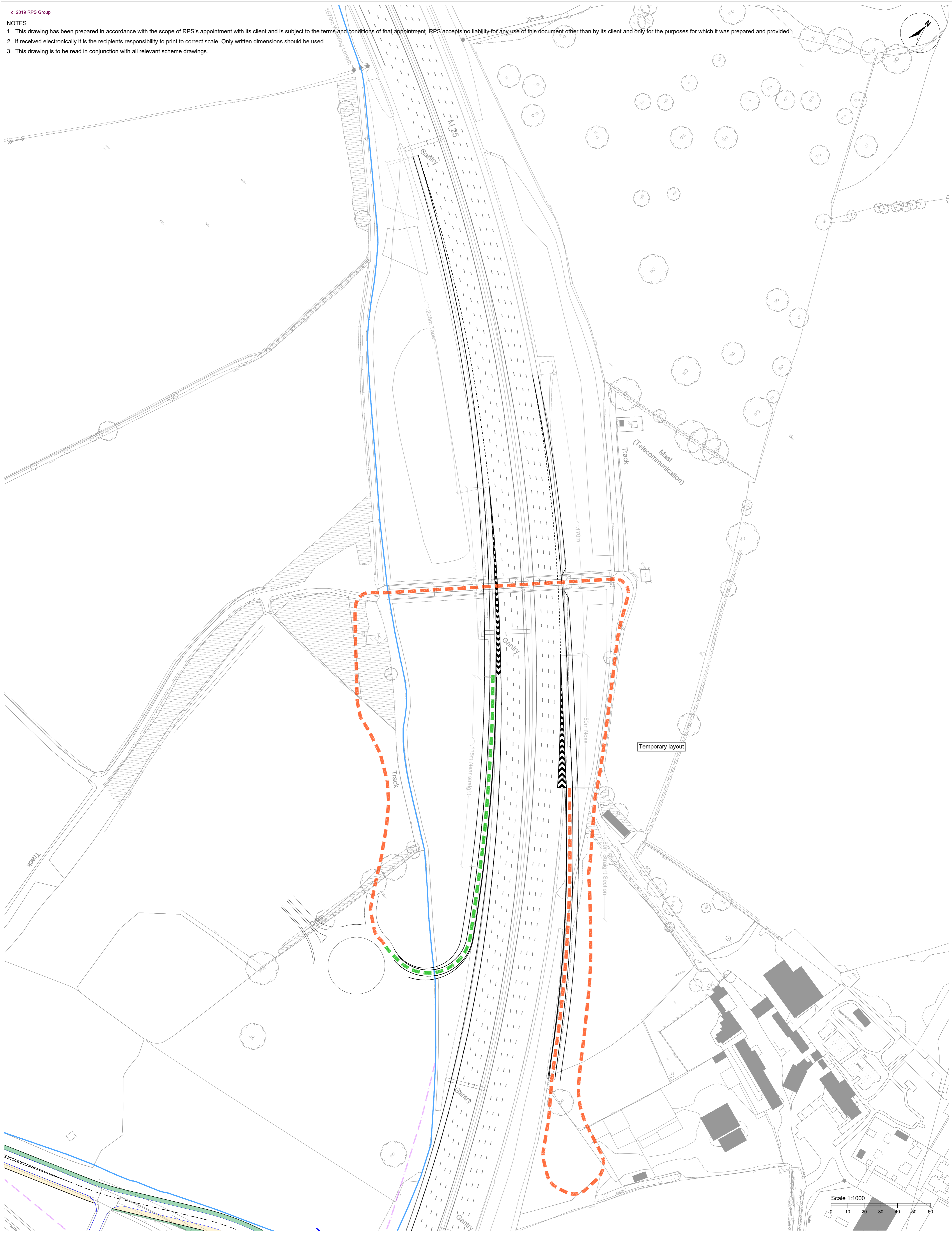
SIDE



<p>INFORMATION</p> <p>0 50</p> <p>metres</p> <p>Ordnance Survey © Crown Copyright, 2022. All Rights Reserved. Licence No.0100031673</p>		<p>ESP Ltd</p> <p>Chartered Surveyors Chartered Landscape Architects Environmental Consultants Health and Safety Consultants</p> <p>The Creative Industries Centre Glaisher Drive Wolverhampton WV10 9TG</p> <p>Tel: 01902 771311</p>
<p>CLIENT</p> <p>Colne Valley MSA Ltd</p>		<p>PROJECT</p> <p>Colne Valley Services - Mineral Application</p>
<p>TITLE</p> <p>Initial Site Management Compound</p>		<p>SCALE DRAWN BY DATE</p> <p>1:1000 @A3 KH/KB Feb 2022</p> <p>DRAWING NUMBER REV</p> <p>C17_LAN_008</p>

NOTES

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3. This drawing is to be read in conjunction with all relevant scheme drawings.



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 T: +44(0)20 3691 0500 E: transport@rpsgroup.com

Client Welome Break Group Ltd

Project Iver MSA

Title Temporary Construction Access

Key:

	Access Route
	Egress Route

Status PRELIMINARY Drawn By AJ PM/Checked by ID

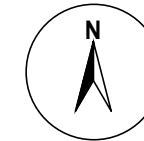
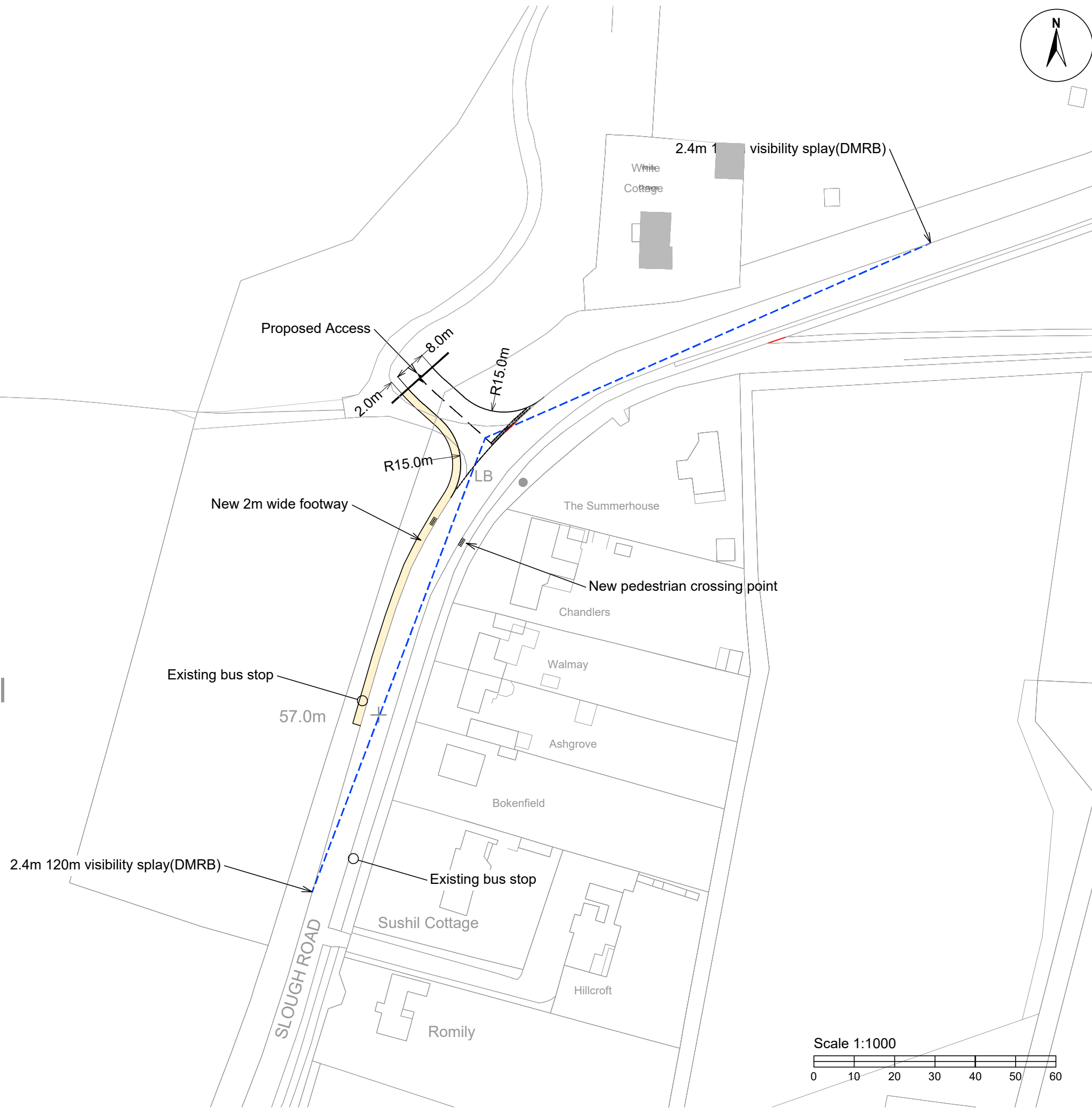
Project Number JNY10850 Scale @ A1 1:1000 Date Created 17/06/21

RPS Drawing/Figure Number JNY10850-16 Rev A

Rev	Description	By	CB	Date
A	Layout updated to Option 2 (drawing 26A)	AJ	ID	07/02/22

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Chandlers Hill



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NOTES

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Rev	Description	By	CB	Date
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 T: +44(0)20 3691 0500 E: transport@rpsgroup.com

Client **Welcome Break Group Ltd**

Project **Iver MSA**

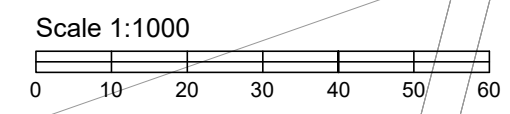
Title **Slough Road
Proposed Site Access**

Status **INFORMATION** Drawn By **AJ** PM/Checked by **MA**

Project Number **JNY10850** Scale @ A3 **1:1000** Date Created **12/05/21**

RPS Drawing/Figure Number **JNY10850-07** Rev **-**

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APPENDIX E: Draft List of Conditions (without prejudice)

General

1. The development hereby permitted shall commence no later than three years from the date of this planning permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced, nor shall any soil movement operations, demolition or other site clearance occur until such time as planning permission reference: 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 and a copy of the contract has been submitted to the local planning authority prior to such commencement. This is with the exception of any necessary ground investigations and surveys. The operator shall provide written notification of the date of commencement to the Local Planning Authority within one week of that date.

Reason: The application has been considered in the context of which it is put forward. The application is primarily for prior-extraction of mineral and some facilitating works to provide a development base for the development put forward under application ref: PL/20/4332/OA. For this reason, there needs to be reasonable probability that this application is implemented. Further, it is required to ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

3. The development hereby permitted shall not be carried out other than in complete accordance with the following documents:
 - C17_LAN_001 – Location and Existing Situation.
 - C17_LAN_002 Phase 1_Establishment_Rev A.
 - C17_LAN_003 Phase 2_Mineral_Working Rev A
 - C17_LAN_004 Cross Sections_Rev A.
 - C17_LAN_008 Initial Site Management Compound .
 - JNY10850-07 Proposed Slough Road Access.

Reason: To define the development which has been permitted and so to control the operations in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

Highways

4. No development hereby permitted shall commence until detailed design drawings and specifications of the slip roads onto and off the M25 motorway, have been submitted to and approved in writing by the local planning authority. The details submitted shall be broadly in accordance with drawing ref: JNY10850-16a Temporary Construction Access. The development shall thereafter be carried out in accordance with the approved drawings.

Reason: To define the development which has been permitted and so to control the operations in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan. For the avoidance of doubt National Highways will be consulted on any submitted details.

Hours of operation

5. No operations authorised by this permission shall be carried out other than between the following hours with the exception of night-working in accordance with condition 6:

7:00 am to 7:00 pm Mondays to Fridays;

7:00 am to 1:00 pm Saturday;

No operations shall be carried out on Saturday 1:00pm to 7:00pm, or on Sundays or Public Holidays.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

6. Prior to any night-working (for the purposes of this condition this is to be working between the hours of 7.00 pm – 7.00 am) being carried out in accordance with the permitted development, a scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail works to be undertaken, their duration and measures to minimise impacts. The development shall thereafter be carried out in accordance with the submitted scheme.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

7. All and any plant and machinery shall operate only during the hours permitted by conditions 5 and 6, except in the case of an emergency, and shall be properly silenced and maintained in accordance with the manufacturer's specification.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

Lighting

8. Prior to commencement of the development hereby permitted, a lighting scheme for both fixed and mobile task lighting including (as appropriate) details of arrangement within the site, type of fixtures, consideration of non-diesel generator methods of power generation, a lux plan to show any lighting spillage and hours of usage shall be submitted to and approved in writing by the Local Planning Authority. No lighting shall be erected or operated other than in accordance with the approved scheme thereafter.

Reason: To minimise lighting impacts and in the interests of the local landscape and the amenities of local residents in accordance with policies 16 and 20 of the Buckinghamshire Minerals and Waste Local Plan.

Contamination

9. Prior to the commencement of development hereby permitted the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i) A site investigation, based on the preliminary assessment of existing ground conditions and contamination risks set out within chapter 11 of the Environmental Statement, Volume 1: Main Report dated July 2021, to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site. This shall include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

Reason: This pre commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Also to accord with policy 16 of the Buckinghamshire Minerals and Waste Local Plan and paragraph 174 of the National Planning Policy Framework.

10. Following completion of measures identified in the remediation strategy, if such a strategy is required arising from condition 9, prior to commencement of the development, a verification report demonstrating the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme. Copies of any waste transfer notes relating to exported soils shall be submitted to the Local Planning. The verification report must be undertaken in accordance with the Environment Agency's 'Land contamination risk management' guidance published 8th October 2020. The approved monitoring and maintenance programme shall be implemented.

Reason: This pre commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Also to accord with policy 16 of the Buckinghamshire Minerals and Waste Local Plan and paragraph 174 of the National Planning Policy Framework.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be

prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Also to accord with policy 16 of the Buckinghamshire Minerals and Waste Local Plan and paragraph 174 of the National Planning Policy Framework.

Highways

12. Prior to commencement of the development hereby permitted a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority for alterations to the existing field access onto Slough Road for temporary construction purposes. The access shall be constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policy 17 of the Buckinghamshire Minerals and Waste Local Plan.

13. Prior to commencement of the development hereby permitted a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of (but not limited to):
 - i. A construction programme for the Motorway Service Area
 - ii. Construction worker travel arrangements
 - iii. The routing of construction vehicles along the local highway from the nearest motorway or large distributor road to the site.
 - iv. Details of vehicles accessing the site and a schedule identifying when they would need access
 - v. Swept path drawings for vehicle routes for all vehicle sizes
 - vi. Maximum number of site operative LGV movements
 - vii. Pre-condition surveys of the agreed route for construction vehicles where within Buckinghamshire
 - viii. Measures/systems to manage HGV construction traffic
 - ix. The parking of vehicles of site operatives and visitors

- x. Loading and unloading of plant and materials
- xi. Storage of plant and materials used in constructing the development
- xii. Details of how the spread of dirt or dust onto the public highway would be prevented (e.g. Wheel washing facilities).

The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents in accordance with policy 17 of the Buckinghamshire Minerals and Waste Local Plan.

14. Upon completion of the slip road accesses to the M25 as approved under condition 4 above no HGVs associated with the development hereby permitted shall access the site other than via these slip roads.

Reason: In the interests of local amenity and the local highway network in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

15. Export of mineral and soils shall not be carried out other than via the slip road accesses to the M25 as approved under condition 4 above.

Reason: In the interests of local amenity and the local highway network in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

16. The total combined maximum number of heavy goods vehicle movements (where heavy goods vehicles are those greater than 3.5 tonnes unladen weight) accessing the site via the A4007 shall not exceed 50 (25 in, 25 out) per day. For the avoidance of doubt, in combination with condition 14, upon completion of the slip road accesses to the M25 in accordance with the details approved pursuant to condition 4 above, no heavy good vehicles shall access the site via the A4007.

Reason: To protect local residents from being adversely impacted by noise from HGVs travelling to and from site in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

17. Records of the daily heavy good vehicle movements accessing and egressing via the A4007 shall be maintained for the duration of the development hereby permitted. These records shall include the dates and timings of movements (access and egress) and the associated numberplates for the vehicles either in writing and/or CCTV footage. These records shall be made available to the Local Planning Authority no later than one week after any request to view them has been made.

Reason: In the interests of highway safety and the amenities of the local area and to comply with policies 16 and 17 of the Buckinghamshire Minerals and Waste

Construction Environmental Management Plan (CEMP)

18. Prior to commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall set out but not be limited to the following:
- a) Programme for the extraction of minerals approved under planning application CM/0036/21
 - b) The proposed traffic routes to the site, to be identified on a plan;
 - c) Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from by vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0930) and PM Peak (1630-1800) periods);
 - d) an estimate of the daily traffic movements, profiled for each minerals extraction phase, identifying the peak level of vehicle movements for each day;
 - e) details of local road temporary traffic management measures.
 - f) confirmation that a formal agreement from National Highways for temporary access/egress has been obtained (if required) for the M25 motorway
 - g) details of any proposed strategic road temporary traffic management measures on the M25 motorway;
 - h) Management and hours of construction work and deliveries;
 - i) area(s) for the parking of vehicles of site operatives and visitors;
 - j) area(s) for the loading and unloading of plant and materials;
 - k) area(s) for the storage of plant and materials used in constructing the development;
 - l) details of wheel washing facilities;
 - m) the mitigation measures in respect of noise and disturbance during the minerals extraction including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

- n) a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- o) details of waste management arrangements;
- p) the storage of materials and construction waste, including waste recycling where possible;
- q) the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- r) measures to avoid impacts on the non-statutory designated sites and retained habitats;
- s) details of drainage arrangements during the minerals extraction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- t) protection measures for hedgerows and grasslands;
- u) contact details of personnel responsible for the works; and
- v) soil movement methods and tracking of soil movement

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting amenities, minimising damage during construction and highway safety, convenience of highway users and to ensure that the M25 and M40 Trunk Roads continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. For the avoidance of doubt National Highways will be consulted on any submitted details.

Noise

19. Prior to commencement of the development hereby permitted, a Noise Monitoring, Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details: noise monitoring methods, measures to reduce noise impacts upon nearby noise sensitive receptors, details of all machinery to be utilised on site (including their acoustic specification) and the method of recording noise complaints submitted to the operator and the corresponding action taken to address the complaint. The development shall not thereafter be carried out other than in accordance with the approved details for the duration of the development.

Reason: To limit the impact of noise on the residential and other amenities of locality and to comply with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

Dust

20. Prior to commencement of the development hereby permitted, a detailed scheme for the monitoring and mitigation of dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter for the duration of the development.

Reason: This pre commencement condition is required to ensure air quality impacts from the proposal would not be unacceptable and in the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

Ecology

21. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Proposed CVS Minerals Site: Impact Plan for great crested newt District Licensing (Version 1)", dated 24th January 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

22. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

23. 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).

Arboriculture

24. Prior to the commencement of the development hereby permitted, a site specific Arboriculture Method Statement (AMS) taking into account guidance within British Standard 5837 :2012 to cover all aspects of tree protection/retention and proposed tree works and including details of all tree protection measures (including root protection areas and fencing), tree works specifications and a detailed tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved Arboriculture Method Statement.

Reason: To maintain the amenity of the area and ensure retained trees, shrubs and hedges are not damaged during all phases of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 by ensuring the development accords with method statement and that the correct materials and techniques are employed which conform to current British Standard 5837 specification guidance. Also, to accord with policy 18 of the Buckinghamshire Minerals and Waste Local Plan.

Soil Stripping and Storage

25. Prior to commencement of the development hereby permitted a scheme for stripping, handling and storage of soils shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail tests for ascertaining that ground and soil conditions are suitable for soil handling. The scheme shall also include any necessary biosecurity measures to ensure earthmoving plant does not introduce non-native / invasive species to the site. The development shall be carried out in accordance with the approved details

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site in accordance with policy 25 of the Buckinghamshire Minerals and Waste Local Plan.

26. All topsoil shall be stored separately from subsoil and over or underburden (soil substitute material). All subsoil shall be stored separately from over or underburden. Topsoil shall be stripped from areas where mounds of subsoil and over or underburden (soil substitute material) and subsoil are to be stored. Where continuous bunds are used dissimilar soils shall be separated by a third material the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the bund construction. The bunds shall not be located other in the positions specified on the plans approved pursuant to condition 3 of this permission.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site in accordance with policy 25 of the Buckinghamshire Minerals and Waste Local Plan.

27. All stored topsoil, subsoil over or underburden mounds shall be constructed with the minimum of compaction necessary to ensure stability. The storage mounds shall be shaped to avoid the collection of water in surface undulations.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site in accordance with policy 25 of the Buckinghamshire Minerals and Waste Local Plan.

28. Except for the purposes of soil stripping or replacement operations, no topsoil or subsoil shall be traversed by heavy vehicles and no storage mounds shall be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site in accordance with policy 25 of the Buckinghamshire Minerals and Waste Local Plan.

29. Topsoil storage mounds shall not exceed three metres in height. Subsoil mounds shall not exceed five metres in height.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site in accordance with policy 25 of the Buckinghamshire Minerals and Waste Local Plan.

30. The topsoil and subsoil material storage mounds once constructed shall not be subsequently disturbed until required for construction or restoration purposes whether for use in the development permitted under application ref: PL/20/4332/OA or the restoration required by condition 39 of this consent.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site in accordance with policy 25 of the Buckinghamshire Minerals and Waste Local Plan.

31. No subsoil or topsoil shall be exported from the site until such time as planning permission reference PL/20/4332/OA has been granted, all subsequent reserved matters pursuant to that permission have been approved and the consented development commenced with written notification provided to the Local Planning Authority.

Reason: To ensure that sufficient soils are available for restoration purposes in accordance with policy 25 of the Buckinghamshire Minerals and Waste Local Plan.

Extraction and Processing

32. No processing of any sand and gravel extracted under this permission shall occur on the site.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

33. Stockpiles of unprocessed sand and gravel within the 'staging area' identified on drawing ref: C17_LAN_003 Phase 2_Mineral_Working) Rev A shall not exceed 5 metres in height.

Reason: To minimise the visual impact of the development on the locality in accordance with policies 16 and 20 of the Buckinghamshire Minerals

Archaeology

34. (1) No development shall take place, unless authorised by the Local Planning Authority, until the developer have undertaken archaeological evaluation in form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Where significant archaeological remains are confirmed these will be preserved in situ.

(2) Where significant archaeological remains are confirmed, no development shall take place until an appropriate methodology for their preservation in situ has been submitted to and approved in writing by the Local Planning Authority.

(3) Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until a programme of archaeological work has been secured and implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the Historic Environment in accordance with policy 19 of the Buckinghamshire Minerals and Waste Local Plan.

Water Environment

35. The development shall not begin until a surface water drainage scheme for the site, based on the principles of Phase 2 – Schematic Drainage Plan (drawing no. C17_LAN_006, September 2021, ESP) and Flood Risk Assessment (ref. B/CSV/CSVMSA/FRA001/21, 13th July 2021, BCL Hydro), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall also include:

- Full construction details of all surface water drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete (where necessary), together with storage volumes of all surface water storage components

- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event shall be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-commencement condition is to ensure that a surface water drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

36. No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting and landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed over a five year period following completion of the development
- details of any proposed footpaths or fencing

Reasons: By including a 10m buffer zone throughout the duration of the mineral extraction operation, the integrity of the watercourse is maintained. The buffer zone will provide additional protection to the watercourse against surface water run off. This approach is supported by paragraph 179 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the

Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. This condition is also supported by local plan policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

37. No drainage systems for the infiltration of surface water to the ground shall be constructed unless a scheme pertaining to these works has been submitted to and approved in writing by the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework and policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

Time Limit

38. Extraction of minerals shall cease no later than 14 months after the development hereby approved has been commenced.
Reason: To define the development which has been permitted and so to control the operations in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

Restoration

39. In the event that the development hereby permitted has been commenced and either:
- 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,

the operator must immediately notify the Local Planning Authority in writing that a) or b) has occurred and within 3 calendar months of the date of the aforementioned written notice, the operator must submit to the Local Planning Authority a revised scheme of restoration, (based upon the Drawing titled: “Mineral Restoration without Non-mineral Development”, Figure 14.1, and dated April 2022) for the Local Planning Authority’s written approval. The revised scheme shall include:

- a biodiversity action plan (“BAP”) identifying specific opportunities for the re-creation of priority habitats and the protection and recovery of priority species population
- a surface water drainage scheme for the site where this differs from the details approved pursuant to condition 35 and based upon the principles of Phase 2 – Schematic Drainage Plan (drawing no. C17_LAN_006, September 2021, ESP) and Flood Risk Assessment (ref. B/CVS/CVSMSA/FRA001/21, 13th July 2021, BCL Hydro)
- a programme for implementing that scheme (including a Construction Environmental Management Plan and Landscape and Ecological Management Plan)

The site must then be restored in accordance with the aforementioned approved documents within 12 calendar months of the date of the Local Planning Authority’s written approval.

Reason: To ensure the satisfactory restoration of the site in accordance with policy 25 of the Minerals and Waste Local Plan.

Aftercare

40. Within six months of the date of any written approval of documents from the Local Planning Authority pursuant to condition 39, an aftercare scheme for a period of five years for the site detailing the steps necessary to bring the land to the required standard for agriculture including biodiversity enhancements as indicated upon documents approved pursuant to condition 39, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the annual aftercare programme which shall be carried out in each year of the aftercare period. This shall include provision for any necessary planting, cultivating, fertilising, watering, draining or otherwise treating the land. The scheme shall also provide for an annual meeting throughout the five-year aftercare period between the landowner or successor in title, and the Local Planning Authority.

The development shall be implemented in accordance with the approved aftercare scheme.

Reason: To ensure the satisfactory restoration of the site in accordance with policy 25 of the Minerals and Waste Local Plan.

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APPENDIX F: Summary of Representations

Representations

No comments have been received supporting the proposal, BLANK comments neither supporting nor objecting and 19 comments objecting to the proposal. In general, the comments raised the following matters:

- Non-compliance with mineral planning policies
- Impacts upon the Green Belt
- Air quality impacts
- HGV Traffic / Disturbance
- Use of non-renewable resources
- Impacts upon soils
- Climate change impacts
- Cumulative impacts
- Noise impacts
- Road suitability for HGVs
- Road Safety
- Impacts on wildlife / biodiversity
- Non-compliance mineral plan policies
- Non-compliance with Department of Transport Circular 'The Strategic Road Network and the Delivery of Sustainable Development'
- 'Salami-slicing' of a single project in EIA terms
- Tree removal including veteran trees

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Buckinghamshire Council

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Report to Strategic Sites Planning Committee

Application Number:	PL/22/1411/OA
Proposal:	Outline Application for the erection of a Motorway Service Area with all matters reserved with the exception of access from the M25, comprising a facilities building, fuel filling station, electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces, Sustainable Drainage Systems (SuDS)/attenuation, retaining structures and associated mitigation, infrastructure and earthworks/enabling works
Site location:	Land Between Junctions 16 and 17 of the M25, Near Chalfont St Peter, Buckinghamshire,
Applicant:	Extra MSA Group
Case Officer:	Rachel Marber
Ward affected:	Chalfont St Peter
Parish-Town Council:	Chalfont St Peter Parish Council
Valid date:	4 May 2022
Determination date:	2 October 2023
Recommendation:	That planning permission be deferred and delegated to the Director of Planning and Environment for REFUSAL

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Abbreviations Used:

AONB - Area of Outstanding Natural Beauty

ASA - Alternative Site Assessment

ASNW - Ancient Semi Natural Woodland

AQMA's - Air Quality Management Areas

BMV - Best and Most Versatile

CIL - Community Infrastructure Levy

CSP1 - Chalfont St Peter One (PL/19/2260/OA)

CSP2 - Chalfont St Peter Two (PL/22/1411/OA)

CV MSA - Colne Valley Services (PL/20/4332/OA)

CVRP - Colne Valley Regional Park

DAS - Design and Access Statement

DMRB - Design Manual for Road and Bridges

ES - Environmental Statement

FRA – Flood Risk Assessment

FTP - NPPF Travel Plan

HS2 - High Speed Rail 2

LCA - Landscape Character Area

LNR - Local Nature Reserve

LPA - Local Planning Authority

MSA - Motorway Service Area

NPS NN - National Policy Statement for National Networks 2014

NPSE - The National Policy Statement for England

SAC - Special Area of Conservation

SEN - Scottish and Southern Electricity Networks

SRN - Strategic Road Network

SSSI - Site of Scientific Interest

The NPPF – National planning Policy NPPF

PRoW - Public Right of Way

VSCs - Very Special Circumstances

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

Introduction

- 1.1 Outline planning permission is sought for the construction of a Motorway Service Area ('MSA') located between junctions 16 and 17 of the M25 motorway near Chalfont St. Peter, Buckinghamshire.
- 1.2 As outline permission is sought, all matters are reserved except for access from the M25. The masterplan, parameters plan and landscape plan are provided to offset the other aspects as to how the site would be developed. The details of site access submitted for approval are as follows:
 - On/off slip roads located on both the northbound and southbound carriageways of the M25;
 - A grade separated Junction that crosses over the M25, although the design of the bridge structure is for subsequent approval;
 - A single point of access to the MSA from the M25; and
 - Associated drainage and landscaping.
- 1.3 The current development proposal as applied for comprises a main amenity/facilities building, fuel filling station for cars and HGVs, parking facilities, junction and access from the M25 via an overbridge and associated landscaping and SuDs features. In addition, off-site habitat enhancement works, as shown outlined in green within Appendix I, are also part of the wider proposals.
- 1.4 The planning application is a new standalone proposal following the refusal on appeal of a previous planning application for a MSA in November 2021 (planning reference: PL/19/2260/OA). This previous MSA proposal (here within known as CSP1) was refused on landscape and Green Belt harm grounds, with some other harm identified to loss of BMV agricultural land and aviation safety (although the Council did not seek to raise aviation matters at Public Inquiry). The built form associated with CSP1 MSA proposal was located mainly to the western side of the M25, at Warren Farm, with slip roads to the east.
- 1.5 At the time of making a decision on the previous application, the Inspector was also considering two other proposals for MSAs on the M25 motorway, which would meet the same identified need, between Junctions 15 and 20;
 - Moto Services at Hunton Bridge, Kings Langley, (now refused and not appealed) and
 - Iver Heath Colne Valley Services by Welcome Break (Colne Valley Services 'CV MSA'), (Planning Ref: PL/20/4332/OA)

- 1.6 The Inspector concluded that the MSA proposal at CV MSA would be most appropriate to meet the need on the M25, and would be the least harmful of all the alternatives considered, in terms of Green Belt and Landscape harm and that it was worth giving a site which is likely to be less harmful to the Green Belt the opportunity to run its course. It is important to note that the precise nature and detail relating to the alternative sites was not before the Inspector, only their locations. Moreover, the Inspector's assessment and conclusions on those sites were not made following any input from the Council. Nevertheless, the Inspectors report is an important material consideration, which carries significant weight.
- 1.7 There are number of important and material differences between the current application and the aforementioned previous CSP1 MSA proposal in this location, which was refused permission by the Inspectorate. These pertain to a smaller, more condensed site, with a smaller concentration of built form. This built form is now located to the eastern side of the motorway, as opposed to the previous west; and removal of community land and hotel elements of the proposed development also help to lessen the site extent. The local link road has also been omitted, with vehicle access to the development solely from the M25, although access on foot and by cycle would still be permitted. Full differences between the two schemes are summarised in section 4 Table 1 below.
- 1.8 Preceding the above MSA applications, there was another MSA application at a location referred to as Warren Farm (ref: SBD/8215/96) considered at appeal in 1999). This appeal was dismissed on grounds of inappropriate development in the Green Belt and being contrary to the key aims of the Colne Valley Park. Further harm was also identified to the landscape, loss of BMV agricultural land, with modest ecological harm and limited harm in terms of noise and air pollution. At the time of making that decision, the Secretary of State was also considering five proposals for MSAs on the M25 and a further three on the M4. It was concluded that the MSA proposals at New Barn Farm, Cobham, serving the M25, would be most appropriate to meet the need on the M25, and that it would be least harmful of all the alternatives considered. Since this appeal decision, the immediate site landscape and context has changed by virtue of HS2, and new infrastructure along the M25, such as lighting.
- 1.9 The application is not the subject of a Councillor Call-in, but due to the size and nature of the proposal in the Green Belt under Part I section 2.5 of the Council's Constitution Officers consider the exercise of delegated powers is not appropriate in this instance and that it would be appropriate for the application to be considered by committee for determination.

Planning Issues

- 1.10 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.
- 1.11 The proposed MSA development is inappropriate development, which by definition is harmful to the Green Belt (as acknowledged by the applicant) and would result in significant spatial and visual harm to the openness of the Green Belt. The proposal would also conflict with one of the five Purposes of including land in the Green Belt resulting in moderate harm to purpose c). The proposal would not accord with Local Plan Policies GB2 and GB30 of the Chilterns Local Plan, to which moderate weight is afforded to this policy conflict.
- 1.12 The proposal would result in harm to character of the landscape and visual impacts including the Colne Valley Regional Park, contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan. These identified impacts would be localised and with mitigation there would remain considerable negative impact, which attracts considerable weight. Policy CS4 is broadly consistent with the NPPF and according the development's conflict with this policy is afforded significant weight. Moderate weight is accorded to conflict with Policy GC1, and Policy GB30.
- 1.13 Limited harm would also result from the loss of Best and Most Versatile ('BMV') agricultural land, in conflict with Policy CS4 of the Chilterns Core Strategy. Policy conflict with CS4 is afforded significant weight.
- 1.14 The proposed MSA would not be regarded as appropriate development and would fail to pass the flood risk sequential test due to an appropriate alternative for the proposed development available at another site, contrary to Policy CS4 of the Chilterns Core Strategy and Policy GC10 of the Chilterns Local Plan. Significant weight is accorded to policy conflict with CS4, and moderate weight to Policy GC10.
- 1.15 The proposal complies with other development plan policies on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, highways, parking and access, public rights of way, meeting the challenge of climate change and flooding mitigation, conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenity.
- 1.16 Overall 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. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.

- 1.17 Turning to other material considerations, there are a number of factors that should be considered.
- 1.18 Circular 01/2022 is a material consideration and provides guidance on the process for identifying an appropriate location for a new MSA, and relevant criteria. The proposal would accord with this Circular.
- 1.19 The National Planning Policy NPPF ('the 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 provide 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.
- 1.20 In considering paragraph 11 of the NPPF, there are relevant development plan policies that apply to this application and the report identifies where those development plan policies are not fully consistent with the NPPF, having regard to paragraph 219 of the NPPF. The most important policies relating to the determination of this application are Core Strategy Policy CS1 and Local Plan Policies GB2 and GB30, as stated in the report. For the reasons set out in the report Policy GB2 and GB30 are not fully consistent with the NPPF however, moderate weight can still be attached to them. On the basis that the suite of most important policies for determining this application are out-of-date, paragraph 11d is considered further below.
- 1.21 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 summarised later in this section, including the requirement in considering Green Belt harm to consider whether very special circumstances exist and the weight to be given to harm and benefits where referenced.
- 1.22 The proposal complies with objectives of the NPPF on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, parking and access, public rights of way, meeting the challenge of climate change and

flooding mitigation, conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenity.

- 1.23 In respect of other matters, the advice of National Highways and Buckinghamshire Highway Authority is that the proposal does not raise a 'severe' impact on the Strategic Road Network and local roads respectively or result in an unacceptable impact on highway safety having regard to paragraph 111 of the NPPF. There is some positive benefit resulting from the rights of way enhancements and provision of HGV parking, which are afforded limited positive weight.
- 1.24 In terms of aviation safety, Officers consider that this would not pose a significant risk in terms of air safety or of risks to those on the ground to justify a refusal on this ground.
- 1.25 In considering paragraph 11c) of the NPPF the proposal would conflict with the Development Plan, however given the most important policies are out of date this reduces the weight given to that conflict to moderate. Consideration is now given to paragraph 11d)i which requires consideration to policies in the NPPF which protect areas or assets of particular importance which provides a clear reason for refusal of the application. Footnote 7 specifies those, of which land designated as Green Belt and areas at risk of flooding are relevant to this proposal.
- 1.26 Turning firstly to Green Belt harm, as set out above the proposed MSA development is inappropriate development, and would result in significant harm overall to the Green Belt, which is afforded substantial negative weight in accordance with paragraph 148 of the NPPF.
- 1.27 The NPPF states at paragraph 148 that VSCs 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. It is concluded that having due regard to the proposed CV MSA as an available, alternative appropriate site, to meet the need for an MSA in this quadrant of the M25, the benefits delivered by the proposed development are not sufficient to outweigh the identified harm to the Green Belt and other harm identified below. "Very Special Circumstances" do not therefore exist. This would represent a clear reason for refusal under paragraph 11d)i. of the NPPF.
- 1.28 Turning secondly to the risk of flooding, the proposed MSA location would fail to pass the flood risk sequential test, due to an appropriate alternative for the proposed development available at another site. This would represent a clear reason for refusal.

- 1.29 The other harm identified in the report comprises: harm to character of the landscape and visual impacts which attracts considerable weight; Limited harm from the loss of Best and Most Versatile ('BMV') agricultural land; and failure to pass the flood risk sequential test due to not being an appropriate development to fulfil the need for a MSA as well as the site at Colne Valley (CV MSA) in conflict with paragraphs 130, 174, and 161 of the NPPF.
- 1.30 In addition to the harm identified above there are benefits which need to be considered as material. There is a clear need for a MSA in this section of the M25 and the associated safety function is a significant positive consideration.
- 1.31 Alternative land and sites for MSA provision have been considered as a material consideration. Officers conclude that CSP2 would not be an appropriate development having regard to all the matters considered above to fulfil this need when considering the preferred site. Significant negative weight is given to this factor.
- 1.32 There are benefits arising from the need for a MSA as set out above, the other benefits referred to for the proposed development are the economic benefits achieved through the creation of jobs and investment during- and post- construction phases, with a Local Employment Strategy to maximise the opportunities locally, and this benefit is afforded significant weight. A net gain in biodiversity has also been demonstrated to be achievable, and this attracts moderate weight in the planning balance. A positive benefit resulting from the rights of way enhancements and provision of HGV parking are afforded limited positive weight.

Overall Summary

- 1.33 The Overall Assessment at the end of the report has set out the harm, the benefits and other material considerations and in considering the overall balance, there is a judgement made.1.34 Officers consider that the proposal would conflict with the development plan as a whole. In the light of policies GB2 and GB30 not being wholly consistent with the NPPF moderate weight is given to this conflict having regard to paragraph 219 of the NPPF.
- 1.34 On the basis that Officers consider that the most important policies for determining the application are out of date, paragraph 11 d) of the NPPF is engaged for the reasons set out in report. However, the policies of the NPPF relating to Green Belt and flood risk including the sequential test have been taken into account and Officers in making a judgement consider that there are clear reasons for refusing the development proposed in accordance with footnote 7 on Green Belt and flooding and thus the tilted balance in the NPPF paragraph 11d)ii does not apply.

- 1.35 Officers consider that material considerations outlined in the report do not indicate that the application should be determined other than in accordance with the development plan.
- 1.36 As set out later in the report, the resolution recommended acknowledges that a final determination of the CSP2 MSA application will not be made at this stage in the light of the CV MSA report conclusions . 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.
- 1.37 **Recommendation**

That planning permission be deferred and delegated to the Director of Planning and Environment for REFUSAL for the following reasons:

1. The proposed development would constitute inappropriate development in the Green Belt which by definition is harmful and would result in significant harm to the openness of the Green Belt in both spatial and visual terms, and would conflict with Purpose C of including land within the Green Belt. Substantial weight is given to the harm to the Green Belt. The harm to the Green Belt and other harm is not clearly outweighed by the benefits such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposed development is therefore contrary to Policy GB2 and GB30 of the Chilterns Local Plan and the National Planning Policy Framework.
2. The proposed development would result in considerable negative impact on the landscape character and visual amenity of the immediate area, fundamentally altering its character and appearance, contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan and the National Planning Policy Framework.
3. The proposed development is in an area at risk of surface water flooding and would fail to meet the flood sequential test in that there is a reasonably available appropriate site for the development proposed. The development would not be an appropriate site for the development proposed, with regard to local and national policies relating to flood risk. Accordingly, it would conflict with Policy CS4 of the Chilterns Core Strategy, Policy GC10 of the Chilterns Local Plan and Paragraphs 161 and 162 of the National Planning Policy Framework.
4. Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a satisfactory Section 106 Agreement to secure the provision of planning obligations,

including monitoring and financial contributions that are necessary to facilitate delivery of the proposed development and mitigate its impacts. In the absence of such provision the proposal is contrary to requirements of policies GC1, GC4,, NC1 and TR3, in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policies CS4, CS24, CS25, CS26, CS30, and CS32 of the Core Strategy for Chiltern District Adopted 15 November 2011, policy PW11 of the Chalfont St Peter Neighbourhood Plan (2013 – 2028), Buckinghamshire Biodiversity Net Gain SPD (2022) and the National Planning Policy Framework.

- 1.38 Subject to planning permission being granted for the competing site planning application PL/20/4332/OA or on refusal of PL/20/4332/OA to refer this application back to the Strategic Sites Committee for re-consideration.
- 1.39 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.

2.0 Description of the Site and Proposed Development

- 2.1 The application site is located between junctions 16 and 17 of the M25 motorway near Chalfont St. Peter, Buckinghamshire. The site area is approximately 35.87 hectares and divided into two unequally sized parcels of land which are bisected by the M25 motorway. The motorway runs in a north-south direction. The smaller of the two parcels of land is located to the west of the M25 motorway, with the larger located to the east.
- 2.2 The western most boundary of the site, is approximately 600m from settlement edge of Chalfont St Peter, as measured from Denham Lane. Mopes Farm, just outside of this settlement boundary, is located approximately 500m from the site; the farm comprises a set of three, Grade II Listed Buildings. The eastern boundary of the site is approximately 1k away from the Settlement of Maple Cross and West Hyde which are located in Three Rivers District. The eastern side of the application site is separated from the Three Rivers District boundary by the future High Speed Rail 2 ('HS2') route, leading into the Chilterns tunnel; this nationally significant infrastructure project is currently under construction. To the north-east of the site is the existing Orchard's traveller site, and to the south, Denham Park Farm Quarry. Three public rights of way are located within and in the immediate areas surrounding the site boundary. Footpath CSP 16/1 is located

adjacent to the northern boundary; bridleway CSP 43/2 (South Bucks Way) crosses under the Motorway via an underpass at the southern boundary of the site, and Bridleway CSP 44/1, part of the Old Shire Lane Circular Walk, lies on the eastern boundary.

- 2.3 A large proportion of the eastern parcel of the application site is currently being used for stockpiling of chalk cake material required for the construction of HS2. The parcel of land on the eastern side of the motorway falls within a HS2 safeguarding area. This land would be restored back to agricultural use once HS2 has been constructed (anticipated date of 2026). The restored area would comprise mixed woodland, grassland, wet grassland and basins. HS2 restoration plans in relation to the site area of the proposed MSA, have been included in Appendix D.
- 2.4 The parcel of land on the western side of the motorway comprises arable fields divided by hedgerows and hedgerow trees. The land gradient is somewhat undulating and rises towards the M25 motorway. This land form depicts what the eastern parcel would have looked like, prior to HS2 construction.
- 2.5 In terms of planning constraints, the application site falls within the designated Green Belt, Colne Valley Regional Park and within the impact zones of several Sites of Special Scientific Interest (SSSI): Mid Colne Valley, Old Rectory Meadows, and Hodgemoor Wood. The southern edge of the Chilterns Area of Outstanding Natural Beauty (AONB) is situated some 2km north of the application site. Two small areas of archaeological notification fall within the site, either side of the M25 motorway. Ancient woodlands, Bloom Wood sits just beyond the north-western boundary of the site, with Nockhill Wood and Juniper Wood falling to the south-east. Several Local Wildlife Sites sit beyond the SSSIs, to the south-eastern boundary of the application site. There are several electricity pylons and overhead power cables that are located on land to the east of the M25. The western side of the site falls within a BPA Pipeline buffer zone. Within the western part of the site there are small areas liable to high surface water flooding, comprising of low ditches. The site also falls within a drinking water source protection zone and Denham aerodrome flight path area. Planning constraints are addressed in detail, within the relevant sections of this report.

3.0 Development proposal

- 3.1 Outline planning permission is sought, with all matters reserved except for access from the M25 for the construction of a Motorway Service Area (MSA) between Junctions 16 and 17 of the M25 motorway; herein referred to as 'Chalfont St Peter 2' (CSP2).

- 3.2 **Access Details**– Detailed permission is sought for access to the site which would comprise a separated junction that crosses over the M25 motorway in the form of a single overbridge loop. New on and off slip roads serving both northbound and southbound traffic on the motorway would be created. This would result in a single point of vehicular access to the MSA, with no connection to the local road network. Circulation and access roads, including roundabouts within the site would provide the necessary access for visitors to the MSA.
- 3.3 The details of this site access subject to full details are as follows:
- On/off slip roads located on both the northbound and southbound carriageways of the M25;
 - A grade separated Junction that crosses over the M25;
 - A single point of access to the MSA from the M25; and
 - Associated drainage and landscaping
- 3.4 The above fixed detail, does to some extent dictate the appearance, layout and form of the associated internal roads, such as the single overbridge loop design, circulation and access roads, including roundabouts within the site however, internal layout would be subject to further detail under Layout Reserved Matters.
- 3.5 The matters reserved for future consideration are: ‘appearance’; ‘landscaping’; ‘layout’ and ‘scale’. The application is accompanied by an illustrative masterplan and parameter plans which set out the layout, land uses and parameters (i.e. maximum height, width and depth) of the development. These include the following elements:
- 3.6 **Facilities/ Amenity Building** – This building would be arranged over two floors which would contain a food court, ancillary retail, business centre (with business lounge), meetings rooms, public toilets and washing facilities and staff areas. This building would have a maximum footprint of 4,700sq.m. The submitted parameters plan sets a maximum height of 9.5m above ground level for the building envelope; and it identifies a development zone for the location of the building, towards the north-west of the application site.
- 3.7 **Fuel Filling Station**–The fuel filling station would include 9 islands (18 pumps) and 3 HGV islands (6 pumps). There would also be an ancillary forecourt sales building that would include toilets. The building would be up to 480sq.m in footprint, with a maximum 7m in height. The parameters plan identifies a development zone for this building, to the south east of the application site.
- 3.8 **Parking Provision**- The levels of parking would be as follows
- Up to 759 light vehicle spaces (including 38 disabled);

- Up to 38 staff spaces;
- Up to 142 HGV spaces;
- Up to 19 coach spaces;
- Up to 23 caravans / motor homes / vehicle and trailer spaces (including 1 disabled);
- Up to 23 motorcycle spaces; and
- Up to 1 abnormal load space.
- Electric Vehicle Charging Point (EVCP) provision within the vehicle parking area (up to 120 passive and 20 active at time of opening).

3.9 **Other works** - The following elements would also be provided for within the site:

- Landscaping to include planting and outdoor amenity areas.
- Ecological / biodiversity enhancements.
- Water attenuation measures for improved surface water management and mitigation.
 - Earthworks required to achieve the proposed site layout, to form the platform for the proposed development.
 - Re-location of existing pylons on the eastern side of M25 motorway.

3.10 The planning application is a new standalone proposal following the refusal of a previous planning application for a MSA in November 2021 (planning reference: PL/19/2260/OA). This previous MSA proposal was refused on landscape and Green Belt harm grounds, with some other harm identified to loss of BMV agricultural land and aviation safety (although the Council did not seek to raise aviation matters at Public Inquiry). The built form associated with this MSA proposal was located mainly to the western side of the M25, at Warren Farm with slip roads to the east.

3.11 The present development proposal is accompanied by an Environmental Statement (ES). The ES contains an overview of the likely environmental impact of the proposal, it assesses “likely significant effects” and sets out a summary of mitigation measures. The ES contains a methodology for assessing the significance of the environmental effects and the cumulative impacts. A series of technical chapters within the ES consider the range of environmental factors. This assessment has also informed the proposed development. The ES contains the following chapters addressing each of the following topics:

- Socio Economic Issues
- Landscape and Visual Issues
- Ecology and Nature Conservation
- Archaeology and Cultural Heritage
- Agriculture and Soils
- Ground Conditions

- Water Resources
- Transport and Access
- Noise and Vibration
- Air Quality

3.12 An initial Addendum to the ES was submitted in September 2022. Following consultation feedback, a Second Addendum to the ES was submitted in December 2022. Both of these Addenda (and relevant updates to specific chapters in the ES) are considered alongside the originally submitted ES in May 2022. The baseline assessment for purposes of the ES assessment is the restored land, after HS2 has been constructed. All assessment chapters as outlined below, have therefore taken this landscape restoration as the starting point.

Proposed Levels and Earthworks Strategy:

3.13 Some earthworks would be required to achieve the proposed site layout, to form the platform for the proposed development. This would be the main earthworks moving required and would involve the excavation (cut), movement and placement (fill) of material across the site. The strategy has been based upon ensuring the proposed buildings are placed as low in the landscape as possible to reduce the potential height and prominence of any components. Design matters and achieving technical standards in terms of highway access and circulation have also been key considerations in forming the proposed levels. Proposed landscaped mounds would also wrap around the southern and northern extents of the proposed development, on the eastern land parcel.

Further information submitted during the course of the consideration of application:

3.14 During the course of considering this application, further information was provided by the applicant in response to consultation comments. Some of the further information submitted includes the following:

- First Addendum to the Environmental Statement (submitted September 2022) which updated the following matters: Additional survey information to inform ecology findings, comprising bat survey report, Arboriculture Impact Assessment and Reptile Survey Report and updated Biodiversity net-gain metric.
- Second Addendum to the ES (submitted December 2022) which updated the following matters: Amendments to the Landscape Visual Impact Assessment (chapter 7) and relevant supporting documents, including viewpoint assessment, Zone of Theoretical Visibility and landscape masterplan. Amendment to Transport Assessment (Chapter 13) to address comments made by National Highways. Amendment to Water Resources

Chapter 12 and associated Flood Risk Assessment to provide further details as requested by the Lead Local Flood Authority ('LLFA'). Further update to Ecological chapter and Arboriculture Impact Assessment to take into account of changes to Biodiversity Net Gain ('BNG'). Changes to Chapter 4, Proposed Development, to take into account these small design changes to scheme.

- Landscape and Visual Matters Comparison with CV MSA.
- A Minerals and Waste Assessment
- Accessibility Technical Note.
- A Road Safety Audit.
- Detailed access design drawings.

4.0 Relevant Planning History

- 4.1 Appendix H, shows the extent of red outline for the below historic permissions, in relation to the application site.

Warren Farm MSA ref: 96/08215/CM

- 4.2 A historic MSA application at a location referred to as Warren Farm (ref: 96/08215/CM and SBD/8215/96), included the application site (herein after referred to as Warren Farm in the report). This application was called-in by the Secretary of State before the then County Council determined the proposals. A Public Inquiry was held to determine the proposed MSA.
- 4.3 This earlier proposal was for a dual-sided MSA with buildings/facilities to be constructed on both sides of the M25 motorway. The location of this MSA comprised part of the application site red line boundary, but was also proposed 0.3 miles further south of the current application site boundary.
- 4.4 In dismissing the aforementioned appeal in 1999, the Secretary of State found that the proposed development constituted inappropriate development in the Green Belt and would detract from the openness of the Green Belt, encroach into the countryside and conflict with the key aims of the Colne Valley Park. Particular harm to the countryside between Harefield and the more continuously built up areas to the east, and to the Colne Valley between it and Chalfont St Peter was identified. With this area of land offering *'the most striking evidence that one has reached the edge of London. It is a substantial area rural area, visible from many places, particularly on the east side of the valley and from the many rights of way within it, but also from the M25 itself where it represents one of the few sections of M25(W) which have a truly rural character.'* Further harm was also identified to the landscape, loss of BMV agricultural land, with modest ecological harm and limited harm in terms of noise and air pollution.
- 4.5 At the time of making that decision, the Secretary of State was also considering five proposals for MSAs on the M25 and a further three on the

M4. It was concluded that the MSA proposals at New Barn Farm, Cobham, serving the M25, would be most appropriate to meet the need on the M25, and that it would be least harmful of all the alternatives considered. Following this Inquiry, the proposed development was dismissed by the Secretary of State, by way of a 1999 decision (appeal ref: GOSE/103/004/BUCK/001) as it was not considered that the benefits of the MSA would be outweighed by the identified harm.

Chalfont St Peter MSA 1 ref: PL/19/2260/OA

- 4.6 Extra submitted an application for a MSA in July 2019. This application was appealed for non-determination and dismissed at public inquiry in November 2021 (appeal ref: APP/X0415/W/21/3272171) (herein after referred to as CSP1 in the report). The Council gave the following reasons for refusal had the council been in a position to determine the application:

'The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful 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. The proposal would also have substantial harm to the openness of the Green Belt, in both spatial and visual terms resulting in substantial erosion of openness, unrestricted sprawl, closing the gap between neighbouring towns and substantial encroachment into the open countryside. Such harm is afforded very substantial negative weight. The proposed development is of a scale and nature on an open green field site which would represent an obtrusion in to open countryside and result in significant adverse landscape character and visual impact on the area of the development site, its immediate setting and the wider area, loss of best and most versatile agricultural land, and would result in less than substantial harm to the setting of the listed buildings at Mopes Farm and the public benefits do not outweigh the harm to the heritage assets. Having regard to the benefits arising from the proposal and the harm to the Green Belt and other harm resulting from the proposal, this harm is not clearly outweighed by other considerations. There are therefore no very special circumstances to clearly outweigh this harm. The proposal is contrary to the National Planning Policy NPPF and Policies CS1, CS3 and CS4 of the Core Strategy for Chiltern District Adopted 15 November 2011, Policies GB1, GB2, GB30, GC1, LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

Had the above reason for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a satisfactory Section 106 Agreement to secure the provision of planning obligations,

including monitoring and financial contributions that are necessary to facilitate delivery of the proposed development and mitigate its impacts. In the absence of such provision the proposal is contrary to requirements of policies GC1, GC4, GC9 and TR3, in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policies CS4, CS24, CS25, CS26, CS29, CS30, CS31 and CS32 of the Core Strategy for Chiltern District Adopted 15 November 2011, policy PW11 of the Chalfont St Peter Neighbourhood Plan (2013 – 2028) and the National Planning Policy NPPF”.

- 4.7 This appealed application was for outline planning permission for a MSA comprising a facility building, fuel filling station, hotel, community land and associated landscape and earthworks. The red line for this proposal included land to the eastern side of the M25 motorway, as this was required to accommodate the proposed access into the MSA. However, all built form was located to the western side of the M25 motorway, adjacent to Chalfont St Peter. This MSA comprised an online facility, with access off the M25 motorway; emergency access was facilitated through a connection from Denham Lane. A copy of the appeal decision is attached as Appendix E.
- 4.8 At the time of making a decision, the Inspector was aware of two other locations proposed for MSAs on the M25 motorway that would meet the same identified need between Junctions 15 and 20.
- Moto Services at Hunton Bridge, Kings Langley
 - Iver Heath Colne Valley Services by Welcome Break (planning app ref: PL/20/4332/OA) (herein after referred to as CV MSA)
- 4.9 It was concluded that the CV MSA would be most appropriate to meet the need on the M25, with the added benefit of also serving need on the M40, and therefore the full weight of need benefit should be applied to this scheme. Additionally, the Inspector considered that this scheme would be the least harmful of all the alternatives considered in terms of Green Belt and landscape harm and that it was worth giving a site which is likely to be less harmful to the Green Belt the opportunity to run its course. Planning permission was subsequently refused for the Chalfont St Peter MSA, with the benefits of need downgraded and the test of VSCs not met. Refusal grounds centred around substantial harm to the Green Belt and significant harm to the character and appearance of the area. Other harm was also identified by way of moderate harm caused from the loss of the BMV agricultural land and limited harm caused to aviation safety. CSP1 was refused on this basis.
- 4.10 It is also noted at paragraph 79 of appeal reference APP/X0415/W/21/3272171 the Inspector states:

'It is common ground that there is a need for one MSA on the north-west quadrant of the M25. The proposal before me gives rise to 'clear public convenience or advantage' but also inevitable and adverse effects or disadvantages to the public.' Case law indicates that, in such circumstances, it is necessary to consider whether an alternative site exists for the same project which would not have those effects or would not have them to the same extent.' (cited Secretary of State v Edwards Court of Appeal 1995).

4.11 It is important to note that the precise nature and detail relating to the alternative sites was not before the Inspector, only their locations. Moreover, the Inspector's assessment and conclusions on those sites were not made following any input from the Council. Nonetheless, the previous planning history of the site is of key material consideration, which carries significant weight.

4.12 It is important to highlight a number of important and material differences between the current application (CSP2) and Chalfont St Peter 1 (CSP1). All changes are summarised in Table 1, below:

Table 1 Comparison with Previous MSA:

Factual Matter	Chalfont St Peter MSA 1 ref: PL/19/2260/OA	Current Application Chalfont St Peter MSA 2:	Difference
Red line area	59.52ha	35.87ha	40% less
Scale: Height (max.)	Facilities Building and hotel – 13.5m Fuel Filling Station – 7m	Facilities Building – 9.5m Fuel Filling Station – 7m	30% less No change
Scale: Building Footprints (max.)	Facilities Building and hotel (incl. link) – 7,800sqm Fuel Filling Station – 450sqm Total: 8,250sqm	Facilities Building – 4,700m2 Fuel Filling Station – 480sqm Total: 5,793 sqm	40% less 7% more
Scale: Floorspace (gross internal area)	12,400sqm	5,793 sqm	53% less

Hotel (beds)	100	No hotel	
Community Land	42 HA	No land	
Local access Road	Yes, off Denham Lane	No provision	
Fuel Filling Station - pumps	18 islands (36 pumps)	9 islands (18 pumps)	50% less
	3 HGV islands (6 pumps)	3 HGV islands (6 pumps)	No change
Car Parking (incl. disabled and staff) breakdown	1,030	797	23% less
Coach Parking	23	19	17% less
Caravan/Motor Home Parking (incl. disabled)	23	23	No change
Motorcycle Parking	23	23	No change
Abnormal Load Parking	1	1	No change
HGV Parking	200	142	29% less
EV Charging	20 active, 100 passive (min)	20 active plus 120 passive	12% more passive EV Chargers

4.13 As can be seen from the table 1 above, the current MSA proposal comprises a smaller, more condensed site, with a reduced concentration of built form. This built form is now located to the eastern side of the motorway, as opposed to the previous west, and removal of community land and hotel elements of the proposed development also help to lessen the site extent. The local link road has also been omitted, with access to the development solely from the M25, other than for cyclist and pedestrian access to the local road network. The revised planning application (CSP2), which is before Committee, is therefore to be assessed independently from CSP1 and conclusions drawn. Where the previous CSP1 assessment is relevant, this will be directly cited within the relevant section below.

Other MSA applications:

4.14 Since consideration of alternatives is necessary (as discussed further below) it is relevant to note the other on-going and recent MSA applications and their status.

4.15 It is noted that there have been historic proposals for Motorway Service Areas in the Iver area known as Elk Meadows and Woodlands Park. These were both refused permission by Buckinghamshire County Council and dismissed at appeal in the late 1990s.

4.16 These were refused on the basis of land contamination, flooding and impacts on landscape, residential amenity and ecology.

- 4.17 There have been other proposals for MSA developments within the Buckinghamshire Area. This includes the Burtley Wood MSA now known as Beaconsfield Services on junction 2 of the M40, having been granted in 2005 by the Secretary of State.
- 4.18 Junction 20 of the M25, an offline MSA considered by Three Rivers District Council under planning reference 19/0646/OUT, was refused and no appeal lodged.
- 4.19 CV MSA pending consideration under Planning Application Ref: PL/20/4332/OA comprises the only other live MSA planning application at the time of writing. This alternative scheme at Iver, is further explored in the officer report below.

5.0 Summary of Representations

- 5.1 The planning application, the Environmental Statement and Addendum Environmental Statements have been subject of the relevant consultation, notification and publicity requirements.
- 5.2 At the time of writing this report, a total of a total of 9 representations have been received, with 7 of these in objection to the scheme.

The points of objections raised are summarised below:

- Inappropriate parking on the adjoining A412 due to pedestrian access point
 - Development not needed, M25 has been sufficient without an MSA in this location for 30 years
 - Inappropriate development in Green Belt
 - Environmental impact of development
 - MSA is within 6 miles of an existing MSA
 - Increase in noise, traffic and air pollution
 - Colne Valley Motorway Services is less harmful
 - Colne Valley Motorway Services meets need better (more gaps and traffic flows)
- Combined impact on the environment with HS2
- Development will result in loss of valuable mineral resource below the site
 - Development can not be adequately drained and would give rise to an increase in flood risk elsewhere.
 - Impact on M25 during construction
 - It is not clear if the access arrangements are suitable to accommodate an abnormal load
 - Internal access design and road layout gives rise to traffic safety concerns.

- Unsustainable access for staff
 - Visual harm to eastern landscape
 - Adverse impact on the Colne Valley Regional Park
 - Loss of Best and Most Versatile agricultural land
 - Harm to aviation safety
 - Visual impact to Area of Outstanding Natural Beauty
- 5.3 These points are addressed in the Green Belt, Landscape and Visual, Highway, Residential Amenity, Aviation, Agricultural Land, Minerals, Flood Risk, Alternative Sites and Need sections below.
- 5.4 All 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.

6.0 Policy Considerations and Evaluation

- 6.1 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.
- 6.2 The key policy documents and guidance for consideration are:
- 6.3 The Development Plan:
- Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS3, CS4, CS5, CS15, CS16, CS20, CS24, CS25, CS26, CS30, CS31 and CS32
 - Chiltern District Local Plan - Adopted September 1997, Consolidated September 2007 and November 2011: Saved Policies GC1, GC2, GC3, GC4, GC7, GC9, GC10, GC11, GC14, GB1, GB2, GB30, LB1, LB2, TR2, TR3, TR11, TR12, TR15, TR16, AS1, AS2, TW3, TW6, NC1, and OEL1.
 - Minerals and Waste Local Plan: Policies 1, 10 and 27, Appendix 3
 - Chalfont St Peter Neighbourhood Plan (2016): Policy PW11.
- 6.4 Relevant National Policy and Guidance:
- National Planning Policy NPPF (The NPPF)
 - Planning Practice Guidance (PPG)
 - National Policy Statement for National Networks 2014 (NPS NN)
 - National Design Guide
 - Buckinghamshire Council Biodiversity Net Gain – Supplementary Planning Document (SPD), July 2022
 - Buckinghamshire Countywide Parking Guidance, September 2015

- Sustainable Construction and Renewable Energy SPD (2015)
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule (2020)

- Chiltern District Council Sustainable Construction and Renewable Energy SPD (2015)

- Chiltern and South Bucks Economic Development Strategy: Chiltern District Council & South Bucks District Council (August 2017)

- Chiltern and South Bucks Townscape Character Study (2017)

6.5 A draft National Policy Statement for National Networks has just undergone consultation (March 2023). As this is not yet adopted policy it carries very limited weight.

6.6 The above policies are used to inform the planning assessment and guide the considerations discussed below. The report will consider the policy context and issues and then consider the other material considerations including the need for an MSA and an alternative sites assessment:

7.0 Green Belt

Local Plan Saved Policies:

GB2 Development in General in the Green Belt

GB30 Conservation and Enhancement of Rural Landscape in parts of The Green Belt

7.1 The application site is located within the Metropolitan Green Belt. This section assesses the proposals against national and local green belt policy.

7.2 The NPPF at paragraph 138 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There are five main purposes of the Green Belt as defined within the NPPF. There is a strong presumption against inappropriate development in the Green Belt, as advised by the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and afforded substantial weight. If the development is considered inappropriate development, VSCs will only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Local Green Belt Policy, GB2 of Chiltern District Local Plan (1999) is not fully consistent with the NPPF in that, although it sets out the categories of development that are inappropriate, these do not correspond entirely with those in the NPPF. Moreover, there is no reference in the policy itself to very special circumstances. That said the explanation to the policy sets out the very special circumstances test, which is used to aid policy interpretation. For reason of these inconsistencies with the NPPF, Policy GB2 carries moderate weight, rather than full weight; as per the conclusions of the Inspector in the CSP1 appeal.

- 7.3 Therefore, the main issues to consider in terms of Green Belt policy are whether the proposals are inappropriate development, the effect on the openness of the Green Belt and impact on the purposes of including land within the Green Belt.

Whether the proposals are inappropriate development

- 7.4 Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate development in the Green Belt, other than in a number of exceptions.
- 7.5 Paragraph 150 of the NPPF identifies certain other forms of development that may be considered acceptable in the Green Belt provided, they preserve its openness and do not conflict with the purposes of including land within it. One of these is exception (c) “local transport infrastructure which can demonstrate a requirement for a Green Belt location”. The proposed MSA development is not considered to constitute local transport infrastructure due to being purposed for the strategic road network.
- 7.6 Hence, the proposed MSA does not fall within any of the Green Belt exceptions. It therefore amounts to inappropriate development in the Green Belt (which the applicant acknowledges). By reason of being inappropriate development, the proposal is, by definition, harmful to the Green Belt.

Green Belt Context

- 7.7 The majority of the application site falls within land parcel 40b as assessed in the Stage 1 Green Belt assessment. The slip roads facilitating access for the northern direction of the M25 are located within land parcel 44b.
- 7.8 Land parcel 44b is assessed as a moderately performing parcel of Green Belt. The land parcel performs a moderate function against Purpose 1, to check unrestricted sprawl of a large built-up area; and Purpose 2 of preventing towns from merging. The land parcel performs very strongly against Purpose 3, safeguarding the countryside from encroachment.
- 7.9 Land parcel 40b 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 does not meet Purpose a, to check the unrestricted sprawl of large built-up areas or Purpose 4, to preserve the setting and special character of historic towns. The land parcel does perform moderately against Purpose 2, to prevent neighbouring towns from merging (Denham Green, Maple Cross, Gerrards Cross and Chalfont St Peter). The land parcel maintains a largely rural open character, scoring moderately against Purpose 3, to assist in safeguarding the countryside against encroachment. It is important to note that the application site only forms a small part of the wider land parcel. The land parcel was recommended for further

consideration in the Stage 2 Green Belt assessment for release under land parcel RSA-13, however, this did not include the area of the application site.

- 7.10 The Chiltern & South Bucks Stage 2 Green Belt Assessment “Strategic Role of the Metropolitan Green Belt in Chiltern & South Bucks”, which assesses the strategic role of the Green Belt, categorises the site under Strategic Zone A – London Fringe. Strategic Zone A comprises a much wider land parcel than just the application site alone however, in the assessment of Green Belt performance it is noted the application site plays a role: in preventing the sprawl of Chalfont St Peter towards Watford (Purpose 1); preventing the merging of small settlements, including Rickmansworth and Maple Cross (Purpose 2); and possess a rural open character containing large swathes of agricultural land and open space which are unbroken by urban settlement, particularly to the north of Rickmansworth, playing an important role in preventing encroachment into the countryside (Purpose 3).
- 7.11 In short, the application site is assessed as part of a moderate performing Green Belt land parcel, which main contribution towards the Green Belt function is preventing encroachment in the Countryside and preventing the merging of adjacent towns and settlements.

Harm by reason of inappropriateness and any other harm

- 7.12 The proposed MSA development is inappropriate development and therefore, by definition, harmful to the Green Belt. It is also necessary to give consideration to the actual harm to the Green Belt caused by the development, not just by reason of it being inappropriate.
- 7.13 Although there are both spatial and visual aspects to the Green Belt, the concept of “openness” is a broad policy concept. Openness is the counterpart of urban sprawl and is linked to the Purposes served by the Green Belt. The PPG which advises (Paragraph: 001 Reference ID: 64-001-20190722) 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”.

- 7.14 The analysis below takes into account this guidance and the following considerations in relation to visual and spatial aspects of openness; such that development size and permanence are relevant consideration.
- 7.15 It is therefore considered that both spatial and visual aspects of openness are necessary to consider when considering the potential impact of a development on the openness of the Green Belt.
- 7.16 Spatial Impact: The proposal seeks to introduce a facility building and fuel-filling station which would add up to 5,180 sq.m of built form onto the site; this would result in a total area of 8.71ha out of a total site area of 35.88ha. The area of built development therefore equates to 24% of the application site (red line) area. The maximum building height would be 9.5m, creating a maximum 44,650m³ volume of built form. The remaining 26.84ha (76% of the site) is made up of green spaces, landscaping, site access slip roads, overbridge and parking, which would still have a harmful impact on the Green Belt. The spatial impact of the proposed development is therefore not insignificant and would impact upon the openness of the Green Belt. This impact is considered to be significant, given the quantum of development, amount of built form and hardstanding the land take would involve.
- 7.17 This is consistent with the CSP1 Appeal Inspector who found in respect of that appeal site adjacent to the current site, that *'the MSA would involve a developed area of some 12 ha with significant building footprints, comprising the facilities building, the linked hotel and a filling station, and large areas of associated parking, access routes and other infrastructure. The appeal site is largely devoid of development, other than where it is dissected by the M25. Therefore, in terms of the spatial dimension, the proposal would cause a substantial loss of openness.'*
- 7.18 Visual Impact: The application site, and relevant areas once restored following HS2 works, would comprise visually open and undeveloped agricultural land. The application site would sit between both HS2 (to the east) and the M25 (to the west). Whilst the overall west to east fall of the valley side would remain apparent, the Chiltern Tunnel South Portal and various earthworks associated with the linear route as it extends eastwards onto the viaduct, would be a feature which contrasts with the overall undulating western face of the valley. To the west of the site, the M25 motorway and parallel pylon line introduces an urbanising feature before the views of eastern valley. A good network of public rights of way offer recreational countryside walks within the immediate area; these provide for a clear view of the application site and surroundings, particularly from the east.
- 7.19 The application is accompanied by a Landscape and Visual Impact Assessment (LIVA) 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 22 key visual receptors or viewpoints. The Council's landscape consultants have not identified any further viewpoints to consider. It is from these viewpoints where impacts in loss of openness within the Green Belt may be experienced.

7.20 Key visual receptors where the sensitivity to visual change as a result of the proposed development would occur, as agreed by the Council's consultants, are as follows:

- Walkers using the network of rights of way adjacent, and in close proximity to, the Site. Largely restricted to the public footpath to the west (CSP/16/1) and public bridleway to the east (CSP/44/1) (also the route of the Old Shire Lane and South Bucks Way);
- Walkers using the network of public rights of way further afield, particularly the routes (and common land) to the east near Harefield, but also to the north, on the edges of Maple Cross;
- Receptors associated with the edges of the local settlements, including Maple Cross and Harefield, and to a lesser extent South Harefield and Chalfont St Peter; and
- Users of the local transport network, but largely limited to Denham Lane, the M25 and Denham Way, as well as Park Lane further to the east.

7.21 Therefore, the site would be highly visible from the public domain, with built form and associated security fencing introduced directly adjacent to public bridleways CSP/43/2 and CSP 44/1 which run along the eastern boundary of the site. Although, visual intrusion would be reduced by excavating ground levels to sink built form lower within the landscape, structures and activity associated with the urban influence of the M25 would be introduced directly in sight of a countryside recreational route. It is recognised that mitigation would be proposed in terms of planting, but this will take a number of years to establish. It is noted however, that these recreational routes already have views of interrupted countryside courtesy of the M25 and HS2 which are strong visual influences; Denham Park Farm Quarry is also visible by users of these footpaths. It is further considered that the MSA would be read in the context of the M25 and this would lessen some of the visual impact on openness.

7.22 The urban influences of HS2 and the M25 also relate to longer distance receptors near Harefield and Maple Cross. It is also considered that although the MSA would be visible from these longer distances, it would appear as part

of the M25 infrastructure, and the scale of the impact on openness from a visual perspective would be lessened through the benefit of distance. Nevertheless, there would be significant visual harm by virtue of the loss of open fields in place of service building infrastructure.

- 7.23 The MSA would also be visible for passengers on the motorway and HS2 route, once operational; although these are considered to be less sensitive to the introduction of built form.
- 7.24 This would be consistent with CSP1 Appeal Inspector visual Green Belt findings, which outlined that the CSP1 MSA changes would be clearly perceived by users of the footpath which runs near to and across the northern part of the site and by the many motorists on the M25. The area to the east of the M25 is already close to major works associated with HS2 and crossed by overhead power lines. In terms of the wider area, the topography and wooded landscape would limit views of the main areas of built development and parking. In particular, the lie of the land would prevent views of the MSA from Denham Lane and Chalfont St Peter. Overall, the Inspector concluded substantial harm to the openness of the Green Belt.
- 7.25 It is considered that this level of identified harm has reduced with the present development proposal, by virtue of the smaller site and built form, and relocation of the main facility buildings to the eastern side of the motorway, which experiences more urban influences, than the western side which will contain the slip roads. Overall, it is therefore considered that significant visual harm to the openness of the Green Belt would result from the proposed MSA.

Purposes of land in the Green Belt and their relevance to the proposed development

- 7.26 Paragraph 138 of the NPPF outlines the Five Purposes of the Green Belt.
- 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; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.27 Of these, Purposes (a – c) are considered relevant to the proposed MSA development. Each Green Belt purpose is discussed in turn below.

7.28 Green Belt purpose (d), which is “to preserve the setting and special character of historic towns” is not relevant as the application site is not located near to any historic towns. It is acknowledged that Chalfont St Peter has a historic village centre however, Chalfont St Peter does not comprise a town. Moreover, there are also areas of intervening built form between the village centre and the application site, which would mean that the proposed MSA would not affect the setting and special character of this historic centre. This has been confirmed by Buckinghamshire’s Heritage Officer when appraising the impact of the proposed development.

7.29 Green Belt purpose (e), which is “to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”, is also not relevant in this instance. There are specific locational requirements that mean that the MSA would have to be sited in the Green Belt and could not be located in an urban area. The western section of the M25 Motorway by reason of its location, transects through large areas of Metropolitan Green Belt within Buckinghamshire and Hertfordshire.

(a) to check the unrestricted sprawl of large built up areas

7.30 The Inspector for the CSP1 appeal decision outlines that the development would not be contiguous with the large built-up area of Chalfont St Peter and Gerrards Cross. The majority of the development would be contained by the M25 and HS2 to the east, open land to the west, and existing and proposed woodland and landscaping to the north and south. Moreover, paragraph 137 of the NPPF does not qualify its reference to sprawl by associating it only with large built-up areas. However, applying the specific wording of purpose a), there would not be unrestricted sprawl of the built-up area. In this respect findings were consistent with the Inspector who considered the proposal for an MSA on a different site at Warren Farm to the south. In the Warren Farm appeal the MSA was further away from the settlement edge but in both cases the MSA would not be contiguous with the built-up area. Limited harm was identified to this Purpose due to the perception of sprawl.

7.31 Similarly, the current CSP2 application site does not directly adjoin the settlement edge of Chalfont St Peter, with the M25 acting as a permanent feature separating the proposed MSA from this settlement. The application site is also separated from Three River settlements by the HS2 Chilterns tunnel line. Reduced visibility of Chalfont St Peter from eastern viewpoints means that there would be no perception of sprawl from Chalfont St Peter. Although, views of the site would be achieved from settlements to the east, such as Harefield, these would be long distance views, with clear Green Belt expanse between settlements and the application site.

7.32 It is therefore not considered that the proposal would conflict with this Purpose in either the spatial, or perceived sense.

(b) to prevent neighbouring towns from merging into one another

7.33 The CSP1 appeal decision outlined that *'there is a gap of about 2km between the edges of Chalfont St Peter and Maple Cross and a greater separation between Chalfont St Peter and Harefield. The development would span some 0.5 km at its widest point, thereby eroding a significant proportion of the gaps.....An MSA in this location would not lead to a merger of settlements. As with the development considered in the 1999 decision, the development would contribute to the closing of the gap but not bridge it.'* No conflict was identified with this Purpose.

7.34 Likewise, the application site lies within an existing gap of open land between the settlements of Chalfont St Peter, Maple Cross and Harefield. It makes a moderate contribution towards preventing the merging of settlements, noting the scale of the site and its relative location between infrastructure, and low lying elevation in the overall context of the open land between existing settlements. The proposed development would lead to the partial loss of existing open land between the settlements of Chalfont St Peter, Maple Cross and Harefield; this would be unavoidable however, this would not be to the extent that the proposed development would result in these existing settlements actually merging into one another, but it would result in them being closer to one another. Given that clear distinction would remain between each settlement, it is not considered that the proposed development would conflict with this Green Belt purpose.

(c) to assist in safeguarding the countryside from encroachment

7.35 As highlighted previously, the application site, once restored following HS2 works, would comprise open agricultural land with views to the wider Colne Valley. The M25 motorway and electricity pylons represent existing urbanising features to the western landscape, with HS2 Chiltern's Viaduct adding to eastern landscape character. The area has a semi-rural character, with agricultural use and surrounding woodland (including some ancient woodland). Due to the size of the proposed MSA development, it would result in encroachment into the open countryside. Harm by way of encroachment is considered to be localised and moderate. This level of harm identified has been reduced from the significant harm acknowledged by the Planning Inspectorate in CSP1 appeal decision, due to the changes made to the development proposal which lessens overall harm to landscape and greenbelt openness.

7.36 In summary, it is considered that the proposed MSA development would conflict with one out of the five purposes of the Green Belt as referred to in paragraph 138 of the NPPF .

Green Belt Summary

7.37 The proposed MSA development would result in inappropriate development that would significantly harm both the spatial and visual aspects of Green Belt openness. In addition, the proposals would lead to a conflict with one out of the five purposes of including land in the Green Belt resulting in moderate harm to that purpose. The proposal would not accord with Local Plan policies GB2 and GB30 of the Chilterns Local Plan. Overall, Officers consider the harm to the Green Belt to be significant. This harm is afforded substantial negative weight. As a result, it is necessary to establish whether there are any VSCs which would outweigh the harm by inappropriateness and any other harm identified to justify approval of the development. The NPPF states at paragraph 148 that VSC 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. The assessment of 'other harm' is considered within this report, with the VSCs addressed in detail, in the last section of the report entitled 'Overall Assessment'. This has concluded that there are no VSCs to outweigh the Green Belt, and other harms identified as addressed later.

8.0 Landscape and Visual

Core Strategy Policy:

CS4 Ensuring that Development is Sustainable

Local Plan Saved Policy:

GB30 Conservation and Enhancement of Rural Landscape in parts of The Green Belt

- 8.1 Policy CS4, Table 1 of the Core Strategy requires that development protects and enhances designated landscapes, commons, ancient woodlands and hedgerows.
- 8.2 Policy GB30 of the Local Plan outlines that new development should be well integrated into its rural setting and conserve the scenic beauty and amenity of the landscape in the locality of the development. As Policy GB30 of the Local Plan is engaged only where development would be acceptable in accordance with Policy GB2, it only carries moderate weight in accordance with the Inspectors approach for the CSP1 appeal.
- 8.3 Policy GC1 of the Local Plan requires development be of high design. Design includes both the appearance of the development and its relationship to its surroundings and considerations includes: scale, height, siting, layout, material and form.
- 8.4 Paragraph 174 of the NPPF sets out that planning decisions should contribute and enhance the natural environment and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and

beauty of the countryside. In addition, paragraph 130 of the NPPF highlights that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Landscape character

- 8.5 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) 115 Thames Valley, regional Herefordshire Maple Cross Slopes LCA and Chiltern District LCA for Mixed Use Terrace LCT and Chalfont St Peter Mixed Use Terrace LCA. The site is also referred to within the Colne Valley Regional Park Landscape Assessment (2017) area, and the 'Heronsgate/Chalfont Farmland' Landscape Character Area (LCA). The site also falls 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, with a broad aim of providing rural recreation with countryside in the background. This landscape is valued at a regional level.
- 8.6 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.
- 8.7 The key characteristics of the Herefordshire Maple Cross Slopes LCA and Chiltern District LCA for Mixed Use Terrace LCT and Chalfont St Peter Mixed Use Terrace LCA include elevated large-scale arable landscape with expansive views contrasting with undulating landform and woodland blocks. The M25 and electricity pylons cut through the character area and introduce localised visual and audible impacts. However, the assessment notes that "away from these areas, pockets of rural tranquillity and naturalness have been maintained". The areas of higher tranquillity and long views towards the Colne Valley are identified as being of higher sensitivity.
- 8.8 In assessing the effects of development on the existing landscape it is important to recognise these existing characteristics. The application site occupies land that straddles the M25, it is currently subject to substantial

disturbance as a consequence of the HS2 temporary material stockpiles. In its restored state the application site would have an undulating profile with localised ridgelines which are similar in character to the dry valley and localised ridgelines further to the west. With the exception of boundary hedgerow, a small copse and a mature tree, there is little vegetation inside the application site. In the wider landscape the vegetation patterns are characterised by more extensive woodland blocks, generally associated with the upper slopes and ridgelines to the west of the Colne Valley. These areas include some smaller to medium scale areas of ancient woodland.

- 8.9 There is currently no formal public access to the Site. A public bridleway runs immediately adjacent to the southern boundary of the Site (CSP/43/2). Immediately alongside the eastern boundary of the Site (eastern parcel), the route of Old Shire Lane (and South Bucks Trail CSP/44/1) is temporarily diverted due to the HS2 construction works. To the north-west of the Site (and west of the M25) a public footpath connects Denham Lane on the edge of Chalfont St Peter, up to West Hyde Lane at Green Acres Farm (CSP/16/1).
- 8.10 The Site is located directly adjacent to the existing corridor of the M25; the route of the motorway as a whole passes through the area on the western slopes of the Colne Valley. There remains a distinct break between the site (and motorway corridor) to nearby areas of settlement to the west. To the east of the site, the HS2 Chilterns Tunnel route is currently under construction. This would create a distinct break between the Site (and HS2 line) to nearby areas of settlement to the east.
- 8.11 In terms of the methodology for visual impacts, ZTV mapping has been used to identify the likely extent of visibility of the proposed development. The ZTVs aims to reflect the theoretical visibility of the all parts of the development proposal. The ZTV also included the contour model which sets out the development platform as well as various earthworks proposed across the site. This included the proposed 'landscape earthworks' which are proposed along the eastern edge of the site.
- 8.12 Based on the ZTV, key visual receptors where the sensitivity to visual change as a result of the proposed development would occur are as follows:
- Walkers using the network of rights of way adjacent, and in close proximity to, the Site. Largely restricted to the public footpath to the west (CSP/16/1) and public bridleway to the east (CSP/44/1) (also the route of the Old Shire Lane and South Bucks Way);
 - Walkers using the network of public rights of way further afield, particularly the routes (and common land) to the east near Harefield, but also to the north, on the edges of Maple Cross;

- Receptors associated with the edges of the local settlements, including Maple Cross and Harefield, and to a lesser extent South Harefield and Chalfont St Peter; and

- Users of the local transport network, but largely limited to Denham Lane, the M25 and Denham Way, as well as Park Lane further to the east.

8.13 The MSA itself would result in a major transformation in the landscape to the east of the M25 with a less significant change to the west. The landscape change would arise from the cutting of, at some parts, 10 metre deep development platforms to replace the natural contours of the chalk valley, the introduction of significant built development, landscape bunds to increase the effective height of the new woodland planting, and provision of the associated infrastructure in and around the building complex, including slip roads, overbridge, and lighting.

8.14 The illustrative masterplan indicates that new landscaping features would be created around the perimeter of the site in the form of native tree and shrub planting. This would be supplemented with areas of wildflower planting and ornamental planting around the proposed buildings and parking areas. Also proposed are a series of wetland planting within the incorporated drainage features. It should be noted that there would be off-site habitat enhancement works (to be secured in the S.106 agreement) in the form of bulb planting.

8.15 Chapter 7 of the ES and relevant addendum describes the impacts of the proposed MSA on the various character area designations during the construction and operation periods of the proposed development, which the Council's landscape consultants found to be generally accurate.

8.16 The assessment of impacts for the proposed development is based upon the 'future baseline' of how the mitigation and restoration on completion of HS2 would influence the landscape. However, although the 'future baseline' considers a scenario post HS2 restoration and mitigation, these aspects will be relatively 'young' lacking time depth and the local landscape context will reflect a relatively new character until such measures are fully established in the medium to longer term.

8.17 Early phases of construction are likely to see the formation of the development platforms, the consequence being that the landscape mounds (proposed predominantly along the eastern edge of the site, but wrapping around the southern and northern extents as well) would in the main, also be created in the early phases. Consequently, the reduction of ground level, along with the physical screening provided by the landscape mounds would restrict the perception of ongoing construction activity from the wider

landscape. The ES therefore considers that only the impacts during construction would result in ‘significant effects’ in respect of published character areas (i.e. the Chalfont St Peter Mixed Use Terrace LC, Maple Cross Slopes LCA and Heronsgate/Chalfont Farmland LCA). Once the development is completed, and in the long term, there would be ‘no significant effects’ in respect of published character areas. This is partly due to the scale of the site by comparison to the wider LCAs, but also due to the influence of transport infrastructure in general and the diversity of the landscape through the area (including several urbanising influences such as settlement edges, commercial/industrial areas, HS2 etc).

8.18 The application site would be read in the context of components such as, the motorway, historic landfill, quarry and Orchard Caravan Site. Considering the site itself, there would be a clear change to its landscape that would give rise to a significant landscape effect. However, the site does not exist, nor is it perceived, in isolation, and therefore landscape effects for the site also consider it in its ‘local landscape context’. Consequently, on balance, at completion the magnitude of impact on the site and its local landscape context is considered to be moderate adverse. This would reduce to minor to moderate adverse landscape impact in the long term.

8.19 A summary of the landscape character effects, are set out in Table 2 below. These have been determined by the applicant’s Landscape Visual Impact Assessment and subsequent review from a specialist landscape consultant appointed by the Council, who agreed with the broad assessment, with minor differences in professional opinion, as reflected in the table below. Differences between the Council’s landscape consultants view and that outlined by the applicant’s landscape consultant are mainly due to professional judgement and perceived effectiveness of the mitigation proposals. The general landscape conclusions in terms of residual effects broadly align, that there will be no residual significant landscape effects in the longer term.

Table 2 Summary on landscape character

Receptor	Level of Residual Effect	Significance
Hertfordshire Maple Cross Slopes LCA	Minor Adverse	Not Significant
Chalfont St Peter Mixed Use Terrace LCA	Minor to Moderate Adverse	Not Significant
Colne Valley Regional Park LCA	Minor to Moderate Adverse	Not Significant

Heronsgate/Chalfont Farmland LCA		
Site and its Local Landscape Context	Minor to Moderate Adverse	Not Significant

8.20 Noting the above, the proposed MSA development and associated infrastructure is considered to have some significant landscape character effects which would be limited to localised impacts. This impact is particularly prevalent during construction phase as the proposals would result in a substantial change to the landform to accommodate the main part and operational area of the MSA. In the longer term, any physical landscape impacts during operation would be limited due to mitigation which includes formation of levels to reduce potential visual impact and also earth mounding along the eastern edges, which have been designed to reference the undulating profile of the valley face.

8.21 In terms of the effects on the wider landscape, these would be generally limited because of the setting down of most of the development and the resultant extent of containment by topography and existing and proposed natural and man-made features. However, there would be some adverse effects on views across the Colne Valley, an important element of the wider landscape character. This would particularly be the case from the east valley. These eastern views are important given that they are most effected by the proposed development due to landform and site orientation.

8.22 It is worth noting that the boundary of the Chilterns AONB is located c. 1.8km to the north-west of the Site. Distance, along with intervening vegetation and topography contribute to the physical and visual separation between the site and the AONB. On this basis, it is reasonable to assume that it is unlikely the proposed development would give rise to any direct or indirect impacts on the setting of the Chilterns AONB.

Visual effects

8.23 The submitted LVIA has also identified the visual effects that would arise during construction and occupation of the proposed MSA development. 22 viewpoints have been explored in terms of impact upon view, these were selected due to locations directly adjacent to the site, or very close to the site.

8.24 Based on the ZTV, the visual envelope of the site is broadly as follows:

- To the north, limited to landscape areas between Horn Hill (between Chalfont Common and Maple Cross) and Woodcock Hill, although the

majority of views are screened by the combined influence of landform and vegetation;

- To the east, some foreshortened views from the western valley side, more heavily screened views in the valley base and some more open but distant views on the eastern valley face, up to an approximate limit at Harefield, where the built form of the settlement and further changes to topography limit any views from beyond;
- From the south, up to an approximate limit at South Harefield (albeit from the very limited instances) where locations are both elevated and open, with other southern limits restricted to locations around Durden Court, noting that woodland and the extensive water bodies to the south prevent or restrict opportunities for views to the Site; and
- From the west, up to a limit of Denham Lane at Chalfont St Peter although views from this distance tend to be screened by landform and vegetation, with available views more limited to the rights of way in close proximity to the Site.

8.25 Overall, views of the site, and likely views of the potential development, are restricted to a limited area. This includes locations on (or just outside of) the boundaries of the site itself, particularly where rights of way run parallel to the eastern and southern boundaries. Views are also available from the east, however the more 'direct' nature of such views are offset by the far greater distance. More generally, views from locations in the immediate context of the site are more restricted. It is also considered that visual impacts would decrease as the development moves from the construction phase to the operational stage due to establishment of landscaping.

8.26 The 22 viewpoints selected were review by a specialist landscape consultant appointed by the Council. It is considered that the viewpoints selected are an acceptable representation of the scheme's visual impact. The follow Table 3 provide a summary of residual development impact. Again, where the Council's landscape consultants views different from the applicant's assessment it was down to difference in professional judgment, and not significance of effect, in the longer term. Table 3 is a summary of the Council's Landscape Consultants assessment.

Table 3 Summary of visual effects

Viewpoint	Level of Effect- short term	Level of Effect – long term	Significance
1. View looking south-west from the Hillingdon Trail	Minor to Moderate Adverse	Negligible to Minor Adverse	Not Significant

on Springwell Lane, north of Harefield			
2. View looking west, from Park Lane and the junction with Belfry Avenue, west of Harefield	Minor to Moderate Adverse	Negligible to Minor Adverse	Not Significant
3. View looking west from the public footpath and common land west of Harefield	Moderate Adverse	Minor to Moderate Adverse	Not Significant
4. View looking west from the car park of The Old Orchard public house, west of Harefield	Minor to Moderate Adverse	Minor Adverse	Not Significant
5. View looking west from the Hillingdon Trail on the public footpath within the Colne Valley, west of Harefield	Minor to Moderate Adverse	Negligible to Minor Adverse	Not Significant
6. View looking north-west from the Colne Valley Trail and Grand Union Canal Walk	Neutral	Neutral	Not Significant
7. View looking north-west from the public footpath to the east of South Harefield	Neutral	Neutral	Not Significant
8. View looking north-west from the South Bucks Way and Old Shire Lane circular walk near Durden Court	Moderate Adverse	Minor Moderate Adverse	Not Significant
9. View looking north-west from the South Bucks Way and Old Shire Lane circular walk north of Juniper Wood	Moderate to Major Adverse	Moderate Adverse	Not Significant
10. View looking north-west from the South Bucks Way and Old Shire Lane, adjacent to the south-	Moderate to Major Adverse	Moderate Adverse	Not Significant

eastern boundary of the site			
11. View looking north from the South Bucks Way (public bridleway), adjacent to the southern boundary of the site	Moderate to Major Adverse	Moderate Adverse	Not Significant
12. View looking north-east from the South Bucks Way (public bridleway) close to its junction with Denham Lane	Neutral/Negligible Adverse	Neutral	Not Significant
13. View looking east from Denham Lane, north-west of Mopes Farm (and Tims Dairy)	Nil	Nil	Not Significant
14. View looking south-east from the public footpath adjacent to Bloom Wood, east of Chalfont St Peter	Minor to Moderate Adverse	Minor Adverse	Not Significant
15. View looking south-east from the public footpath, just west of the M25	Moderate Adverse	Minor to Moderate Adverse	Not Significant
16. View looking south from the public footpath off Horn Hill Road, west of Maple Cross	Minor Adverse	Negligible to Minor Adverse	Not Significant
17. View looking south from the public footpath close to Horn Hill, just west of the M25	Neutral	Neutral	Not Significant
18. View looking south-west from the public footpath on the settlement edge of Maple Cross	Negligible to Minor Adverse	Negligible	Not Significant
A: View from HS2 construction site	Negligible	Nil	Not Significant

representing views from Chalfont Lane			
B: View from HS2 construction site representing views from the South Bucks Way and Old Shire Lane, close to Chalfont Lane	Moderate to Major Adverse	Minor to Moderate	Not Significant
C: View from HS2 construction site representing views from the South Bucks Way and Old Shire Lane, adjacent to the eastern boundary of the site	Moderate to Major Adverse	Moderate Adverse	Not Significant
D: View from HS2 construction site representing views from the public bridleway to the east of the site	Moderate to Major Adverse	Moderate Adverse	Not Significant

8.27 With regard to the above table, the viewpoint impacts show that there would remain no significant visual effects in the longer term (i.e. no long term visual effects are judged to be 'moderate to major' or 'major') based on the viewpoints selected for use within the LVIA. The table shows the most significance of effect are experienced from close proximity to the Proposed Development, and generally to the East (aka adjacent public rights of ways; Viewpoints 18D, 18C, 18D, 15, 11, 10, 9, 8 and 3) however, the LVIA demonstrates that it is possible to mitigate such views through use of screening in the form of landscaped mounds and landscape planting.

Night time visual effects

8.28 Paragraph 185 (c) of the NPPF states that planning decision should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The existing site which is recognised for being rural in nature is relatively unlit, visible lit sections are related to adjacent urban development (outside the site) and the M25 lighting.

8.29 Core Strategy policy CS4 seeks to ensure that for all new development regard should be had to ensuring minimal disruption in terms of light pollution in the wider area.

- 8.30 In terms of nighttime visual effects, it is recognised that the proposed MSA and the associated access and facilities would require lighting. Chapter 7 of the ES and ES Addendum identifies the proposed lighting for the site and appendix 2.1 includes a lighting assessment for the proposed MSA development in accordance with Institute of Lighting Professionals (ILP).
- 8.31 In terms of the ILP the application site is located within Environmental Zone E2 which is defined as a rural surroundings, low district brightness areas.
- 8.32 The following areas of the MSA proposal would require artificial lighting:
- Car, HGV and coach parking areas
 - Internal access roads
 - Service areas
 - Primary access roads and roundabout
 - Fuel filling station.
- 8.33 Potential effects on the landscape fabric of the site attributed to the installation of lighting have been identified during construction and operation phases.
- 8.34 Whilst the PRoWs are available to access during the hours of darkness, they are by their inherent nature more difficult to access and less likely to be used for recreation, especially as they are not particularly convenient to access in some locations.
- 8.35 The site is also located directly adjacent to the existing motorway corridor, which is lit (as opposed to the time of the Warren Farm appeal consideration, when the M25 remain unlit in this section) and a source of lighting from around the landscape. Viewpoints from four locations were appraised in the ES in term of potential impacts from lighting. None the viewpoints selected were considered to have significant effect.
- 8.36 For the proposed development, construction lighting is likely to be limited to the site and be intermittent in respect of the time of day and season. For works related to access and slip roads, construction lighting would be consistent with the existing motorway corridor, which is lit at this point and a prominent source of lighting. Other light sources would be situated in the main, eastern parcel of the site and include low level construction lighting, sources associated with site compounds, construction plant and some taller construction plant (albeit limited in duration). Due to access aligning with the existing motorway corridor and the mitigation inherent in the proposed development such as the lowering of ground levels and inclusion of screening in the form of landscape mounds, lighting for the proposed development is not likely to be a distinctive element in the landscape other than at a localised

level. Consequently, lighting effects at construction, for each of the landscape character areas are not considered to be significant.

- 8.37 For the operational area of the MSA, much of the development platform would sit below the landscape mounds which, along with planting, would limit the opportunity to perceive any lighting spill from across the main site. Some skyglow may be apparent, particularly if able to access the landscape from the PRoW network immediately east of the site, however this perception would remain in the context of the existing motorway, along with any permanent lighting related to HS2 (albeit this is limited).
- 8.38 Closest night-time viewpoints from the MSA would be seen immediately beside or across from the bright motorway lighting, reducing its potential effect; and from further away viewpoints, effects are unlikely to be significant due to distance.
- 8.39 Furthermore, where lighting effects occur, there would remain extensive parts of the landscape between the site and nearby settlements which are not influenced by lighting of the proposed development, including the darker pocket of landscape west of the M25 and up to the settlement edge of Chalfont St Peter, and, notwithstanding the route of HS2, to the east down to the route of the A412.
- 8.40 Subject to the imposition of conditions and s106 obligations requiring full details of proposed external lighting and other relevant frameworks/strategies, the ES considers that external lighting of the operational development of the MSA alongside mitigation, would have a negligible effect in terms of potential impact from obtrusive light on sensitive receptors and location. The Council's Landscape Consultant agrees with these findings in relation to lighting.

Conclusion on landscape character and visual effects

- 8.41 The proposed development would result in the loss of undeveloped agricultural land, to include new buildings, hard surfacing and soft landscaping. In addition, a new access would be created off the M25, together with an overbridge. Mitigation in the form of bund landscaping, woodland and other planting is proposed for the purposes of biodiversity net-gain.
- 8.42 In terms of the landscape character, the ES and ES addendum conclude that the proposed development would have a minor to moderate adverse effect on the relevant LCAs in the long term (15 years from establishment); and at most a moderate visual impact to the closest viewpoints (adjacent rights of way). The Council considers that the proposed development would be most

visible from the south-eastern end of the site, across the valley where landscaping may not be as successful in screening views from the slope at its steepest. Nevertheless, it is accepted that these impacts would be localised and would not result in significant harm to the wider context.

- 8.43 Due to the localised effects on the landscape character it is considered that there would be little change to the key characteristics of the wider Colne Valley Regional Park.
- 8.44 Overall, given the residual (with mitigation) south-eastern visual prominence of the site, the impacts on the landscape character and visual effects of the development are considered to result in considerable harm, contrary to Core Strategy Policy CS4 and Local Plan Saved Policies GC1 and GB30. This harm carries considerable weight, with significant weight applied to the policy conflict with Policies CS2 and GC1, and Paragraphs 130 and 174 NPPF .

9.0 Agricultural Land

Core Strategy Policy:

CS4 Ensuring that Development is Sustainable

- 9.1 Policy CS4 of the Chilterns Core Strategy, requires efficient and sustainable use of soils including taking account of the presence of the best and most versatile agricultural land when siting new development.
- 9.2 The NPPF at paragraph 174b notes the benefits of protecting BMV agricultural land. The footnote (58) to paragraph 175 relating to local plans also states 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.
- 9.3 In assessing the effects of development on agricultural land it is necessary to have given consideration to the Agricultural Land Classification (ALC), devised by the Ministry of Agriculture Fisheries and Food (1988). This is the standard method used for determining the quality of agricultural land.
- 9.4 BMV is defined as Grades 1, 2 and 3a; this is land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses. Grades 3b, 4 and 5 are not classed as BMV. This classification (ALC) is appropriate for assessing the quality of farmland, to ensure informed choices are made about its future use within the planning system.
- 9.5 Detailed soils reports have been produced to determine the ALC grade of agricultural land to the east and west of the M25, and these reports were carried out in accordance with Natural England's TIN049, 'Agricultural Land Classification: protecting the Best and Most Versatile agricultural land'. These

reports feed into Section 10 of the ES, which consider the site baseline as land at optimum agricultural state, prior to HS2 construction.

- 9.6 The applicant's assessment concludes that the application site comprises of 15.9ha (44.3%) of Grade3b agricultural land, 6.7 ha (18.7 %) of Grade3a BMV Agricultural Land, and 2.19 ha (6.1 %) of Grade 2 BMV land. There is also 11.08 ha (30.9 %) of non-agricultural land present within the Site. Thus, a quarter of the land is classified as BMV, and the preservation of such land is recognised as being beneficial, as per paragraph 174 of the NPPF. The entirety of this BMV identified would undergo a permanent change to non-agricultural use by way of building or associated infrastructure.
- 9.7 The loss of this BMV agricultural land does not represent a significant loss locally or in the wider context of the area and it is not considered of significant impact by the applicant. This would be a residual effect, as no mitigation is proposed in the form of re-provision of agricultural land.
- 9.8 Furthermore, the applicant explained that reinstatement of agricultural land after construction works does not usually lead to land of the same quality. This is due to factors such as compaction and weather conditions affecting the displaced soils, particularly during soil handling. It was suggested, based on research, that only some 20% of such land is reinstated to the same quality after construction works. The agricultural land on the site may therefore not be restored to BMV agricultural land. This assessment is therefore outlining a worse case scenario.
- 9.9 Officers consider the loss of agricultural land to be less than significant in the context of the wider provision of BMV in the locality, of which the application site accounts for 0.0016 % of all BMV quality land within the wider area. Therefore, the loss of BMV agricultural land in this instance would be afforded limited negative weight as the permanent loss of this agricultural land cannot be mitigated. Appropriate construction mitigation measures should be secured, as there is the potential for loss and disturbance to the soil resource to occur; the resultant effect of which could be significant, and have other unintended consequences regarding water contamination; this can be dealt with through a planning condition(s). The proposal is considered to accord with the aims of Policy CS4 of the Core Strategy and Paragraphs 174 and 175 of the NPPF.

10.0 Highway Safety, Transport and Access

Core Strategy Policies:

CS25 Dealing with the Impact of New Development on the Transport Network

CS26 Requirements of New Development

Saved Local Plan Policies:

TR2 Highway Aspects of Planning Applications Throughout the District

TR3 Access and Road Layout Throughout the District

TR16 Parking and Manoeuvring Standards Throughout the District

10.1 Chiltern's District Core Strategy policy CS25 asks for assurance that planned development will not adversely impact on the transport network. Planning applications should be accompanied by an assessment outlining the impact of the new development on the transport network, as well as public transport, traffic flows, air quality, accessibility levels and road safety.

10.2 Core Strategy policy CS26 sets out the need for new development to make suitable connections, with development proposals expected to: "Provide safe, convenient and attractive access on foot and by cycle, making suitable connections with existing footways, public footpaths, bridleways, restricted byways and cycle ways, local facilities and public transport so as to maximise opportunities to use these modes".

10.3 The policy also outlines that new development will be expected to:

"b) Ensure that the convenient use and enjoyment of existing public rights of way, such as footpaths and bridleways and restricted byways, are not affected by development;

c) Integrate with local public transport services and also where appropriate provide direct routes protected from traffic congestion, interchange, stops and waiting areas;

d) Be appropriately located to the road network and provide satisfactory vehicular access to and from the area of development so that the convenience, safety, and free flow of traffic using public highways are not adversely affected

e) Provide appropriate and effective vehicular and cycle parking and servicing arrangements;

f) Ensure that all vehicular traffic generated by future development does not materially increase traffic problems, for example, congestion and local air quality, taking account of off-site improvements or contributions towards them which may be secured;

g) Secure the preparation and implementation of measures which minimise and manage parking and travel demand, including as appropriate travel plans, parking management plans and car clubs;

h) Ensure that developments will be served by adequate infrastructure capacity in terms of water supply, foul drainage, waste water and sewage

treatment, high speed broadband access and other utilities, without leading to problems for existing users”.

- 10.4 Saved Chiltern District Local Plan policy TR2 sets out a number of principles that proposed development should accord with. Of relevance to the proposal, are the requirements to provide satisfactory access onto the existing highway network; the highway network in the vicinity of the site should have capacity to accommodate any additional flow of traffic generated by that development without significantly exacerbating any existing overloading or other traffic related problems; traffic of excessive volume size or weight will not be accepted on unsuitable roads, and standards of road safety for all users should, at minimum, be maintained and where appropriate, improved.
- 10.5 Saved Local Plan policy TR3 requires highway access and layout arrangements of proposed development to be in accordance with standards adopted by Buckinghamshire County Council and any current policy guidance from the Department for Transport. Also, off-site highway improvements may be required in some circumstances.
- 10.6 Saved policy TR16 is applicable to off-street parking provision, with vehicle parking standards set out for different forms of development. Suitable provision shall also be made for disabled drivers, motorcycles and cycle parking. Provision should accord with Standards in Policy TR16. Policy TR15 is relevant to the design and layout of car parking areas, with a number of criteria cited.
- 10.7 Paragraph 106e of the NPPF (2023) states that planning policies should provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.
- 10.8 Footnote 44 explains that ‘policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services (and most such proposals are unlikely to be nationally significant infrastructure projects).’
- 10.9 Paragraph 110 of the NPPF advises the following:
 - a) Appropriate opportunities to promote sustainable transport can be, or have been taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users; and

c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”

10.10 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.”

10.11 Further guidance is set out in Circular 01/2022 –The Strategic Road Network and the Delivery of Sustainable Development, which deals with the provision of roadside facilities (i.e. MSAs).

10.12 Matters relating to the impact on the safety and operation of the M25 and internal connecting roads within the proposed development are subject to oversight from National Highways. Impact on the local road network has been reviewed and commented on by Buckinghamshire Highways.

10.13 The accompanying ES and ES Addendum assesses the potential traffic and transport effects and benefits of the proposed development, both during construction and operation, and the subsequent significance of effects. Assessment of the significance of effects has been informed by guidelines published by the Institute of Environmental Assessment (IEMA), who has published guidelines for the Environmental Assessment of Road Traffic. Supporting the ES is a Transport Assessment (TA) and NPPF Travel Plan (FTP).

10.14 All vehicular access to the proposed MSA would be exclusively from the Motorway, with no vehicular access from the local highway network. Cycle and pedestrian access (not for motorised vehicles), would be provided via Chalfont St Peter CSP/44/1 (restricted byway), linking onto the A412 Denham Way. As such baseline conditions were established from the Motorway network between Junctions 16 and Junction 17 only. Baseline traffic flows for the M25 were obtained from traffic vehicle counts undertaken pre Covid-19 Pandemic, in May 2019. The survey outputs were processed to calculate base year (2019) link flows passing the proposed MSA site and turn in rates were derived from link flow data at the Cobham MSA, which is considered to represent a similar development with all vehicle access taken from the M25. WebTRIS baseline data for between Junction 16 and Junction 17 in the vicinity of the proposed MSA scheme was also analysed for 2019 and 2021 to confirm that the 2019 data continues to provide a robust basis for assessment. National Highways request a further Road Safety Audit (RSA) to support existing survey work. This work has been done with mind to concurrent construction with HS2. As a result of the RSA, minor tweaks were made to General Arrangement Drawing for Access to and from the M25.

These changes do not effect material planning considerations, Parameter Plans, or Chapter 12 of the Environmental Statement.

10.15 Proposed access to the site would take the form of on/off slip roads located on both the northbound and southbound carriageways of the M25. The on/off slip roads on the northbound carriageway link to the MSA via an access bridge over the M25 and then a roundabout within the site on the western side of the M25 that also links the on/off slip roads on the southbound carriageway. Access across the M25 would be via a single overbridge 'loop' to allow vehicles from the northbound carriageway of the M25 to access/exit the MSA.

Impact on the Strategic Road Network (SRN):

10.16 National Highways is the highway authority, traffic authority and street authority for the SRN.

10.17 National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN. In this case the M25, and for this application, the section of the M25, in both directions, between Junctions 16 and 17.

10.18 The applicant has worked with National Highways during the course of the application to ensure that the proposed development is deliverable without compromising the safety and operation of the M25. A response from National Highways was received in May 2023, and their main considerations are as follows:

10.19 The Design Manual for Roads and Bridges (DMRB), which contains information setting out the current standards relating to design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom.

10.20 The MSA proposals have been subject to a Stage 1 Road Safety Audit (RSA1). No significant impacts that would prevent the development from taking place on road safety audit grounds have been identified by National Highways at this preliminary stage. More detailed design access drawings have subsequently been provided and approved by National Highways through an Audit Report and Designers Response.

10.21 National Highways is supportive of a MSA facility in the North-west quadrant of the M25, and have raised no concerns regarding the location of the propose MSA facility in relation to M25 operation or safety.

Provision of a Secondary Access

- 10.22 No local access road is proposed in the current development proposal. National Highways and the operators of MSAs have found from experience that the provision of rear (or secondary) access(es) to MSAs often results in their regular abuse by motorists who take short cuts from the local road network to the SRN, or vice versa, which creates an unauthorised through route. This can lead to safety concerns and also ongoing costs for the operator in terms of multiple repairs.
- 10.23 The current policy on MSA rear accesses is set out within the DfT Circular 01/2022, "The Strategic Road Network and the Delivery of Sustainable Transport" which states at paragraph 91: "there must be no route through a roadside facility or its access link between the local road network and SRN. In addition, any subsidiary accesses must be restricted to staff, deliveries, parties carrying out duties for and on behalf of the Secretary of State, the company, the emergency services, and breakdown recovery and assistance."
- 10.24 On the other hand, Thames Valley Police have comment on the planning application and requested provision of some form of rear access route for emergency vehicle access to the MSA for crime prevention purposes. The lack of rear access road is highlighted as having potential to negatively impact accessibility for the Local Policing Area. The concerns relate to ability to deploy resource located within the local community close to the site, who are unable to access the site locally; officers that are not fast road trained cannot access the site, reducing resource available; and that congestion on the motorway could delay site access, with the relevant section of the M25 having no hard shoulder access once converted into a smart motorway. However, this latter concern is given very limited weight due to Central Government removing smart motorways from road building plans, cancelling this scheme's roll out. Further details on security are address later in this report. It is therefore considered that Thames Valley Police's concern regarding a lack of local access road to the MSA, can be overcome.
- 10.25 As all vehicular access to the proposed MSA would be exclusively from the Motorway, with no vehicular access from the local highway network, it is considered that no impact to the safe, efficient operation of the local road network would result. This is supported by Buckinghamshire Highways, who have raised no concerns with the planning proposals.

On-line vs Off-line locations

- 10.26 Paragraph 84 of Circular 01/2022 set out that that on-line (between junction) service areas, such as the one being proposed, are considered to be more accessible to road users and as a result are more attractive and more conducive to encouraging drivers to stop and take a break. They also have the added advantage of avoiding the creation of any increase in traffic demand at

existing junctions, and on existing local road networks as vehicles do not need to exit the Motorway to access the MSA. Therefore, in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, National Highways has a preference for new MSA facilities at on-line locations. National Highways consider that in circumstances where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints a site sharing a common boundary with the highway at a junction with the SRN (off-line site) is to be preferred to the continued absence of driver facilities on the motorway network.

Construction Traffic

- 10.27 In terms of construction traffic, access to the construction site would need to be agreed in advance with National Highways, with detailed matters to be subject to condition. Construction traffic would access the site from the M25. During the initial construction phase it is anticipated that temporary traffic management, involving narrowing of lanes and 50mph speed limit, would be implemented on the M25 during construction.
- 10.28 The construction period is assumed to be 24 months, within the submitted ES, with the MSA opening in 2027. The HS2 scheme in the vicinity of the proposed development is presently under construction and on the basis of the information available before Officers, it is understood that the key civil engineering works are due to be completed late 2024 by Align JV, with the South Portal compound being demobilised in early 2025 and the site being handed back over to HS2 to complete the railway systems installations. In this manner, it is expected that the HS2 key civil engineering works would have been completed before the construction of major works for the MSA begin. There is the potential for a short period during which both HS2 and the MSA construction activity take place concurrently. However, the ES outlines that this is likely to be towards the end of the HS2 construction programme after the substantial earthworks movement associated with the tunnel construction has taken place, and as such is unlikely to result in any significant cumulative impacts in relation to traffic. The spacing between the proposed MSA access and the HS2 temporary slip roads exceeds the minimum requirements set out in the DMRB. The RSA undertaken appraises the impact of the proposed development being constructed and operated concurrently with HS2. National Highways and Buckinghamshire Highways are satisfied that this concurrent arrangement is acceptable.
- 10.29 The Transport Assessment submitted with the ES Addendum sets out the temporary construction access measures in more detail, including construction related parking, management of construction deliveries, traffic management routing of construction vehicles and additional measures that are intended to reduce the impact of construction traffic. Construction traffic

has been forecast at around 50 HGV movements and 60 light vehicles per day on the M25. The additional construction vehicle movements associated with the proposed MSA would add less than 0.1% to the total flow on M25 and less than 0.25% HGV movements. The ES therefore considers it unlikely that construction traffic would represent a magnitude of increase that will require assessment of effects. On that basis, effects resulting from construction would be minor and not significant.

Parking

10.30 Buckinghamshire Council wide Parking SPG (2015) and Chiltern District Local Plan Policy TR16 relate to parking standards for new development, however neither set out specific parking standards for MSA development although it includes parking space dimensions and requirements for motorcycle, cycle and electric charging spaces. In more general terms Core Strategy policy CS26 refers to the expectation that new development will be expected to provide appropriate and effective vehicular and cycle parking.

10.31 In the absence of any adopted local parking standards for this form of development, Circular 01/2022 is the point of reference for assessing adequacy of parking provision. Annex A, Table 2, of the Circular sets out the calculations for establishing the parking requirements for different types of vehicles at MSAs. These calculations are based on a proportion of the traffic volume passing the site.

10.32 The applicant has provided indicative parking layouts and the following provision of parking:

- Car parking: 759 spaces (including 5% disabled bays)
- Caravan parking, motorhome and trailer: 23 spaces
- Motorcycle parking: 23 spaces
- Coach parking: 19 spaces
- HGV parking: 142 spaces
- Abnormal load: 1 space
- Staff parking: 38 spaces

10.33 This proposed parking quantum would align with the parking standards set out in Annex A, Table 2 of the Circular, and therefore, no objections are raised to parking provision from National Highways, with a condition recommended to secure the final parking details at a later stage.

10.34 In terms of the HGV parking referenced above, the proposed quantum would allow appropriate levels of HGV provision which would contribute significantly towards the need for additional parking for HGV's in the south east region. This would also meet National Highway's aims of preventing overspill of HGV parking in the immediate vicinity of roadside services and would be a benefit in terms of the welfare and safety of users of the SRN. The HGV parking area would allow overnight stays and would therefore accord with the aims of paragraph 109 of the NPPF.

10.35 In addition to the parking provision above, the proposed MSA development would also incorporate, as a minimum 20 active EV charging spaces, and 100 passive spaces. Officers consider that this level of on-site provision would help promote sustainable travel opportunities and would also align with paragraph 107e of the NPPF. The EV parking spaces would also be secured via planning condition.

Trip Generation

10.36 Whilst the MSA proposal is not expected to generate new traffic, there would be traffic growth in and around the area because of committed and planned development in the area. The main traffic impact of the proposed development would likely be the introduction of new merge, diverge and weaving movements as vehicles seek to access the MSA or re-join the motorway. There are predicted to be an average of 950 staff trips per day by car and an average of 65 delivery and servicing trips per day. To put this into context, the daily trips between J16 and J17 is 163,600 (in both directions).

10.37 From this it is calculated that the magnitude of increase in daily vehicle trips due to the proposed development, once operational, is approximately 0.6%. This effect of the increase in traffic is considered in the ES to be negligible, in accordance with DMRB HA205/082, and the magnitude of change below the thresholds for further assessment, in order to accord with the IEMA methodology. No further assessment is therefore required.

10.38 There would be no public access between the proposed development and the local road network and once the MSA is operational all customer, service and delivery access would be from the M25.

10.39 National Highways accept that operational trip generation would be minimal, and have no objection to the proposed scheme. It is therefore considered that the proposed development would be acceptable in terms of trip generation highway impact.

Accident / Collision Data

10.40 Within the TA accident/collision data has been considered on the M25, between junctions 16 and 17 over a five-year period (2015 to 2019). Data from 2019- 2021 has not been used due to the impacts of Covid restrictions on traffic flows in these years. The data shows that there have been 152 casualties over the period; 130 slight, 22 serious and no fatalities. The TA considers the development to have negligible effect on traffic flows and it can thus be concluded by Officers that the development would have a negligible effect on accidents and safety.

Promoting Sustainable Travel Opportunities

10.41 A draft Framework Travel Plan (FTP) has been submitted in support of the application, and the FTP draws upon information contained within the TA. This sets out the operator's commitment to operating the development in a way that provides opportunities for staff to travel to site by sustainable modes given the context of surrounding infrastructure. It also provides a strategy for minimising single occupancy car trips to the site by employees whilst promoting travel choice.

10.42 Public Rights of Ways (PRoW) are adjacent to the proposed development; to the east, Chalfont St Peter CSP/44/1 (restricted byway) part of the Old Shire Lane Circular Walk and to the south Chalfont St Peter CSP/43/2 (South Bucks Way) (bridleway) which crosses under the M25 via an underpass. The route along the south and east sides of the site follow a designated bridleway route, including part of the Old Shire Lane route which connects to the Chiltern Way and South Bucks Way routes. The Old Shire Lane route also connects with Tilehouse Lane and a designated pedestrian route to Denham railway station. Approximately half a mile to the east, there is a recently constructed cycle path along the A412 Denham Way which connects with Maple Cross.

10.43 The closest bus stops to the site are on the A412 Denham Way (10 minute walk to the North of the Site) and are served by the 724 service which is an hourly service from Harlow to Heathrow Airport via Watford, St Albans, Hatfield, Welwyn Garden City, Hertford and Ware. Further bus stops are located in Chalfont St Peter, with the nearest bus stops being on Copthall Lane (30 minute walk to the North of the Site), served by the 106 and 107 services connecting to Gerrards Cross and Slough. There are also bus stops at the Waggon and Horses on A413 Gravel Hill (40 minute walk to the north of the site), which are served by the 104 and 105 in addition to the 106 and 107. These services connect to High Wycombe, Chesham and Uxbridge

10.44 The proposed MSA is forecast to employ 310 full-time staff with various shift patterns throughout a 24-hour period. Estimated shift patterns have been provided within the draft FTP. The busiest shift period is estimated to be

between the hours of 07:00 and 15:30, with 154 staff (36%). Between 15:00 and 23:00hours, the next busiest period is estimated to generate 102 staff (24%).

10.45 The location of the proposed MSA and the likely shift working patterns mean that it is inevitable there would be a reliance on travel to the site by private vehicle mode, and sufficient provision for this is to exist on site. The operator has considered what measures could be employed to provide staff with improved opportunities for travel by sustainable modes, some of these measures are set out below:

- Encourage car sharing by promoting 'CarShare' or similar car sharing schemes;
- Provision of a shuttle bus service from public transport connection;
- Emphasis on local recruitment (through the Employment Strategy) would maximise the opportunities for accessing the site by sustainable modes;
- Free meals provided during rest periods to prevent need to travel off-site;
- Distribution marketing and awareness literature to staff, with personalised travel planning information;
- Annual awards given to employees who have consistently travelled sustainably and helped to progress the aims of the travel plan;
- A public display area providing customers and staff with information relating to greener driving methods, car sharing and park and share provision;
- Provision of secure and covered cycle parking spaces (and shower, changing and storage facilities);
- Distribution of maps to staff illustrating safe walking and cycling routes to relevant locations;
- Organisation of promotional events such as 'walk to work' days or weeks;
- Encourage the formation of a bicycle user group;
- Provision of literature on the health benefits of walking (either to work or in the course of work); and
- Appointment of a Travel Plan Coordinator, who would be responsible for the day-to-day implementation, monitoring and review of the travel plan initiatives.

10.46 The key objectives of the draft FTP are:

- To increase inclusivity for employees by encouraging and facilitating access to the site by a variety of modes of travel;
- To reduce the local impact of single vehicle occupancy employee car journeys to and from the site;
- To encourage a reduction in carbon emissions; and

- To encourage healthy lifestyles amongst employees.

10.47 Final Travel Plan targets would be set once the MSA is operational, as there would then be more certainty about tenant employees at that time. It is proposed that an initial travel survey of staff be undertaken within the first six months of opening, this is to establish a baseline. A more detailed survey would then be undertaken annually. At this stage an initial 5-year target reduction for single occupancy vehicle use is proposed against the baseline, to be achieved over a 5-year implementation period. Survey results are to be submitted to the Council, so that it can be decided how targets might be better achieved (if necessary). An annual report would be produced that would review the effectiveness of the FTP in the previous 12-month period, with details of any further measures that may be proposed over the following period. This can be secured through a S106 agreement. Officers therefore consider that measures can be put in place which promote the use of sustainable transport and prevent full reliance of private vehicles when accessing the site.

Public Rights of Way

10.48 There is presently disruption to the PRoW network adjacent to the site due to HS2 work, which has resulted in the temporary closure of adjacent footpaths, and realignment of these. Planning information therefore considers the PRoW network post-completion of the HS2 works.

10.49 As part of the HS2 works the Rickmansworth 004 (bridleway) is realigned around the portal tunnel and an overbridge is provided to maintain connectivity, the route connects both DEN 2/1 and the A412 Denham Way at its previous locations thus maintaining the integrity of the PRoW network. Along the west of the HS2 alignment a new definitive Bridleway (Cantering Route) is provided that joins onto CSP/44/1 and the Rickmansworth 004 (bridleway). Towards the south of the HS2 route (Old Shire Lane DEN/3/bridleway) is realigned to facilitate the Colne Valley Viaduct. PRoW routes to west of site are retained in their current configuration. The PRoWs located directly to the east and south of the proposed MSA are not directly affected by the HS2 scheme.

10.50 Once HS2 is completed, the public right of way network will be reinstated, with some new permissive paths to be created. Please see figure 1 below.

Figure 1: Final Right of Way layout once HS2 is completed

- 10.53 A financial contribution of £125,000 is sought from the proposed development towards the completion of the A412 North Orbital Cycleway Contribution. This is directly relevant to the proposed development as it would facilitate employees cycling to work from Denham, Higher Denham and Denham train station. This is recommended to be secured by S.106.
- 10.54 It is also requested that a financial contribution of £180, 000 is sought to provided surfacing improvement to Old Shire Lane [Restricted Byway CSP/44/1] to facilitate convenient connections for employees cycling to work from Chalfont Lane. This is recommended to be secured by S.106 agreement.
- 10.55 The range of measures proposed to be secured would therefore be beneficial to the surrounding community and users of the landscape from both a social and environmental perspective. The enhancements to the Public Rights of Way network are supported by the Councils Strategic Access Officer.

Cumulative and Secondary Effects

- 10.56 The ES has considered cumulative impacts in terms of traffic and transport effects. In relation to other nearby major developments;
- The Orchards Caravan Site expansion
 - HS2 Phase One
 - Denham Park Farm Quarry
- 10.57 The Orchards Traveller site has been the subject of a number of planning applications since 1972 for the use of land as a gypsy caravan site. Currently there are 5 gypsy and traveller pitches with associated amenity blocks and amenity space on the site, with access from West Hyde Lane. These have been confirmed to be lawful development. Of relevance to the cumulative assessment is the permission which was granted in 1997 under CC/00/45/97 (or CH/1997/0982/RB Chiltern reference) for the “Extension of access road and hardstanding for use by mobile homes/residential caravans at West Hyde Lane Gypsy Caravan site”. This specifically granted permission for 11 pitches to be positioned on the Southern part of the site. This permission was implemented (four pitches) and is therefore considered to remain extant. It is therefore possible that these pitches could be implemented in line with the original permission. A further application which remains live has been submitted in relation to the extension of the gypsy and traveller site for additional pitches and extension to existing access road and provision of hard standing. Application PL/19/1434/FA is for an additional 6 pitches (totalling 11 pitches on site). The ES therefore considers that this quantum of development would have a negligible effect of traffic and transport conditions.

10.58 The route of HS2 passes to the east of the Site, along a broad north-west to south-east orientation. The planned route for HS2 (currently under construction) indicates that the railway will cross the M25 through a bored tunnel around Chalfont Lane, with the tunnel portal situated immediately to the east of the M25 and north of the MSA application site. Part of the MSA application site is currently in temporary possession of HS2 for temporary storage of material stockpiles from the HS2 construction. In close proximity to the MSA site, the permanent HS2 works comprise of the Chilterns South tunnel portal, tracks (situated in cutting before emerging onto embankment and subsequently the Colne Valley Viaduct), along with an area authorised for a sealing end compound and associated development, fencing and lighting located adjacent to the line of the route. The effects of HS2 have been determined through their separate application process, which was supported by an ES. The key civil engineering works of HS2 which are relevant to the application site are expected to be completed before the construction of works required for the MSA. As stated previously, whilst there is the potential for a short period during which both HS2 and the MSA construction activity take place concurrently, this is likely to be towards the end of the HS2 construction programme after the substantial earthworks movements and as such unlikely to result in any significant cumulative impacts in relation to traffic.

10.59 Denham Park Farm Quarry started operation in 2014 and proposed a three-stage approach to operation and restoration of the site over a fifteen-year period. The site currently has two inactive quarries which are in the process of being restored and one active quarry for the extraction of sand. It is also relevant to note that Denham Park Farm quarry has been in operation since 2014, therefore the traffic flows undertaken in 2019 would have included any associated traffic. The plans for its restoration by 2031 would likely only reduce traffic, therefore this is not considered to result in significant adverse effects.

10.60 In this regard the ES has concluded that there would be no significant cumulative effects together with the MSA.

Summary on Highway Safety, Transport and Access

10.61 National Highways do not consider that the proposal, once operational, would result in an unacceptable impact on highway safety, nor would the resulting impacts on the road network be so severe as to warrant refusal. The no objection positions adopted by both National Highways and Buckinghamshire National Highways show that the proposed development is deliverable for the Strategic Road Network, with no technical constraints.

10.62 Overall, it can be concluded that the proposal would be acceptable individually, secondary and cumulatively in terms of access, highway safety, parking and servicing, subject to the imposition of appropriate and necessary planning conditions, and s106 obligations in accordance with Core Strategy Policies CS24 and CS6, Local Plan Policies TR2, TR3 and TR16 and Paragraph 109 of the NPPF (2023). Limited benefits would result from the HGV parking provision as this meets an identified need in the south east region, and the enhancements to the Public Right of Way network are also a benefit that attracts limited positive weight in the overall planning balance.

11.0 Ecology, Biodiversity & Arboriculture

Core Strategy Policy:

CS24 Biodiversity

CS32 Green Infrastructure

Saved Local Plan Policies:

GC4 Landscaping Throughout the District

TW3 Resistance to Loss of Trees Covered By A Tree Preservation Order Throughout the District

NC1 Safeguarding of Nature Conservation Interests Throughout the District

11.1 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.

11.2 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.

11.3 Chiltern's Core Strategy policy CS24 aims to conserve and enhance biodiversity. Core Strategy policy CS32 aims to identify, protect and enhance strategic green infrastructure assets.

11.4 Chiltern's Saved Local Plan policy GC4 states that trees, hedgerows of sound condition and of good amenity and wildlife value, together with any other important landscape features should be retained.

11.5 Local Plan policy TW3 resists the loss of trees covered by a Tree Preservation Order (TPO). Trees of good quality, or landscape significance, or amenity value, will be expected to be retained in good condition even where this will restrict, or prevent, development.

- 11.6 Local Plan policy NC1 seeks to safeguard nature conservation interests. Development will be refused where it will significantly harm an acknowledged nature conservation interest of established importance.
- 11.7 The Biodiversity Net Gain SPD (2022) sets out guidance on how biodiversity net gain can be delivered in Buckinghamshire.
- 11.8 Paragraph 174 of the NPPF emphasises the importance of development that contributes to and enhances the natural and local environment, with paragraph 174 (d) emphasising the importance of minimising impacts and providing net gains for biodiversity.
- 11.9 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 180d of the NPPF also sets out the requirement for measurable net gains in biodiversity.
- 11.10 The Colne Valley Regional Park has objectives which are relevant to the proposal, including:
- “To maintain and enhance the landscape, historic environment and waterscape of the Park in terms of their scenic and conservation value and their overall importance”, and
- “To conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features”.
- 11.11 In terms of national designations, the nearest to the site is Bloom Wood, which lies 350m to the north-west of the application site boundary and is identified as Ancient Semi Natural Woodland (ASNW). A second, separate parcel of unnamed ancient woodland lies to the east of Bloom Wood. The Mid-Colne Valley SSSI is located approximately 2km to the south east and is of significant ornithological interest, Old Park Wood SSSI is approximately 2km to the north east and Northmoor Hill Local Nature Reserve (LNR) is approximately 2km to the south east. All of these are situated outside of the survey area.
- 11.12 The ES considers that no direct loss of ancient woodland to Bloom Wood, the construction phase would not result in any significant dust deposition within the ancient woodland area due to the separation distance and standard

working practices to minimise dust. Surveys have not identified the presence of bat roosts, badger setts, dormice or notable breeding bird assemblages supported by the woodland. The application site is located at the downward slope away from Bloom Wood edge and the ES concluded that the woodland hydrology would remain unchanged. The impact on air quality is considered negligible, which includes any minor deterioration in vegetated habitats due to the operation of HS2.

11.13 In terms of the Mid Colne Valley SSSI, the ES considers that given the separation distance there would be limited potential for adverse effects during construction and any potential effect on water resources during mitigation/protective measures construction which would be temporary and low magnitude and hence minor adverse without mitigation/protective measures and operational impact would be medium adverse of minor significance without mitigation. A CEMP could be secured by condition to ensure this is minimised. The impact on breeding and overwintering birds is dealt with below. In terms of air quality the majority of vehicle trips would be focused on the slip roads and roundabout, any potential impact would be negligible.

11.14 Paragraph 180b of the NPPF (2023) states that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. At Paragraph 182 of the NPPF (2023), the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

11.15 Natural England considers the proposal would not have likely significant impacts on the aforementioned SSSIs, and the Council's Ecologist has not raised any concerns over the impact on the LNR, or the ten Local Wildlife Sites that are within 2km of the site and recommends conditions including the requirement for a LEMP. Burnham Beeches Special Area of Conservation (SAC) is located 8.7km away and would not be adversely impacted by the proposed development. There would not be any recreational pressures on the above ecological receptors as a result of the proposed MSA development. Consideration has been given to the impacts of air quality, this is addressed in Chapter 15 of the ES and concludes that the impacts construction phase or the operational phase of the MSA.

11.16 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

11.17 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.

11.18 Chapter 8 of the ES and ES addendum, together with supporting appendices, assesses the impact of the proposed MSA to determine whether any significant adverse effects on ecology and protected species would occur. The following Phase 1 Habitat Surveys were undertaken on the 9th December 2016 with update survey on 1st October 2018, 17th and 25th February 2022 and in September 2022:

- Arboriculture survey
- Badger survey
- Bat surveys
- Great crested newt survey
- Reptile survey
- Wintering birds survey
- Breeding birds survey

11.19 Habitat losses as a result of construction would involve the removal of negligible value arable land and improved grassland habitats in addition to the valued habitats considered (i.e. broadleaved secondary semi-natural woodland, ruderals, neutral grassland and species rich hedgerows). This would result in minor adverse effects.

11.20 Direct removal of supporting habitats can adversely impact valued species. Potential effects have been predicted within the ES for certain receptors during the construction and operation phase, including badgers, bats, great crested newts, breeding and wintering birds and invertebrates.

11.21 No significant adverse impacts have been identified, however minor adverse effects have been identified to the following receptors:

- Mid Colne Valley SSSI (as referenced above)

- Habitats (Species rich hedgerows, neutral grassland and Ruderals)
- Badger
- Bats
- Great crested newt
- Wintering and breeding birds

11.22 Mitigation should be used to reduce any adverse impacts, this can include mitigation by design and any additional mitigation required.

11.23 Mitigation by design includes locating development outside areas of semi-natural and ancient woodland, as well as veteran trees, and ensuring that appropriate buffers are in place to reduce adverse effects. Additional mitigation measures include a series of proposals to ensure that any adverse effects are minimised. These measures would be secured by way of condition.

Badger

11.24 To mitigate for disturbance principally during the construction period, and to minimise the likelihood of accidental harm to existing badger setts, the construction locations would avoid all retained setts by at least 50m. In the absence of mitigation the ES considers this to be a low magnitude impact, which is minor adverse. A badger proof post and wire fence would be installed around the perimeter of the new slip roads to minimise the potential of vehicle collisions and hence injury/mortality to badgers.

Bats

11.25 Five trees were identified on site as have suitability for bat roosts. Only one tree (T103, a mature Oak *Quercus robur*) which was identified as having low potential for bat roosts would be impacted by the proposed development. The emergence survey confirmed the likely absence of bats with no bats recorded emerging from the tree throughout the survey period. Nonetheless, by way of mitigation, during the construction phase site lighting would be carefully orientated to minimise light trespass into sensitive habitats. In the absence of mitigation the ES considers this to be is minor adverse. By way of enhancement and off-setting, additional roosting opportunities would be provided by the installation of at least 30 woodcrete bat boxes within woodland.

Great Crested Newts

11.26 The ES states that a medium population of breeding GCN has been identified within a pond to the west of Denham Road over 400m for the application site. No ponds would be directly affected and habitats around the ponds and linkages remain unaffected. There is potential for foraging within 500m of a breeding pond, however the M25 represents a significant barrier so this

potential is low. The ES assesses that an unmitigated impact would be of low magnitude, minor adverse effect. Mitigation and reasonable avoidance measures would be proposed as part of a Construction Environmental Management Plan (CEMP), which can be secured by planning condition. Due to the separation distance between the ponds known to support great crested newts (Gerrards Cross Golf Course) and the site, a Protected Species Mitigation Licence is not considered necessary given the extremely low likelihood of adverse effects. Compensation measures are not required. Proposed site enhancements, including the creation of ponds/lakes on site may be of future benefit by creating potentially new habitats for this species. The council's newts officer raised no objection to the scheme subject to condition regarding the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents.

Birds

11.27 Detailed breeding and wintering bird surveys have been provided and record a total of 37 species, including a low number of red kites flying over the site and one breeding pair of red kites, field fare and redwing together with a low recording of breeding pairs recorded as of district value. The overwintering bird survey suggests the site is of district value and the site is unexceptional, being broadly analogous with similar arable dominated habitats. The ES states the medium adverse effect of minor significance in the absence of mitigation and same for the operation stage. Mitigation proposals to minimise disturbance of nesting birds and direct losses of active nests would be necessary. Timing restrictions would need to be imposed upon the clearing of breeding habitats, such that these habitats would not be cleared during the period March –September inclusive. New woodland and tree plantings around the site would provide new opportunities for nesting/foraging upon maturity. As a general enhancement measure additional nesting opportunities would be provided by the installation of at least 30 woodcrete bird boxes within woodland. The Council's Ecologist welcomes the offsite habitat creation to mitigate for breeding skylarks. This breeding skylark habitat creation and long-term management should be secured through a Section 106 agreement.

11.28 Some habitats would be lost as part of the proposed development. Losses would include <0.1 Ha of semi-natural broadleaved woodland, 450m of species rich hedgerow, <3Ha of Neutral grassland; and <4.4Ha of Ruderal habitats. As such, compensation and enhancement forms part of the proposed development scheme, both within the site boundary, and within an off-site habitat compensation area. This habitat compensation would be

managed and maintained for a minimum 30 year period. Taken together, these provisions include:

- c.5Ha of new native broadleaved woodland;
- c.1km of new species rich hedgerow
- Native standard tree plantings (c. 43 trees);
- c. 8.5Ha of neutral grassland;
- c. 1Ha of wetland grassland planting;
- c. 0.5Ha of wildflower planting;
- 6 new SUDs features;
- c.10 swales; and
- A green roof on the facilities building.

11.29 The proposed MSA developed, together with the off-site habitat creation is envisaged to result in a biodiversity net gain for habitats of 15% and hedgerows 29% which is demonstrated through a revised biodiversity metric requested by the Council, to which the Council's Ecologist has raised no further comments. The baseline for this assessment is restored HS2 land. This would be in compliance with the Council's adopted Biodiversity net-gain supplementary planning document. A Biodiversity Management Plan (BMP) would be conditioned to detail the full mitigation and enhancement package.

11.30 The application site is situated at its closest point within approximately 2km of Denham Aerodrome, 10 km from RAF Northolt and 15 km from Heathrow. In-line with the requirements set out in CAP738 – the Safeguarding of Aerodromes a Bird Hazard Management Plan would be produced to specifically address safety concerns and an assessment of the potential hazards; this would be secured by condition.

11.31 As stated above, Natural England have been consulted as part of the application and have reviewed the supporting information. Natural England have confirmed that they have no objection to the proposal on ecological grounds and have considered that the proposal would not unduly impact on any of the designated sites or protected, landscapes, including SACs (Burnham and Chiltern Beechwoods) due to the distance between the proposed development and the designated sites. Therefore no 'Appropriate Assessment' under the Habitat Regulations is required.

11.32 Ecology Officers are satisfied that the presence of protected and notable habitats and species has been given due regard. A condition would be recommended requiring an updated reptile survey, to be provided at appropriate times, as a precautionary approach to confirm the presence of reptiles along the M25 neutral grassland embankments, and immediate area at the time of the development. A number of other conditions to be secured in the event of approval, are also recommended which include the

requirement for a Construction Environmental Management Plan (Biodiversity), a Landscape and Ecological Management Plan, a lighting scheme for light sensitive wildlife and further details to demonstrate net gains in biodiversity.

Cumulative and Secondary Effects

11.33 The ES and ES addendum address other nearby major developments: HS2 Phase One, The Orchards Gypsy and Traveller site expansion and Denham Park Quarry. With regards to HS2 the assessment has already taken into account the restoration of the HS2 controlled area within the MSA application site into arable farmland. Given the relatively small scale of proposals at the Orchard Caravan site, adverse effects are considered unlikely, hence there would be minimal contribution to any overall cumulative effects. Denham Park Farm Quarry would influence the current protected species baseline in relation to the ongoing extraction, and the results of the current surveys reflect this. Following restoration there would be negligible cumulative effects with all impacts being expected to be mitigated according to the requirements of the quarrying consent.

11.34 As outlined above, some habitat loss would result, and this has been avoided where possible but where it has not then mitigation and compensation has been proposed.

11.35 Following the mitigation/compensation measures outlined above, no significant residual impacts are predicted to arise from the proposed development. The key receptors are the Mid Colne Valley SSSI and Bloom Wood ASNW. Neither would be significantly impacted by the proposed development. The NPPF (2023) and Environment Act (2022) requirements with regards to the exceedance of a 10% overall net gain can be delivered.

Summary on ecology and biodiversity

11.36 Overall, there are no outstanding objections from Natural England, the Ecology Officer, or the Newts Officer and subject to appropriate mitigation / compensation measures, combined with the proposed enhancements, there are no objections on ecological grounds. This is subject to these measures being secured through planning conditions and s.106 planning obligations.

11.37 The proposed development is considered acceptable on ecological grounds, with presence of protected species on, or adjacent to the site considered to be low, in accordance with Policy CS24 of the Core Strategy, Saved Local Plan Policy NC1 and accord with the aims of the Council's adopted Biodiversity Net Gain Supplementary Planning Document and the NPPF (2023). As such moderate weight is given to the BNG.

Arboriculture (Trees)

- 11.38 To inform the Arboriculture Impact Assessment (AIA) a tree survey was carried out in accordance with British Standard (BS): 5837, accompanying this AIA is a Tree Protection Plan (TPP). These were done to evaluate the direct and indirect effects of the proposed layout design on the surveyed trees and hedgerows.
- 11.39 Local Plan policy GC4 is of relevance where the tree population is affected.
- 11.40 There are no protected trees on or immediately adjacent to site.
- 11.41 The tree survey work assessed a total of 177 individual trees, five tree groups, three woodlands and nine hedgerows on, and immediately adjacent to, the site.
- 11.42 The survey revealed that, 9% of the individual tree population were classified as 'A' quality, 47% were classified as 'B' quality, 43% were classified as category 'C' quality and 1% were classified as category 'U' quality. All five tree groups and three woodlands were classified as category 'B' quality. The surveyed hedgerows were not allocated a quality category, as BS: 5837 does not include a methodology for the categorisation of hedgerows.
- 11.43 Eleven veteran trees are located on and adjacent to the site. Four of these (T122, T125, T138, T430) are located within the site boundary or close enough to the boundary to be a constraint to the development. These four veteran trees would be retained and BS 5837 compliant Root Protection Areas (RPAs) would be in place during construction to ensure their full protection. The other seven surveyed veteran trees (T141, T241, T170, T176, T247, T427, T444) are located far enough away from the site boundary that they are not a constraint to the development, with their RPAs and veteran buffer zones not within the site boundary.
- 11.44 It is identified that the proposed development would result in the loss of 8 trees, 1 tree group, 2 hedgerows (including partial removals). The majority of trees, groups and hedges requiring removal are low quality category 'C', with only 1 category 'B' trees and 1 category 'A' trees requiring removal. The removal of the category 'A' tree (T179) is considered by Officers to be of moderate impact. This is a mature oak tree, with good form. The loss of this tree would be compensated through new tree planting.
- 11.45 The trees and hedgerows that are to be retained on the site would be protected during the proposed works with appropriate tree protection fencing. A condition would ensure that an Arboriculture Method Statement (AMS) and tree protection measures are carried out in accordance with the Arboricultural Method Statement.

11.46 The Tree Officer was consulted on the proposal and confirmed that the proposed development would only involve the loss of one large tree and that the proposed replacement planting should compensate for this loss, therefore no objection was raised.

11.47 Proposed replacement planting to compensate for tree loss would be secured through planning conditions and the future woodland management would be secured through a s106 agreement. No objection to the proposal is raised on arboriculture grounds. The minor adverse effects identified are balanced out by the proposed mitigation and compensation measures. This attracts neutral weight in the overall balance and is considered compliant with Saved Policy TW3 of the Local Plan.

12.0 Raising the quality of place making and design: Proposed Design and Layout

Core Strategy Policies:

CS20 Design and Environmental Quality

CS32 Green Infrastructure

Saved Local Plan Policy:

GC1 Design of Development Throughout the District

12.1 Policy CS20 of the Chilterns Core Strategy requires new development to be of a high standard of design which reflects and respects the character of the surrounding area and features which contribute to local distinctiveness. Furthermore, Policy CS32 relates to the identification, protection and enhancement of strategic green infrastructure; opportunities should be sought to connect provision to surrounding green infrastructure. Policy GC1 of the Local Plan states that development that is of a high standard and complies with other policies of the Plan will be permitted; the policy notes that design is about the appearance of the development and its relationship to its surroundings. The Policy sets out the criteria for assessments of planning applications such as scale, height, relationships, appearance of car parking and servicing areas, materials, form and designing against crime.

12.2 The NPPF places well-designed and safe built environments as an intrinsic part of the three overarching objectives to achieving sustainable development. Paragraph 126 states that the “creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

12.3 NPPF paragraph 130b says that “planning policies and decisions should ensure that developments are visually attractive as a result of good

architecture, layout and appropriate and effective landscaping”. In paragraph 134b it states that “significant weight should be given to outstanding or innovative designs which promote high levels of sustainability”. The National Design Guide is also a material consideration.

- 12.4 The application has been submitted in outline form with an illustrative masterplan and parameter plan indicating the layout, scale and appearance (matters reserved for subsequent approval) of the proposed development. The parameters plans fix parameters within which the development must sit. Access details are provided for approval at this stage. The level of detail provided with the outline application does provide a level of comfort about the design intentions and demonstrates the standards of design and sustainability that are aimed to be achieved for the development.
- 12.5 The following set of key design principles have been developed and are set out in the Design Principles document and embodied within the Design and Access Statement. These principles helpfully establish a clear set of criteria against which matters of detailed design, at Reserved Matters stage, can be assessed. They also help to give an element of control over the design quality that comes forward at Reserved Matters stage, which would help to ensure that high standards of design quality are achieved. The following principles are to be reflected in the proposed design approach in order to deliver the quality of design required:
- Integrate within the landscape of the Colne Valley and Chilterns reflecting local character;
 - Limiting views by using natural topography and screening the development to reduce visibility;
 - Enhance green infrastructure connections;
 - Limit visibility of the scheme in relation to sensitive views from the east and across the Colne Valley;
 - Enhance user experience;
 - Enhance connectivity;
 - Integrating the buildings into the landscape;
 - Use of locally recognise materials; and
 - Use of organic forms and smooth curves
- 12.6 The supporting documentation advises that the proposed MSA development has been intentionally designed and located to assimilated into the landscape context and minimise potential impact on landscape character, views and visual amenity. The overarching considerations to achieve this include: limiting the influence on the landscape to the west of the motorway, to ensure the “broader dry valley” remains in-tact; maintaining the landscape between the existing highways infrastructure of the M25 and the proposed MSA in order to retain separation to existing settlements; providing

landscape screening which reflects the rising topography of the valley, and incorporating proposals for screening that are consistent with local landscape character.

- 12.7 The submitted Parameter Plan define land use zones and sets maximum building heights and envelopes to provide a level of certainty about the site layout, physical form, arrangement of buildings, extent of landscaping/green infrastructure and appearance of buildings that are likely to come forward at reserved matters stage. The Parameter Plan would be a condition of approval.
- 12.8 Access is the only matter applied for in detail. Access is proposed to be gained via slip roads on the northbound and southbound motorway for access and egress. An overbridge which passes over the M25 and enters the main MSA area on the eastern side of the M25 would serve vehicles visiting the MSA that are exiting the M25 on the northbound side. The provision of roundabouts on each side of the M25 would ensure safe access onto the slip roads, in accordance with DMRB standards. The overbridge would incorporate a single pan with tied arch structure. A Fuel Filling Station would be located close to the main entrance and exit points from the site, also located to the east of the M25. The main MSA facilities building would be located to the north-eastern part of the site. Wrapping around the western and southern sides of the amenity building are the parking areas, which are divided into northern and southern sections by the central landscape / SuDS feature. Within the parking areas are sections designated for general cars, coaches, caravan / motor homes/ trailers and HGV use.
- 12.9 The Illustrative Masterplan provides a landscape strategy with sufficient detail about the extent of proposed landscape enhancement. This indicates wooded edges and landscape mounds would be planted around the site peripheries, which would help contain the development, reduce visual impact and contribute towards biodiversity enhancement. As landscaping is a Reserved Matter, there is no commitment to the majority of this landscape being proposed, further details would be required and assessed at the Reserved Matters stage.
- 12.10 Appearance of the proposed development (i.e. its design) represents one of the Reserved Matters, and the submitted Design and Access Statement (DAS) provides information to demonstrate the intended design approach, palette of materials and explain the design principles and concepts that have informed the evolution of the development.
- 12.11 The supporting DAS explains how the site layout takes into account the appeal decision of CSP1, highlighting how the relocation of the built facilities to the east of the motorway, has the following benefits; further distance from

Chalfont St Peter, closer proximity to the M25, greater distance from ancient woodland, no previous landfill and facilitation for a more compact form of development. The disadvantages with the land to the east of the M25 are; (once the land has been restored) steeper topography, more irregular topography and increased visibility from east due to this topography and limited landscaping. Addressing the negatives, necessitates increased landscaping, lessening of building heights and a lowering of development platform, to reduce visual prominence of the proposed development.

12.12 The supporting DAS advises that the form of the facility building is a direct response to the undulating landscape in the surrounding area, which is typical of the surrounding Chilterns landscape. The building roof has been influenced by 'leaf form' and is to be a green roof feature. As well as the positive sustainability and biodiversity aspects, the proposed green roofs also helps to integrate the buildings within the surrounding landscape, and should help minimise the buildings visual impact on the landscape and countryside. The development would also be lowered to reduce visibility of the proposed development. Green roof details can be secured via planning condition to ensure the design, specification and proposed maintenance regime is appropriate.

12.13 Details submitted in the DAS demonstrate that the materials palette envisaged at this stage would reflect the surrounding area, with a particular focus on materials that relate to the Chilterns, using a limited palette of materials, with a local emphasis. This local element is reflected in the envisaged use of flint and timber on large elements of the building. Utilising these natural building materials (combined with the green roofs) would further help integrate the buildings into the landscape and shows a sensitive approach to the site context. These 'local' building elements are illustrated as being supplemented by contemporary glazing and a striking sweeping roof, resulting in a contemporary form of architecture. Glazing panels situated directly beneath the curved roof would give the effect of the roof appearing to float above the building.

12.14 A similar architectural approach, and materials palette is proposed for the fuel filling station, albeit with a different, simpler roof design that would be more functional and suited to the use. This approach to external materials would ensure a coherent design across the site, which ties together the facility building elements on site through a commonality of materials, which are sensitive to their context. Whilst it is recognised that appearance is reserved for subsequent approval, the submitted documentation demonstrates that a contemporary form of architecture can be sympathetic to the local context with sensitive materials palette, and can be designed to be locally distinctive.

- 12.15 In terms of 'scale', the Parameters Plan establishes maximum building heights. A maximum building height of 9.5m is proposed for the facilities building and a maximum height of 7m is proposed for the fuel filling station. The maximum parameters would be controlled via planning condition, which would ensure that the detailed proposals which come forward at Reserved Matters stage do not conflict with the assessment already carried out.
- 12.16 Overall, the MSA proposal seeks to relocate buildings to the eastern side of the M25, in a more compact built form than proposed to the western side under CSP1. To integrate the development into the landscape as much as possible sensitive siting, design and height of buildings have been explored. The proposed levels have been determined to ensure the MSA is placed as low in the landscape as possible to reduce the potential height and prominence of any components, particularly in relation to cross valley views from the east.
- 12.17 Conditions would be recommended with any grant consent, which fix the Parameters Plans details of the scheme and ensure that the development comes forward at the detailed design stage, in substantial accordance with the design principles as established by the Design and Access Statement and Indicative Masterplan. This would ensure that there is sufficient information to allow for the likely significant environmental effects of the scheme design to be assessed, whilst ensuring sufficient flexibility in terms of the final proposal design.
- 12.18 Therefore, subject to appropriate conditions being imposed to agree the layout, scale, appearance, landscaping, levels, materials and lighting; Officers consider the proposed development would be acceptable in terms of compliance with design Policies CS20 and CS32 of the Core Strategy, Saved Local Plan Policy GC1 and the NPPF (2023) provision on design.

13.0 Residential Amenity

Saved Local Plan Policies:

GC3 Protection of Amenities Throughout the District

GC7 Noise-generating Developments Throughout the District

- 13.1 Chiltern's Local Plan Policy GC3 refers to the protection of amenities throughout the local plan area. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.
- 13.2 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.

- 13.3 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.

Residential Amenity – outlook, privacy and light

- 13.4 The closest residential properties to the site are those at The Orchards traveller site, which lies approximately 0.2km to the north west of the site off Shire Lane. Aviary Cottage, Denham Lane, falls approximately 0.3k to the south-west of the application site. Mopes Farm lies approximately 0.5km to the south east of the site, with the edge of Chalfont St Peter lying approximately 0.6km west of the western boundary of the site. The eastern boundary of the site is approximately 1k away from the Three Rivers District settlements of Maple Cross and West Hyde.
- 13.5 Due the separation distances outlined above, and intervening features of HS2 and the M25, when viewed from neighbouring resident perspective, it is considered that no unacceptable impacts would occur to the closest residents. At this stage, detailed matters are reserved for subsequent approval and, as such, the submitted plans provided are illustrative only. However, the illustrative details show a green buffer between the existing residential properties and the built form within the site such that should ensure no adverse loss of light, outlook or loss of privacy. Thus, the scheme could be designed at the detailed stage so as to ensure the amenities would not be adversely affected in this regard.

Residential Amenity – Noise and Vibrations

- 13.6 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.

13.7 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 levels can be recognised.

13.8 Chiltern’s Core Strategy policy GC7 states that noise-generating development will not be permitted where the noise levels and/or the noise characteristics which would result from that development would cause an unacceptable degree of disturbance.

13.9 Noise impacts of the proposed development are considered in detail through Chapter 14 of the ES, this considers the impact of noise on key sensitive receptors during construction and operation phases.

13.10 ES consideration has been given to the following in the assessment carried out:

- Potential effects of noise during the construction phase on existing sensitive receptors;
- The potential effect of changes in noise at existing sensitive receptors during the operation phase;
- Noise from road traffic on the proposed motorway junction uses to access the proposed MSA; and
- Noise from the proposed MSA (i.e. external plant noise).

13.11 Current ambient and background noise levels were established at proposed and existing receptor locations. These locations are:

- The Orchards site –220m north
- Aviary Cottage, Denham Lane –340m south west
- Hill House, Chalfont Lane- 810m north east
- Corner Hall, Old Uxbridge Road – 990m east
- 2 Colne Cottages, Old Uxbridge Road- 1.2km south east
- Cedar Grange, Tilehouse Lane – 1.1km south east

13.12 Baseline noise surveys were undertaken in 2019 prior to the commencement of HS2 construction, however consideration is also given to the implications of the HS2 dynamic baseline as far as possible based on the information

available. The existing background sound survey was carried out in accordance with BS:4142. This is a recognised standard for assessing sound from industrial processes, fixed installations, unloading and loading of goods, mobile plant/machinery and vehicles.

13.13 The long-term noise impact of HS2 in receptors at the development site would be from train passes. The train passes are in their nature a transient process which is unlikely to significantly affect either the LAeq or LA90 at receptors. These acoustical parameters are those which are used in the assessment of noise at receptors. However, HS2 could slightly increase the baseline noise environment at existing sensitive receptors, making any potential noise from the proposed MSA less audible as the baseline increase.

13.14 The main construction activities that could give rise to noise effects at receptors are identified, this includes the following sources: noise from construction vehicles, road traffic noise, vibration from construction plant and traffic and HS2 related construction activities. A BS: 4142 assessment was carried out as a method of rating and assessing the significance of sound of an industrial and commercial nature.

13.15 BS:8233: 2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', gives recommendations for the control of noise in and around buildings and suggests appropriate criteria and internal noise limits for existing residential dwellings.

13.16 Baseline existing daytime and night time noise levels were recorded from a number of monitoring locations that were considered to be representative of the existing sensitive receptors identified. Roads surrounding the site, including the M25 and Denham Lane, were considered to be the main potential sources of noise affecting the site. Other audible noise sources recorded during survey periods on site were from aircraft (daytime and night time), birdsong, and from one monitoring location (ML6) noise from Pipwoods Kennels and Cattery.

13.17 In terms of noise generated by construction activities, it has been assumed that the construction phase of the MSA would generate 50 HGVs and 60 light vehicles per day for the construction period between 2025 and 2027. Access to the site would be via the M25. The Traffic Assessment (TA) shows that these construction vehicles would cause a change of 0.1% to the total flow on the M25.

13.18 Therefore, the number of construction vehicles is not considered to cause a significant increase in road traffic flows, relative to the existing flows on the major road links surrounding the MSA. Therefore, there is unlikely to be a

significant increase in noise at existing sensitive receptors during the construction phase.

13.19 Similarly, the proposed MSA is not considered to be a significant generator of traffic. Typically, MSAs are used by motorists travelling between point A and point B. However, employees at the MSA and some local residents may visit the MSA from their home address. These vehicle movements are considered to be minimal in comparison with the existing flows on the M25.

13.20 The earthworks and construction phase activities have the potential to generate short term increases in noise levels, above those recommended in BS5228-1. The noise effect of the construction phase on existing sensitive receptors is considered in the ES to be moderate to no adverse effect. It is therefore recommended that mitigation measures be put in place that would reduce the scale of the potential effect.

13.21 In terms of vibrations from earthworks and construction phases, as a worst-case scenario, earthworks and construction works may potentially take place at a distance of approximately 220 metres from existing residential properties. At such a distance, it is unlikely that vibration due to the operation of various construction plant, and in particular a vibratory roller, would be above the threshold of complaint. Further, the vibration levels are highly unlikely to be above the threshold of structural damage.

13.22 As this is an outline planning application specific details regarding types of equipment to be installed at the MSA site, and/or their likely time of operation are not known at this stage. Some of the operational activities have the potential to generate noise (i.e. delivery of goods, movements of HGVs and noise from fixed plant). Noise from fixed plant is considered in accordance with BS:4142. The results indicate that generally noise from the proposed MSA is likely to cause a low impact at some existing sensitive receptors during the day time. This is also the case for noise at night time, with the exception of noise level being above background sound level, for two receptors at night-time. The level of exceedance is considered in the ES to be minor adverse impact, with low impact to all other receptors. However, sensitive receptors would be less sensitive to vehicle movement noise from use of the proposal slip roads given the existing noise environment. As such, the impact would be reduced to low impact, and no design mitigation is required.

13.23 To reduce the potential effect of noise levels generated by the construction phase of the MSA, at existing receptor locations in the immediate vicinity of the site, mitigation measures would be required. This can be secured by planning condition (i.e. to ensure best working practices are employed for the duration of construction phase). Once the best working practices detailed in

the mitigation section of this ES chapter are implemented, the residual noise effects associated with the earthworks and construction phase would be none, with only brief periods of moderate adverse effects likely in the short term at local level, which are not significant.

13.24 To keep ground borne vibration to a minimum mitigation measures such as substitution of different plants and methods of work could be used which cause less vibration and vibration of plant could be isolated at source. Once such mitigation measures are implemented the residual vibration effects associated with the earthworks and construction phase would be none, which is not significant.

13.25 HS2 may be audible at the proposed amenity building. However, the amenity building does not include any overnight accommodation, or highly noise sensitive spaces. The amenity may include some limited office accommodation, which are sensitive to noise. However, these spaces could be protected from noise from HS2 using local methods, such as enhanced acoustic glazing, or locating the spaces away from the building facades nearest to the railway line.

Secondary and Cumulative Effects

13.26 The ES has considered the secondary effects of noise in relation to HS2 as part of the dynamic baseline for the assessment, The Orchards Gypsy and Traveller site is considered as an existing sensitivity receptor for the purposes of assessment and Denham Park Farm Quarry was in operation during the noise measurements, and would likely be undergoing restoration during the construction and operation of the proposed development. The cumulative effect of these other developments therefore do not need to be considered further.

13.27 No objection has been raised by Environmental Health Officers to the potential noise impacts. It is noted that the noise climate of the immediate area is already dominated by vehicular movements on the M25. It is understood that specific details regarding the types of equipment to be installed would not be known by the operator at this stage, therefore a condition should be secured requiring a further BS:4142 assessment be undertaken at detailed design stage. Other more detailed mitigation measures should be secured through planning conditions also, as well as further details of the construction programme and methodologies.

13.28 In summary, Officers consider that the proposed development would not result in any significant noise disturbance, loss of light, outlook, or overshadowing to, neighbouring properties. Although there would be some impact during the construction phase, conditions outlining mitigation

measures can be imposed to ensure that amenities are adequately protected. It is therefore considered that at the detailed stage the proposal could be designed so as to accord with Chiltern's Local Plan policies GC3 and GC7 and Paragraph 185 of the NPPF.

14.0 Environmental issues

Core Strategy Policies:

CS4 Ensuring that Development is Sustainable

CS5 Encouraging Renewable Energy Schemes

Saved Local Plan Policies:

GC4 Landscaping Throughout the District

GC9 Prevention of Pollution Throughout the District

Contaminated land

- 14.1 Policy CS4 of the Core Strategy requires the remediation of contaminated land, including treatment of contaminated material in line with national policy advice.
- 14.2 Saved policy GC9 of the Local Plan states the Council will not grant permission for any development likely to generate unacceptable levels of air, water or ground pollution or give rise to pollution problems resulting from the disturbance of contaminated land.
- 14.3 Paragraph 183 of the NPPF advises that planning decisions should ensure that:
 - a. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
 - b. After, remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c. Adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 14.4 Paragraph 184 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 14.5 The impacts in terms of contaminated land are addressed within Chapter 11 of the ES. In support of the application, a Phase 1 Geo-Environmental Desk Study Investigation was also carried out. This includes an assessment to identify risks of contamination and stability relating to the construction and operation of the proposed MSA development.
- 14.6 Historically the site has been in agricultural use. Adjacent land has been used for quarrying of sand, gravel and chalk and these areas subsequently infilled. Four landfill sites are found to be present in the vicinity of the application site, and these involve three historic sites and a currently permitted inert site. Presently, the majority of the site is being used for temporary storage of materials being excavated from the adjacent HS2 site. This land would be restored back to agricultural use with previous soil depths reinstated. Site investigations have established the waste boundaries and only superficial deposits of clay, sand and gravel are present within the application site boundary.
- 14.7 The ES Chapter 11 identifies some potential contaminative impacts during both the construction and operation phases. Through design and implementation of the mitigation this would result in significance of effect being reduced to either negligible/none or minor adverse/negligible. This is provided the mitigation measures proposed are incorporated into the detailed design of the scheme, or otherwise secured by condition.
- 14.8 The Council's Environmental Protection Officer has reviewed the relevant details contained within the ES and supporting information and raises no objection. The ES therefore considers that recommendations for further intrusive investigations can be carried out prior to the commencement of development. These measures can be secured by way of condition.
- 14.9 The ES identifies the secondary effects, HS2 has already be considered in the chapter's assessment. The potential cumulative effects arising from other major developments including the extension the travellers' site and Denham Park Farm Quarry are considered to be negligible.
- 14.10 Noting the above, Officers therefore considered that the proposed development overall would not result in significant effects for ground conditions following implementations of the mitigation measures recommended in the ES and conditions as recommended by the Council's Environmental Protection officer. The development is considered to accord with Policy CS4 of the Core Strategy, Saved policy GC9 of the Local Plan and Paragraphs 183 and 184 of the NPPF (2023).

Air quality impact

- 14.11 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 (AQMA's) 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.
- 14.12 Local Plan policy GC9 states that development likely to generate unacceptable levels of air pollution will not be permitted.
- 14.13 Detailed air quality considerations are contained within Chapter 15 of the ES. This comprises a qualitative assessment to assess the potential air quality impacts during construction (i.e. dust) and an air dispersion model, to assess the potential impacts of the operational phase of the proposed development. Assessments have been undertaken in accordance with guidance from the Institute of Air Quality Management.
- 14.14 The closest sensitive receptors to the proposed development are identified in the ES to be the Orchards site, adjacent to the north west boundary and residential and industrial properties along Denham Lane (285m west and south west at closest point).
- 14.15 As the closest sensitive receptor to road traffic emissions, pollutant concentrations at The Orchards site were predicted to ascertain whether or not these would be likely to exceed objectives and limit values.
- 14.16 Background air pollutant concentrations were established as baseline conditions, but as there are currently no monitoring locations in the vicinity of the site, background concentrations were obtained from DEFRA concentration maps. Modelling of these showed that all predicted concentrations were below relevant objectives and limit values.
- 14.17 The overall significance of the proposed development on air quality was assessed in the ES for both the construction phase, and the operation phase. As there are no demolition works required, the construction phase would entail earthworks, construction and track out (transportation of dust and dirt by vehicles travelling from site). The operational phase considered road traffic emissions and the impact on human receptors. A 'with development' and a 'without development' scenario was modelled.
- 14.18 The ES predicted concentrations of nitrogen dioxide (NO₂), and particulate matter (PM₁₀) (PM_{2.5}) for all development scenarios assessed, including opening year, show that these are below the relevant objective and limit values, and that impacts as a result of the Proposed Development are negligible. Therefore, in accordance with IAQM guidance, the ES concludes

that the proposed development is considered to not be significant on relevant sensitive human receptors in relation to air quality effect.

14.19 Effective mitigation during the construction phase would also reduce the potential for nuisance dust and particulate matter. Officers recommend a CTMP be secured through planning condition, which would include proposed measures to deal with dust suppression during construction. Further site specific mitigation can be mitigated through the CEMP, also recommended to be secured through planning condition.

14.20 The Proposed Development would introduce a new pollutant source to the local area however Officers consider this is not predicted to be significant as the majority of use is from traffic already present on the road network that is merely passing through the services. The implementation of the electric charging units would promote sustainable travel options and residual effects can be considered not significant, as a negligible impact is predicted to occur.

Secondary and Cumulative Effects

14.21 Potential cumulative air quality impacts resulting from HS2 were taken into consideration in the submitted ES. As the key civil engineering works of HS2 are expected to be completed before any construction work would commence for the proposed development, any traffic associated with HS2, whether construction traffic, or the small number of vehicles associated with routine maintenance, are considered minimal within the future baseline and are expected to be negligible in the context of the background traffic levels. The ES therefore considered that the construction and operation of HS2 would not result in any additional effects. Traffic from Denham Park Farm Quarry has also been factored into 2019 traffic surveys, and it considered that the expansion of Orchards Caravan Site would have a negligible traffic impact on the M25.

14.22 Overall, the assessments carried out show that the impact during the construction phase is considered not to be significant, and at the future year/opening year scenario the proposed development would have a negligible impact on concentrations of NO₂, PM₁₀ and PM_{2.5} at the existing sensitive receptors considered. Notwithstanding this, mitigation is proposed. For these reasons, Officers therefore considered that the proposed would not lead to an unacceptable risk from air pollution, nor would it led to any breach of national objectives as required by national policy. Accordingly, the development complies with Policy GC9 of the Local Plan and Paragraph 186 of the NPPF (2023).

Sustainable Design and Construction

14.23 Chiltern's Core Strategy Policy CS4 sets out sustainable energy requirements for new development, with all new major development expected to have regard to this policy, to ensure long-term sustainability of development and help contribute towards national targets to reduce overall CO2 emissions. Policy CS5 encourages the use of renewable energy in schemes. In developments of more than 10 dwellings or 1,000 square metres of non-residential floorspace, the Council will require that at least 10% of their energy requirements are from decentralised and renewable or low-carbon sources. Other relevant guidance is provided in the Sustainable Construction and Renewable Energy Supplementary Planning Document.

14.24 Paragraphs 155 to 158 of the NPPF refers to the relevant guidance on low carbon energies and renewable energy. Paragraph 157 of the NPPF states that in determining planning applications, local planning authorities should expect new development to (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved in its design, that this is not feasible or viable; and (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

14.25 The application is supported by an Energy Statement as well as a Sustainability Statement.

Energy Strategy

14.26 The Energy Statement addresses energy demand and carbon emissions associated with the proposed development and considers the extent to which the development complies with local policy.

14.27 Due to the outline nature of the application it is not possible to carry out detailed assessment of energy demands, instead benchmarking is used at this stage, which is an accepted approach. The proposed building parameters, submitted as part of the outline application have been used to inform this benchmarking approach. The total energy demand for the Chiltern Chalfont Services has been estimated as 3,613,606 kWh/yr, based on indicative floor areas and industry benchmarks.

14.28 The energy hierarchy has been followed when looking into the feasibility of viable renewable energy options to comply with the NPPF and Chiltern's Core Strategy Policies CS4 and CS5. There are three stages to the hierarchy that need to be considered in building/scheme design:

- Use less energy
- Supply energy efficiently

- Use renewable energy

14.29 A feasibility study into viable technologies that would aim to meet up to 10% of the proposed development's energy demand, as outlined in Core Strategy policy CS5, has been carried out. However, it is likely that the Part L 2021 requirement for a 27% emission reduction would be the main driver for reducing emissions, assuming development commences before 2025.

14.30 Potentially viable building design and technologies that have been identified at this stage, and that could meet the requirements of Core Strategy Policy CS5 are:

- Solar shading
- Ventilation
- Thermal mass
- Ground source heat pumps (GSHP)
- Air source heat pumps (ASHP)
- Combined Heat and Power

14.31 The initial feasibility study has indicated that the size and proposed use of the application site make it a feasible location to install a ground source heat pump system, either loop array or vertical borehole depending on geology and ground installation capacity. The statement identifies building design and layout could reduce energy demand, improve energy efficiency measures as well as locally sourced materials and opportunities for viable renewable technologies. At detailed design stage the applicant is committed to undertaking a detailed BREEAM pre-assessment, with an aspiration for achieving a high BREEAM score. It is likely that Air Source Heat Pumps and Combined Heat and Power would be dismissed at the further design stage due to their negative impacts (noise, visual appearance and cost).

14.32 Officers consider that the technologies which have been identified meet the requirements of Core Strategy Policy CS5, to provide at least 10% of their energy requirements from decentralised and renewable or low-carbon sources. Albeit, further detailed feasibility work would need to be undertaken and provided at detailed design stage (Reserved Matters) in relation to detailed design that comes forward for the proposed development. For this reason, a condition is required to submit further details, for approval of the proposed Energy/Sustainability Strategy, in order to demonstrate compliance with the NPPF and Core Strategy policies CS4 and CS5.

Waste and Recycling

14.33 Site investigation and geophysical surveys have been undertaken to ensure that no historic waste or permitted landfill site is present within the site boundary.

14.34 Waste arising from the Proposed Development could include inert materials, masonry, steel, wood, metals, earth, plasterboard, and glass; and non-construction waste including general waste, canteen waste, plastics, and packaging. Opportunities for waste recycling would be considered as part of the detailed design to ensure that the Waste Hierarchy is adhered to. A Site Waste Management should be secured through condition.

Climate Change

14.35 Climate Change was not scoped into the Environment Impact Assessment as no significant effect was considered likely to occur as a result of the proposed development in isolation, or in combination with other developments. Officers are satisfied with this approach.

14.36 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. The need to support the transition to a low carbon future in a changing climate, taking full account of factors such as flood risk, and encouraging the reuse of existing resources and use of renewable resources. Aspects of climate change are therefore also cover a number of other topics including contaminated land, air quality, biodiversity, transport, sustainable drainage and design, which are discussed within the relevant Sections of this report.

14.37 These include:

- new planting of 5ha of native woodland, 1km of new hedgerows, c 43 new trees, 8,5ha of wetland grassland planting, 0.5ha wildflower planting. 6 new Suds features, 10 swales, 100 EV charging points as part of the proposed MSA and passive provision so would be future proofed to ensure further EV charging points across the site as the transition to electric cars (in line with the Government's announcement to end the sale of petrol cars by 2030).
- Use of energy efficient LED lighting scheme which would be capable of being dimmed to lower levels when not required. The proposed MSA building would be designed to incorporate measures for maximising light and ventilation. PV panels natural building materials and green roofs would feature in the design of the proposed building to ensure for an energy efficient development. The proposed MSA development would also incorporate SUDs and flooding mitigation to take into account climate change.

14.38 Noting the above, officers consider that the proposed development is capable of meeting the aims of the NPPF in respect of achieving a low carbon development. In addition, it is considered that the proposed MSA incorporates sufficient measures to address the matters of climate change

and the reduction of carbon emissions. It is considered that the development would accord with the NPPF and development plan policies relating to Climate Change and the reduction of carbon emission.

15.0 Heritage, Conservation and Archaeology

Saved Local Plan Policies:

LB1 Protection of Special Architectural or Historic Interest of Listed Buildings Throughout the District

LB2 Protection of Setting of Listed Buildings Throughout the District

AS2 Other Unscheduled Archaeological Remains Throughout the District

15.1 Sections 66(1) and 72(1) of the Planning (listed Buildings and Conservation Areas) Act of 1990 sets out the duties of Local Planning Authorities in respect of the treatment of listed buildings and conservation areas through the planning process. The application of NPPF policy is consistent with the discharge of duties under the above sections of the 1990 Act, in relation to the desirability of preserving features of special architectural or historic interest, and in particular, listed building; and character or appearance of a conservation area. 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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 including, where appropriate, securing its optimum viable use.

15.2 Chiltern's Local Plan policies LB1 and LB2 sets out the approach to heritage protection. These policies refer to the protection of the historic environment buildings and their setting and contribution to the local scene, and whether the proposed works would bring substantial planning benefits for the community. It is recognised that this is not entirely consistent with the language of paragraphs 201 and 202 of the NPPF, as the NPPF refers to 'significance' and levels of 'harm' to heritage assets.

15.3 A Heritage Statement and partial Geophysical Survey support the application, of which the impacts were addressed in Chapter 9 of the Environmental Statement. No designated heritage assets are located within the application site. The closest heritage assets are to the south-west of the site, at Mopes Farmhouse, Barn to south west of Mopes farmhouse and Mopes farm cottage, and Barn to north-west of Mopes farmhouse which are all Grade II Listed Buildings, and hereby designated heritage assets. The Heritage Officer consulted on the application confirmed that the relocation of the MSA from CSP1 would result in the larger and more intrusive areas of development being located further away and separated by the motorway from the heritage assets. As such, the proposed scheme would have no impact on the designated or non-designated heritage assets, or their settings.

15.4 Overall, there would be no harm to the significance of the setting of the listed buildings at Mopes Farm. The proposed development is considered to comply with Heritage related Policies LB1, LB2 of the Local Plan and the NPPF (2023).

Archaeology

15.5 Chiltern Local Plan Policy AS2 is of relevance to proposed development where there is the potential to affect archaeological remains.

15.6 The baseline evidence and assessment of the archaeological potential are based upon the known historic background of the application site and the currently recorded evidence in the Buckinghamshire and Hertfordshire Historic Environment Records, cartographic and documentary sources and modern and historic aerial imagery. The archaeological potential of the site has been partially evaluated by geophysical survey (Sumo Surveys Ltd 2019). The east of the site has also been subject to evaluative works in association with HS2 however, only a limited amount of information was available in relation to these works. Whilst the assessment of the archaeological potential of the application site is based upon this evidence and professional judgement, any groundworks have the potential to encounter previously unknown archaeological remains.

15.7 The proposed site lies within an area where numerous discoveries of multi-phase archaeology have been recorded. Archaeological investigation, construction works and field walking have combined to reveal a landscape occupied from the Mesolithic period onwards. Due to information available relating to trial trench evaluations undertaken within the east of the site, suggests that no significant medieval archaeological remains were identified within this part of the site.

15.8 Officers do not considered that disturbance to archaeology remains would occur during the construction or operation of the proposed development due

to no presence of significant archaeological remains within the application site. The landscape of the site has been altered during the post medieval to modern landscape due to the construction of the M25 during the latter half of the 20th century and recent ongoing work for HS2. The geophysical survey did not identify any anomalies suggestive of post-medieval to modern date within the western part of the site and no significant archaeological remains from these periods appear to have been identified during trial trenching in the east of the site. Significant remains are not therefore anticipated within either the western, or eastern parts of the site.

- 15.9 In-line with ES recommendations, the Archaeology Officer outlined that the area to the east of the M25 has been archaeologically evaluated by HS2 with no further investigation expected. However, the area to the west requires archaeological evaluation where below ground impacts would occur due to high potential to impact on buried archaeological remains. A staged condition is therefore recommended requiring the developer to secure appropriate investigation, recording, publication and archiving of results in order to satisfy paragraph 205 of the NPPF, and Local Plan policy AS2.

Secondary and Cumulative Effects

- 15.10 With regards to HS2, the above assessment has considered the HS2 proposals, at the relevant stage of completion and/or operation at which they are predicted to be, within the assessment baseline.
- 15.11 With respect to the Orchard Caravan, and Denham Park Farm Quarry sites, no cumulative or in-combination effects have been identified with regards to heritage.
- 15.12 The impact of the Proposed Development would not result in any additional impacts to heritage assets greater than those assessed above.
- 15.13 Overall, there would be no harm to archaeology, subject to investigative conditions and necessary mitigation. The development is considered to comply with Archaeological related Policy AS2 of the Local Plan and Paragraph 194 of the NPPF (2023).

Overall heritage conclusion

- 15.14 In conclusion, there would be no harm to the significance of the setting of the listed buildings at Mopes Farm, or archaeology, subject to investigative conditions and necessary mitigation. The proposed development is considered to comply with Heritage related Policies LB1, LB2 of the Local Plan and the NPPF (2023) and archaeological related Policy AS2 of the Local Plan and Paragraph 194 of the NPPF.

16.0 Healthy & Safe Communities

Core Strategy Policy
CS30 Reducing Crime and the Fear of Crime

Saved Local Plan Policy:
GC1 Design of Development Throughout the District

- 16.1 Chiltern's Core Strategy policy CS30 encourages new development that has been designed so as to minimise criminal activity and support development proposals aimed specifically at improving community safety. Saved Local Plan policy GC1 also expects that regard is had for reducing opportunities for crime.
- 16.2 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces. Paragraph 92 (b) of the NPPF advises that developments should be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 16.3 Thames Valley Police have comment on the planning application and requested provision of some form of rear access route for emergency vehicle access to the MSA for crime prevention purposes. The lack of rear access road is highlighted as having potential to negatively impact accessibility for the Local Policing Area. The concerns relate to the ability to deploy resource located within the local community close to the site, who are unable to access the site locally; officers that are not fast road trained would be accessing the site; and that congestion on the motorway could delay site access, with the relevant section of the M25 having no hard shoulder access once converted into a smart motorway. However, this latter concern is given very limited weight due to Central Government removing smart motorways from road building plans, cancelling this scheme's roll out. Furthermore, National Highway's position is to prevent unofficial through routes to the M25 thereby secondary access roads connecting the MSA is strongly discouraged. There is therefore competing policy objectives regarding local road access.
- 16.4 A Security Framework was submitted within the Planning Statement. This outlines measures such as; clear wayfinding, careful use of landscaping to avoid hiding places and to encourage nature surveillance, extensive use of CCTV coverage, lighting and on-site security staff. The success of this Security Framework would be monitored via S.106 agreement through the formation of the Security Steering Group. This would further help to bolster crime

prevention within in the proposed MSA facility, reducing the necessity and frequency of which Thames Valley would need to access the site.

- 16.5 Overall, it is considered that crime and safety concerns can be mitigated through a security Framework, reducing the risk of crime to a less likely occurrence, which would be policy compliant
- 16.6 In terms of accessibility, the proposed MSA has been designed to create a fair and inclusive facility. The Design and Access Statement sets out that the proposed development would be constructed in accordance with Part M of the Building Regulations with accessible toilets and changing facilities provided on the ground floor. All servicing routes for the Facilities Building would be accessible from the service yard to the east with shared corridors running around the perimeter of the building which are extended to serve every unit. Both Centre Management and primary plant areas on the mezzanine floor are served by suitable DDA-compliant lifts for easy access. Disabled parking bays would be provided within the parking area and within the Fuel Filling Station forecourt.
- 16.7 Buckinghamshire Fire and Rescue have no objection to the proposed development subject to meeting fire hydrant, emergency parking and clear access requirements.
- 16.8 Noting the above, Officers considered that matters pertaining to accessibility accord with Policies CS30 of the Core Strategy and GC1 of the Local Plan.

17.0 Economic Benefits

Chalfont St Peter Neighbourhood Plan
Policy PWI1

- 17.1 Policy PWI1 supports new employment in rural areas so long as they accord with policies in the Neighbourhood Plan and higher level policies.
- 17.2 The NPPF (paragraph 81) supports planning decisions that help create conditions in which businesses can invest, expand and adapt, stating that significant weight should be placed on the need to support economic growth and productivity. Paragraph 83 of the NPPF also states that “planning decisions should recognise and address the specific locational requirements of different sectors”.
- 17.3 Chapter 6 of the ES considers the socio-economic of the proposed MSA development. It is anticipated that the proposed MSA, when at full capacity, would generate approx. 300 full time jobs. It is also anticipated that a further approx. 200 jobs could be supported by direct or induced expenditure (e.g. services bought-in to the site or spending outside the site by employees). In addition, the proposed development would have a beneficial effect on the

construction industry in terms of employment within the area. The construction phase (24 months) is likely to generate approx. 230 people on site at any one time.

- 17.4 Noting the above, it is considered that the proposal would generate notable employment opportunities. The Council's Economic Development officer is supportive of the economic benefits, the creation and employment and investment in the local area. However, this benefit is tempered as there is no guarantee that jobs would go to Buckinghamshire residents furthermore, the population profile of the Chilterns District does not match the job skill offer within the MSA.
- 17.5 The applicant is developing a Local Employment Strategy to help prioritise jobs to local Buckinghamshire residents. This would be secured as part of the s106 agreement.
- 17.6 The proposed MSA represents a major new employment opportunity, and there is support for this from the Council's Economic Development Officer, subject to a Local Employment Strategy being secured that would ensure the benefits (direct and indirect) are captured for local people.
- 17.7 It should be noted that in dismissing the CSP1 MSA scheme the Planning Inspector made reference to the fact that a new MSA would create a number of economic benefits. Paragraph 127 of the appeal decision states 'these economic, social, and environmental benefits, taken together, are substantial.'
- 17.8 Based on the longer-term operational number of jobs, these economic benefits attract significant positive weight in the overall planning balance in accordance with Policy PWI1 of the Chalfont St Peter Neighbourhood Plan and Paragraph 81 of the NPPF.

18.0 Minerals

Buckinghamshire Minerals and Waste Local Plan

Policy 1 Safeguarding Mineral Resources

Policy 10: Waste Prevention and Minimisation in New Development

- 18.1 The application site is located within a Minerals Safeguarding Area in the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP), for sand and gravel. The Mineral Resource Assessment and supplementary Geological Report borehole logs provide conclusive evidence that the dominant superficial deposit on the site is clay, with very little sand and even less gravel. There is therefore no significant quantity of safeguarded mineral on the site. This sufficiently demonstrates that the proposed development area does not contain potentially workable mineral deposits and therefore

satisfies Policy 1 of the BMWLP. Buckinghamshire's Minerals and Waste Officer has confirmed this.

- 18.2 A condition would be requested requiring a Mineral Recovery Plan to be produced and updated throughout any development, which would allow assessment of areas of construction where minerals would be potentially recoverable. This would contribute towards sustainable development, in line with Policy 10 of the Minerals and Waste Local Plan.
- 18.3 The Environment Agency (EA) were consulted on the planning application and raise no objection subject to a condition requesting borehole investigations and informatives relating to extraction of waste within the application site. A Remedial Strategy and Remediation Management Plan would be requested by condition to ensure HS2 mineral deposits and site excavations are not re-used in the build of the MSA. Accordingly, there are no residual concerns from a minerals perspective in terms of the removal of sand and gravel and this is afforded neutral weight.

19.0 Flooding and Drainage

Core Strategy Policy

CS4 Ensuring the Development is Sustainable

Saved Local Plan Policies

GC9 Prevention of Pollution Throughout the District

GC10 Protection from Flooding in the Areas as Defined on the Proposals Map And Throughout the District

- 19.1 Chiltern's Core Strategy policy CS4 expects that proposals for new development will have carried out an assessment of surface water drainage impacts and incorporate Sustainable Drainage Systems (SuDS). At the same time, new development should not increase the risk of flooding within the site and to adjoining land/properties. Overall the aim should be to reduce the risk of flooding a result of new development.
- 19.2 Chiltern's Saved Local Plan policy GC9 states that permission will not be granted for any development likely to generate unacceptable levels of water pollution. Policy GC10 states that permission for new development will not be granted (outside of the floodplain) where this will increase the risk of flooding due to additional surface water run-off, and appropriate run-off attenuation measures may be required.
- 19.3 The NPPF paragraph 159 advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. 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 risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where appropriate, applications should be supported by a site specific flood risk assessment (paragraph 167) and when determining applications LPAs should ensure that flood risk is not increased elsewhere.

- 19.4 The NPPF paragraph 169 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 19.5 In addition to the above, the Council has carried out a Strategic Flood Risk Assessment (SFRA) (December 2018). 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.
- 19.6 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.
- 19.7 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.
- 19.8 The Chilterns and South Bucks Strategic Flood Risk Assessment Stage 1, states that The River Misbourne caused flooding in Chalfont St Peter High Street in 2001. The steep nature of the catchment around Chalfont St Peter means that the general area could be susceptible to surface water flooding, particularly when groundwater levels are high. Several roads and properties have flooded in the past, with the poor state of the drainage network sometimes contributing.

Sequential Test

19.9 Due to the pockets of high and medium surface water within the application site itself, a sequential test is required 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. This means that *“development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”*.

19.10 In terms of the assessment of the submitted Sequential Test the Planning Practice Guidance (PPG) provides guidance on its application as follows:

“Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.....the approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding”;

19.11 It goes on to say;

“The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- *Within medium risk areas; and*
- *Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.*

Initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Climate change will also impact upon the level of protection infrastructure will offer throughout the lifetime of development.

The Sequential Test should then consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas, ignoring the presence of flood risk management infrastructure.

It may then be appropriate to consider the role of flood risk management infrastructure in the variation of risk within high and medium flood risk areas. In doing so, information such as flood depth, velocity, hazard and speed-of-onset in the event of flood risk management infrastructure exceedance and/or failure, should be considered as appropriate.”

19.12 The PPG recognises that the sequential test will be defined by local circumstances relating to the catchment area for the type of development proposed. It continues:

'When applying the Sequential Test, a pragmatic approach on the available of alternative should be taken'. It goes on to state that; 'The developer should justify with evidence to the Local Planning Authority what area of search has been used when making the application. Ultimately the Local Planning Authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increase flood risk elsewhere.'

19.13 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.

19.14 Turning to the sequential test submitted with the planning application, the applicant's state that this demonstrates that there are no alternative sites available at a lower risk of flooding by using the following filtering criteria:

- area of search is between Junctions 15 and 20 of the M25 Motorway, including the links between the junctions;
- Stage 1: Highway and technical considerations required for an MSA, including weaving distances and on-line locations; and
- Stage 2: Statutory designations i.e Heritage assets, Irreplaceable habitats, Presence of, existing development, Need for a MSA
- Stage 3: Consideration of suitability in relation to technical planning constraints i.e planning history, site-specific environmental, technical and planning constraints, and land availability

19.15 Stage 1 eliminated three links (J17-18, J18-19 and J19-20) based on highway constraints. The remaining junction links are held in abeyance as there are online alternatives available. Two links (J15-16 and J16-17) progress to Stage Two.

19.16 At Stage 2, sites are only excluded if there are significant planning constraints, for example if the site is occupied or in close proximity to existing development, or the site is covered by irreplaceable habitat (ancient woodland and veteran trees). Sites are not excluded where constraints may reasonably be accommodated and/or addressed. All sites fall within the Green Belt, therefore this is also not an eliminated criteria at this stage. 5 sites are identified to move onto stage 3:

- Site A – Junction 15 to 16 – west of M25 – Elk Meadows/Bangors Park Farm

- Site B – Junction 15 to 16 – east of M25 – Palmers Moor Farm
- Site C – Junction 15 and 16 – west of M25 – North of Slough Road (Colne Valley Services CVS MSA)
- Site D – Junction 16 and 17 – west of M25 – Warren Farm
- Site E – Junction 16 and 17 – east of M25 – Land adjacent HS2 (CCS MSA)

19.17 The following Table 4, provides a summary of the comparative scoring between these five sites at stage 3.

Table 4 Stage 3 Sequential Test Site Review

Site	Need (gaps met)	Planning Constraint	Availability	Green Belt Impact on Purposes	Flood Risk
A	20/42	Listed buildings Ancient Woodland	N	3/5	Flood Zone 3b Surface Water Flooding
B	20/42	N/A	N	3/5	Flood Zone 3b Surface Water Flooding
C	20/42	Listed Buildings Ancient Woodland Veteran tree	Y	3/5	Flood Zone 3b Surface Water Flooding
D	19/42	Listed Building Ancient Woodland	Y	2/5	Surface Water Flooding
E	19/42	N/A	Y	1/5	Surface Water Flooding

19.18 The above table summarises the stage 3 sequential test assessment. The applicant's consider that this demonstrates that there are three available sites that can meet the identified need (C-E) for a MSA. Of these, site D (CSP1) has recently been subject to appeal and dismissed due to substantial Green Belt harm which was not clearly outweighed by other material considerations

and therefore failed to demonstrate very special circumstances. On this basis, the applicants consider it is reasonable to discount this site. In flood risk terms both sites, C and E, have areas of elevated surface water flood risk so in pluvial risk terms they are broadly comparable. However, the applicants consider that Site C contains areas of Flood Zone 3b whereas Site E is located entirely in Flood Zone 1 meaning in terms of fluvial flooding, Site E is sequentially preferable, having regard to paragraph 162 of the NPPF. The applicants consider that on this basis, Site E is preferable in flood risk terms and the CSP2 MSA site, is the only acceptable site in flood risk planning terms.

- 19.19 Overall, the applicants consider that the Sequential Test submitted with the application demonstrates that there are no reasonably available sites that could accommodate the proposed development at a lower risk of flooding. Therefore, the sequential test is passed. An exception test is not required as the application site is located entirely within flood zone 1.
- 19.20 The competing CV MSA and CSP2 MSA applicants have taken a different approach to their sequential tests and conclude that each of their respective sites are sequentially preferable to the other.
- 19.21 The applicants for CV MSA argue that their site is preferable in flood risk terms. At Stage 2 of the CSP2 MSA sequential test, as well as looking at planning constraints and history, considers traffic flow and gap analysis as a definitive measure at this stage; sieving out sites which are less well performing in terms of meeting gaps and traffic flows thereby the need objective for the proposed development. This means that CSP2, at junction 16 and 17 of the M25, is filtered out at this stage 2 analysis. CV MSA also conclude that both CSP2 and CV MSA are susceptible to flood risk in some way, and therefore considered equally in regards to this planning constraint. The CSP2 and CSP1 sites are treated the same and the Inspectors conclusions on CSP1 referred to.
- 19.22 Beyond the PPG there is no detailed guidance on the methodology to follow or criteria to use in assessing a sequential test and that this is a matter of judgement for the council as the decision maker.
- 19.23 The approach taken in CSP2 MSA sequential test focuses more on flood risk, and places less emphasis on the difference between the number of gaps and traffic flows a specific MSA location would serve. Officers have concerns over this approach, as these technical factors are relevant as to whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, as set out in paragraph 162 of the NPPF.

- 19.24 The NPPF makes it clear that all sources of flood risk should be taken into account and to steer development to areas of lowest risk, whilst recognising that some development may need to be placed in areas of flood risk.
- 19.25 It is acknowledged that there is surface water flood risk at both the application site and the CV MSA site; while there is no fluvial flooding risk at the application site, and fluvial risk at CV MSA. Officers therefore consider that there is a greater risk of flooding from the fluvial flooding in addition to the surface water flooding at the CV MSA site. CSP2 MSA site could therefore be regarded as at lower risk of flooding.
- 19.26 In applying the remainder of the sequential test as set out in paragraph 162 of the NPPF consideration then falls to whether the site is appropriate for the proposed development. The appropriate test would consider the wider merits of the sites. It would therefore be appropriate for this to be considered further in the Alternatives Sites Assessment below, where the relevant comparison of the main factors are being assessed in that section (section 23).
- 19.27 It is noted that the PPG advice states where it is not possible to locate development in low risk areas, the Sequential Test should go on to compare reasonably available sites within medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas. In so far as the PPG may be read a comparison is therefore carried out in the same way as set out under the approach under the paragraph above.

Flood Risk Mitigation and Drainage

- 19.28 The proposed MSA development would be located primarily to the east of the M25. The land west of the M25 would incorporate the slips roads for the purpose of access and ingress to the MSA. Two small pockets of high and medium surface water areas sit to the north and south the west side of the site. The entire application site is located within Flood Risk Zone 1, having a less than 1 in 1000 annual probability of river or sea flooding in any given year.
- 19.29 The site is located within the Thames River Basin District and the Thames Groundwater Management Catchment. An existing drainage network associated with the M25 runs centrally through the site and there are sensitive hydrological and hydrogeological receptors within proximity, including the River Colne and a Source Protection Zone (SPZ). In addition, the site is located within a surface water Drinking Water Safeguard Zone. There are no existing surface water features within the application site itself.

- 19.30 ES Chapter 12 and relevant addendum, considers in depth the potential impact of the proposal on water resources, and this includes a Flood Risk Assessment (FRA).
- 19.31 A construction Environment Management Plan would be conditioned to avoid impact on ground and surface waters during construction of the built. The proposed development optimises site layout in relation to surface water flood risk, located built form away from any areas of flood risk. The development proposals have also been refined through successive appeal decisions. Such, that the proposal would appear to have been sequentially laid out to avoid more vulnerable uses within a higher risk of flooding.
- 19.32 To ensure that the proposed development does not have any adverse off-site impacts and increases flood risk elsewhere, surface water runoff would be sustainably managed and disposed of using SuDS techniques. A detailed drainage strategy has been designed for the site, incorporating a range of SuDS measures including swales, infiltration soakaway/basins, infiltration trenches, lake/open water attenuation and flood control drainage. Appropriately sized attenuation is to be provided across the site, with the attenuated water discharging to ground. This will be controlled further by way of appropriately worded conditions.
- 19.33 Management and maintenance of the SuDs would be secured through a financial contribution within the S.106 agreement.
- 19.34 The LLFA has confirmed that there are no outstanding concerns in relation to either flood risk or the drainage strategy, and it is recommended that conditions be secured in the event of any approval. These conditions would secure a detailed surface water drainage scheme for the site, and a commitment to adhering to a whole-life maintenance plan for the site.
- 19.35 The Environmental Agency were consulted on the planning application and raised no objection to the management of water subject to recommended conditions pertaining to, contamination, risk assessment for the use of infiltration of surface water, the use piling and details of underground storage tanks.
- 19.36 Affinity Water have no objection with the proposed water management on the site, subject to conditions relating to investigations prior to excavations for construction, details relating to site contamination and specific details on the proposed onsite drainage and storage systems.
- 19.37 Thames Water raised no objection in relation to foul and surface water drainage.

Secondary and cumulative Effects

- 19.38 The ES and ES Addendum sets out the potential cumulative effects on the water environment if two or more major developments are constructed and operational in the same catchment, at the same time. Potential cumulative effects include deterioration in water quality as a result of pollutants entering into waterbodies during construction and alteration to the hydrological regime from inappropriate drainage design resulting in increased flood risk downstream of both development.
- 19.39 HS2 construction has been considered as part of the baseline assessment within the ES and ES addendum chapter, therefore the ES therefore considers that there would be no significant cumulative effects.
- 19.40 The extension to the Orchards Gypsy and Traveller Site expansion and continuing operations of Denham Park Farm Quarry would require their own mitigation in relation to the water environment, they would also be subject to control and regulation from the relevant issuing authority. Therefore, the potential cumulative effects arising from other major developments including the extension the travellers' site within the same catchments as the application site are considered to be negligible.
- 19.41 In summary, the Alternative Site Assessment section will consider the flood risk sequential test further and matters relating to flood risk. No objections have been raised by the LLFA or the Environment Agency and therefore flooding impact would not be significant, subject to appropriate mitigation. The sequential test will be dealt with later in the report.

20.0 Utilities

Core Strategy Policy

CS26 Requirements of New Development

- 20.1 Chiltern's Core Strategy Policy CS26 requires that development is served by adequate infrastructure capacity in terms of water supply, foul drainage, waste water and sewage treatment, high speed broadband access and other utilities, without leading to problems for existing users.
- 20.2 A utilities assessment has been undertaken to consider the available capacity for water, gas and electricity at the application site. The assessment has been undertaken assuming potential load requirements of conventional fuels e.g. gas and grid electric, based on similar MSA buildings.
- 20.3 The assessment found existing connections for gas, water and foul waste would be suitable for the proposed development with minimal or no further work required.

- 20.4 In terms of electricity, the response from SSEN identified that reinforcement work would be required in order to ensure capacity for the development, based on an enquiry of 2MVA, and a quote was provided for this work. This does not factor in provision for EV charging points.
- 20.5 Diversions of the overhead electricity transmission lines are likely to be required as well as to the pylons present to the east of the M25 corridor and for the 500mm water main which runs east-west under the M25 (and therefore lies in the northern part of both the east and west part of the site). Discussions are ongoing with between the applicant and Scottish and Southern Electricity Networks (SSEN) and Affinity Water in this regard.
- 20.6 In relation to the overhead electricity lines and pylons, it is proposed that these are relocated underground and following discussions with SSEN a favoured route has been identified which lies within the MSA redline. It is considered that this work would be undertaken by SSEN either prior to, or in tandem with the construction of the MSA.
- 20.7 It is likely that the proposed development would connect to the public water, foul sewage and electricity supply. Thames Water have confirmed sufficient foul sewage capacity to accommodate the development. Affinity Water have also raised no objection to water use of the proposed development. The MSA should also be able to extend BT Openreach superfast broadband connection in the location area to the application site.
- 20.8 Works are likely to be provided within existing highways and would not significantly impact any sensitive areas as defined in the EIA Regulations. Subject to best practice construction measures being implemented, it is not expected that this potential off-site work would result in likely significant effects.
- 20.9 Overall, Officers consider sufficient utility infrastructure is available in the immediate area to accommodate the development proposal.

21.0 Aviation Safety

- 21.1 The application site is within a number of safeguarding zones for airports. Notably, Heathrow Airport, which lies approximately 15km to the south, RAF Northolt located approximately 10km to the south east and Denham Aerodrome which sits approximately 1.3km to the east of the proposed MSA site. LPAs are required to consult with all safeguarded airports in relation to the possible impacts of proposed developments within the defined safeguarded area surrounding such airports.
- 21.2 Denham Aerodrome is not officially safeguarded under the Town and Country Planning Direction 2002, although it is unofficially safeguarded, in accordance

with Circular 1/2003, by the submission of a safeguarding map with the former Chiltern District Council (now Buckinghamshire Council).

- 21.3 All three airports were consulted as part of the proposed MSA development. Only Denham Aerodrome submitted an objection to the planning application. The main points of objection relate to the material weight given to aviation matters, that the application site is within an area of intense activity where aircrafts are at a low height and how development on this land would impact space required for forced emergency landing. The MSA is proposed directly beneath the downwind leg of the circuits for Runway 06/24 and Runway 12/30. Surrounding areas for emergency landing are limited, with the application site forming the longest area of land available. In turn, this is said to have implications on the business running of Denham Aerodrome.
- 21.4 The application is accompanied by a note on Aviation Risk Issues prepared by York Aviation, this concluded that the proposal would not adversely impact on the operations of the Aerodrome or the air safety associated with activity on the site. In order to gain an independent appraisal on impact of Aviation matters the Council procured its own Aviation specialists, Alan Stratford and Associates (ASA). ASA conclude that the MSA development would result in loss of open fields required for aviation safety purposes (in the event of a forced emergency landing) however, due to the small proportion of overhead flights, required degree of aircraft turn, topography of the land and negotiable land constraints, such as the M25, HS2 and electricity pylons. The use of the appeal site for emergency landing would be limited. ASA concluded that the proposed MSA would not constitute an unacceptable safety risk to operations at Denham Aerodrome.
- 21.5 The Civil Aviation Authority, which has been set up to meet the Department for Transport's objective of sustaining the UK network of airfields are a non-regulatory team who provide advice to Government, licensed and unlicensed airfields and Local Planning Authorities on matters that are relevant to CAA functions, and formally commenced engagement with airfields. In short, they are an objective third party. In their comments on the planning application, they state that the proposed development would significantly reduce the amount of space available for forced landing should such an incident occur.
- 21.6 This matter was also considered in full during the CSP1 appeal inquiry. The Planning Inspector concluded that aviation safety is a material planning consideration in that planning has a role in controlling the use of land in the public interest. Therefore, the lost land area for forced landings is a material consideration in a planning decision. The Inspector acknowledged that the application site is not the only land available for forced landings, but a good proportion of the circuit. The constraints of the site namely to the east comprising, the M25, electricity pylons, woodland, HS2 line and topography

were noted as affecting the utility for forced emergency landings. The introduction of the MSA, slip roads and over bridge would create a further hazard and reduce this utility further. Overall, it was concluded that there would be a moderate reduction in the utility of the area of land for forced landings when taken together and therefore some reduction in choice for a pilot. Some harm would therefore result to aviation safety through an increased risk for aircrafts pilots and passengers, although this would not reduce the attractiveness of Denham Airport as a place to fly from. The Inspector also noted that the increase in aviation risk was not of a magnitude which would be sufficient, in itself, to justify dismissing the appeal. But it is an issue that should be attributed some harm in the overall planning balance. It is important to also note however, that the Inspector stated that *“north-east corner, would not be particularly suitable for forced landings at present. That part of the appeal site to the east of the M25 has the line of pylons along its western boundary and woodland to the south. HS2 will run to the east. Parts of the site has the chalk valley running through it. Some of the area is suitable for forced landings but its utility is affected by the nearby features and its topography.”* The north-east corner of CSP1, now comprises a large proportion of the application site.

- 21.7 Warren Farm MSA application ref: 96/08215/CM, which also incorporates the application site, and a larger extent of land concluded; *“it seems to me that the MSA would take only a small proportion of that remaining [3.53]. I accept that some areas are not conducive to safe landings due to slopes or obstructions. However, it is significant that the MSA sites are, inevitably, close to the M25 with its embankments and fast-moving and usually heavy traffic and that a line of high voltage electricity pylons runs alongside it on the east side. Furthermore, for a number of years at least, both sides would be affected by mineral workings. As a result of these factors the potential for use of the sites for emergency landings, and hence the effect of their use for MSAs, is limited in any event.”*
- 21.8 The circumstances to the east of the M25 remain very much the same as described.
- 21.9 A bird safety hazard management plan is recommended to address and safety concerns and potential hazards and can be secured by condition.
- 21.10 Therefore, factoring the relocation of the MSA facility to the eastern site area, Officers consider that the application would still result in some harm to aviation safety, however, given this area has limited opportunities for suitable emergency landing areas, this would not pose a significant risk in terms of air safety or of risks to those on the ground to justify a reason for refusal.

Other Material Considerations

22.0 Need case for MSA development

- 22.1 Government Guidance provides a policy context for operators and others involved in identifying and filling gaps in the MSA network.
- 22.2 The National Policy Statement for the National Networks (2014) states at paragraph 2.2 that “the national road and rail networks that connect our cities, regions and international gateways play a significant part in supporting economic growth and productivity as well as facilitating passenger, business and leisure journeys across the country”.
- 22.3 The Department for Transport Circular 01/2022 ‘The Strategic Road Network and the Delivery of Sustainable Development’ sets out government policy in regards to the function and provision of MSAs on the motorway network. Annex A of the Circular, specifically sets out policy on the provision of standards for road facilities (including MSAs) on the SRN. The Circular highlights that MSAs perform an important safety function by providing opportunities for travelling public to stop and take a break. Such roadside facilities should be spaced so that there are opportunities to stop approximately every 30 minutes. However, timing is not prescriptive as, at peak hours on congested parts of the SRN, travel between MSAs may take longer than 30 minutes.
- 22.4 For this reason, National Highways recommends that the maximum distance between driver facilities on the SRN should be no more than 28 miles (which is typically 30 minutes travelling time). The distance between services can be shorter, but to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the ‘Design Manual for Roads and Bridges’, including its provisions in respect of junction separation.
- 22.5 In determining applications for new MSAs, Local Planning Authorities (‘LPAs’) should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should LPAs seek to prevent competition between MSA operators; such authorities should determine applications on their specific planning merits. This is interpreted as meaning that once a gap between MSAs is shown to exist, it is not necessary to have regard to other considerations in determining whether a need exists, a need either exists or it does not.

22.6 Annex A of Circular 01/2022 also sets out policy, along with the standards and eligibility for signing of roadside facilities on the SRN. In terms of the minimum requirements for a MSA, they must:

- Open 24 hours a day, 365 days a year;
- Provide free parking for up to 2 hours minimum for all vehicles permitted to use the road served by the facility;
- Provide security monitoring equipment including appropriate lighting and CCTV systems
- Provide free toilets/hand washing facilities with no need to make a purchase;
- Provide shower and washing facilities with no need to make a purchase;
- Provide shower and washing facilities for HGV drivers, including secure lockers in the shower/washing area;
- Sale of fuel;
- Serve hot drinks and hot food for consumption; and
- Provide access to a free of charge telephone for emergency use and Wi-Fi power points for device charging.

22.7 Paragraph 84 of the Circular 01/2022 states that on-line MSAs (accessed directly from the relevant motorway), are considered to be more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand to existing Junctions. Paragraph 85 therefore outlines that “where competing sites are under consideration and on the assumption that all other factors are equal, new facilities must be provided at on-line locations”.

22.8 All proposals for roadside facilities should also be considered in the context of the NPPF. This is consistent with the policy in Circular 01/2022, as the NPPF also recognises (footnote 42, page 31) that the primary function of roadside facilities should be to support the safety and welfare of the road user. Paragraph 109 of the NPPF further advises that planning decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages.

22.9 As highlighted above, MSAs exist in order to meet a safety and welfare need on the SRN. The absence of such facilities in areas where there is a demonstrable unmet need places the safety and welfare of the travelling public at risk and increases the chances of fatigue related accidents. It is necessary therefore to consider whether there is an existing unmet need for an MSA facility to serve the north-west of the M25.

22.10 Table 5 below, shows the locations of the 42 gaps (2-way traffic flows) identified by the applicant on the Northwest quadrant of the M25 motorway between motorway service areas; this has been taken from the applicant's Planning Statement. There are an additional 5 gaps (or 10 if counting in both directions), to and from London Gateway, which are also in excess of 28 miles but these gaps include small sections of non-Motorway. Gaps outlined in this table are measured by the distances between the centres of MSA car parks, and include gaps in both directions. It should be noted that the gaps in provision identified in table 5 and table 6, below, do not take into account the frequent times when it may take drivers in excess of 30 minutes to travel 28 miles due to congestion on a section of the network. Although, average traffic speed is also a relevant consideration, as National Highways recommends, through Circular 01/2022, that the maximum distance between driver facilities on the SRN, should not typically be more than 30 minutes travelling time, as average travelling speeds fall due to traffic capacity during peak period, then gaps in provision of 28 miles or more become significantly worse in terms of meeting the 30 minutes travelling time guidance.

¹Table 5 Gaps in excess of 28 miles between MSAs on the north western quadrant of the M25

	Route between existing MSAs	Distance (Av. In both directions)	Motorways
1	South Mimms and Cobham	44.6 miles	M25
2	South Mimms and Reading	54.5 miles	M25 & M4
3	Cobham and Reading	43.1 miles	M25-M4
4	Cobham and Toddington	53.3 miles	M25- M1
5	Reading and Toddington	63.5 miles	M4-M25-M1
6	South Mimms and Beaconsfield	28.2 miles	M25-M40
7	Cobham and Beaconsfield	N/A	M25-M40
8	Beaconsfield and Reading	37.4 miles	M40-M25-M4
9	Beaconsfield and Toddington	36.6 miles	M40-M25-M1
10	Fleet and South Mimms	50.5 miles	M3-M25
11	Fleet and Beaconsfield	33.1 miles	M40-M25-M3
12	Fleet and Toddington	60 miles	M3-M25-M1
13	Heston and Beaconsfield	N/A	M4-M25-M40
14	Heston and South Mimms	32.5 miles	M4-M25
15	Heston and Toddington	41.3 miles	M4-M25-M1
16	Fleet and Reading	50 miles	M3-M25-M4

¹ Based off Statement of Common Ground for application ref: PI/19/2260/OA

17.	Heston and Reading	31 miles	M4
18.	Fleet and Heston	28 miles	M3-M25-M4

22.11 When considering the appeal for the previous Chalfont St Peter MSA, the Inspector acknowledged a need between Junction 15 and 20 of the M25. Paragraph 66 of the Inspector’s Decision Letter (APP/X0415/W/21/3272171) states as follows, “there are no MSAs on the western section of the M25 between South Mimms (junction with the A1) and Cobham (near the A3). Taking into account the wider motorway and strategic road network connected via the M25, including the M1, M40, M4 and M3, there are some 42 gaps between MSAs exceeding 28 miles. Some of the gaps are upwards of 50 miles. There are a few other gaps close to 28 miles on these heavily congested stretches of the motorway network, where travelling can often take considerably longer than 30 minutes, particularly during peak periods. There is a clear need for a new service area in the north-west quadrant of the M25 between the junctions with the M1 and M4.”

22.12 The proposed MSA has been positioned between Junctions 15 and 16 of the M25, between 30 non compliant gaps (two way traffic flows), and would address 19 of these gaps, by bringing them down to less than 28 miles. This is detailed further in Table 6, below. Gaps reduced below the 28 miles have been shown in green highlight. Gaps to which the MSA proposal does not ‘plug’ are highlighting in grey.

Table 6 Gaps met by proposed MSA

Number	Route between existing MSAs	Motorways	Distance (Av. Distance In both directions)	Chalfont St Peter 2 MSA at Junction 16-17 of M25 (Av. In both directions)
1.	Cobham and South Mimms	M25	44.6 miles	26.7 miles (towards Cobham) 19.9 miles (towards South Mimms)
2.	Reading and South Mimms	M4-M25	54.5 miles	36 miles (towards Reading) 19.9 miles (towards South Mimms)
3.	Cobham and Reading	M25-M4	43.1 miles	44 miles (towards Cobham) 43 miles (towards Reading)
4.	Cobham and Toddington	M25- M1	53.3 miles	26.7 miles (towards Cobham) 29 miles (towards Toddington)

5.	Reading and Toddington	M4-M25-M1	63.5 miles	36 miles (towards Reading) 29 miles (towards Toddington)
6.	South Mimms and Beaconsfield	M25-M40	28.3 miles	19.9 miles (towards South Mimms) 9.6 miles (towards Beaconsfield)
8.	Beaconsfield and Reading	M40-M25-M4	37.4 miles	37 miles (towards Beaconsfield) 38 miles (towards Reading)
9	Beaconsfield and Toddington	M40-M25-M1	36.6 miles	9.6 miles (towards Beaconsfield) 29 miles (towards Toddington)
10.	Fleet and South Mimms	M3-M25	50.5 miles	33 Miles (towards Fleet) 19.9 miles (towards South Mimms)
11.	Beaconsfield and Fleet	M40-M25-M3	33.1 miles	33 miles (towards Beaconsfield) 34 miles (towards Fleet)
12.	Fleet and Toddington	M3-M25-M1	60 miles	33 miles (towards Fleet) 29 miles (towards Toddington)
14.	Heston and South Mimms	M4-M25	32.5 miles	13.9 miles (towards Heston) 19.9 miles (towards South Mimms)
15.	Heston and Toddington	M4-M25-M1	41.3 miles	13.9 miles (towards Heston) 29 miles (towards Toddington)
16.	Fleet and Reading	M3-M25-M4	50 miles	50 miles (towards Fleet) 50 miles (towards Reading)
17.	Heston and Reading	M4	31 miles	31 miles to Heston 31 miles to Reading
18.	Fleet and Heston	M3-M25-M4	28 miles	28 miles to Fleet 28 miles to Heston
	Additional gaps reliant on non-Motorway stretches			
	London Gateway and Cobham	M1-M25	46.2 miles	21 miles (towards London Gateway) 26.7 miles (towards Cobham)
	London Gateway and Fleet	M1-M25-M3	52.8 miles	21 miles (towards London Gateway)

				33 Miles (towards Fleet)
	London Gateway and Reading	M1-M25-M4	56.2 miles	21 miles (towards London Gateway) 36 miles (towards Reading)
	London Gateway and Heston	M1-M25-M4	34.1 miles	21 Miles (towards London Gateway) 13.9 miles (to Heston)
	London Gateway and Beaconsfield	M1-M25-M40	30.4 miles	21 miles (towards London Gateway) 9.6 miles (towards Beaconsfield)

22.13 Table 6 indicates that the appeal proposal would fall between 42 existing gaps along the western section of the M25, which are 28 miles or greater; and would resolve 19 of them by bringing them down to less than 28 miles. The development would also be compliant with the minimum requirements for an MSA as set out in Table 1 of Circular 01/2022.

22.14 In conclusion, it is considered that there is a clear needs case for the proposed MSA in this section of the M25 motorway; this has been demonstrated against Government Policy in Circular 01/2022 and by the Inspector in his decision on the recent CSP1 appeal decision. This proposal would respond to an unmet need for a MSA facility to serve the northwest quadrant of the M25 motorway, which is required in the interests of the welfare and safety of drivers and their passengers of vehicles. Notably, this point has also been recognised by National Highways in their formal consultation response (May 2023). Meeting this identified need would have considerable road safety benefits and would represent a significant positive in the planning balance.

23.0 Consideration of Alternatives and the Alternative Sites Assessment

23.1 It has been established through previous appeal decisions that there is a need for one MSA in the north-west quadrant of the M25. The development proposal gives rise to clear public convenience or advantage, by fulfilling this safety function, but also inevitable and adverse effects or disadvantages to the public, by virtue of Green Belt, landscape and other identified harm. Case law indicates that, in such circumstances, it is considered appropriate to consider the extent to which an alternative site would amount to a preferable approach to meet the identified need. As such, the competition between sites for meeting this identified need has prompted the alternative site assessment, as a material consideration. Consideration of alternatives is relevant to the VSC test which, is considered later in the report, at the Planning Balance. The applicant has included an assessment of the

alternatives sites within the submitted planning statement and supplementary planning statement. This section of the report will undertake an alternative site comparison exercise, of key planning considerations, before concluding on whether an alternative site to CSP2 would amount to a preferable approach to meet the identified need. The conclusions drawn will then be pulled forward into the Overall Assessment at the end of the report.

23.2 There is no agreed published methodology for undertaking an Alternative Site Assessment (ASA). Circular 01/2022 provides guidance to the process of identifying an appropriate location for a new MSA, and is the starting point for establishing the minimum requirements for MSA development. This has influenced the approach to the methodology in the submitted ASA. In addition, EIA Regulations places no obligation on applicants to actively assess alternatives or to justify the choices they have made.

23.3 The submitted ASA was undertaken in the context of Circular 02/2013 (paragraphs B13 – B15) (before it was superseded in December 2022) which establishes a clear policy preference for on-line (between junctions) MSAs as opposed to locations at junctions (off-line). This preference for on-line MSAs is carried through to the updated Strategic Road Network and the Delivery of Sustainable Development Circular 01/2022. The ASA has been carried out to identify where there is an existing need for a new MSA facility on the SRN to the west of the M25, specifically between junctions 15 and 20 to identify where this need can be best met and then to assess potential locations in terms of their ability to meet this need. The ASA identifies and appraises whether there are potential alternative sites to the application site proposed that would meet the operational requirements of the development and appraises the planning and environmental considerations with each one.

23.4 A number of potential locations for an on-line MSA between Junctions 15 and 20 have been identified on the basis of the following:

- Applying a threshold size of approximately 12 hectares, being the estimation of the minimum area of land required to accommodate a MSA.
- The identification of land that is free from development and considered to be available.
- Where a site is developed whether there is a reasonable prospect of redevelopment.

23.5 This process led to the identification of 5 potential sites:

- Site A – Land between Junctions 15 and 16 (west of M25 – Elk Meadows/Bangors Park Farm)
- Site B – Land between Junctions 15 and 16 (east of M25 – Palmers Moor Farm)

- Site C – Land between Junctions 15 and 16 (west of M25 - North of Slough Road – “CVMSA”)
- Site D – Land between Junctions 16 and 17 (west of M25 – Warren Farm- “Chalfont St Peter 1”)
- Site E – Land between Junctions 16 and 17 (east of M25 – Land adjacent to HS2- “Chalfont St Peter 2”)

23.6 Please see Appendix F for a plan of all five sites identified.

23.7 In terms of the site selection the applicants’ key considerations of a preferred site on the SRN on the north west quarter of the M25 were:

- How each location served existing need;
- The highway safety and operational constraints;
- The identification of any major planning, operational and environmental constraints; and
- Wider planning assessment, including planning history and Green Belt purposes.

23.8 It is noted that Green Belt surrounds the entire M25 (and adjacent sections of the M1, M40, M4 and M3). Therefore, this designation means there are no alternative MSA locations outside of the Green Belt. For this reason, the Green Belt has not been included as a major constraint for the purpose of eliminating site locations.

How each site served existing need

23.9 In terms of meeting existing need, any site located between Junction 15 (M4 Interchange) and Junction 16 would meet 14 gaps in excess of 28 miles between MSA locations (measures from car park to car park). Sites located between Junction 16 (M40 Interchange) and Junction 20 (Denham Way Junction) of the M25 would serve 15 gaps. This is based off the 21 routes between existing MSAs (excluding Beaconsfield and Cobham which is under 28 mile gap). When counted in each direction, there are 42 non-compliant gaps on these 21 routes, of which J15-16 serve 20/42 and J16-17 serve 19/42.

The highway safety and operational constraints

23.10 Potential sites which would not be acceptable to National Highways, i.e. do not meet the appropriate safety and operational standards, have been identified and excluded from the ASA process. The exception to this is Site C which is being promoted by CV MSA and is currently subject to a live planning application. The reason for this is that in the case of Site C, National Highways have approved a departure to the weaving standards.

23.11 Weaving on a road is the means by which vehicles are able to change lanes in a safe and convenient manner. It is something which National Highways, in

respect of main roads and in particular motorways, have an adopted approach and which it seeks to apply in a fair and consistent manner. Officers' understanding of the matter is that safety arising from weaving requirements will be examined and that decisions will be made to allow for an appropriate distance according to the particular factors that apply. Weaving dimensions, which start with a normal or usual physical distance between given points, can, where appropriate and justified, be changed to accommodate activity at a particular location. The final decision of the authority in that respect will enable a development to proceed with appropriate weaving distances for the circumstances, taking into account relevant factors that arise. That process may include the use of departures where appropriate, but with the resultant design being seen as acceptable and policy compliant, even when reduced below a level that would be the norm or usual distance.

23.12 The Design Manual for Roads and Bridges (DMRB) sets out the Standards which will be applied to new slip roads in terms of the safe weaving distances for vehicles entering and leaving the Motorway. The technical definition of a weaving section (Paragraph 1.36 of TD22/06) is:

"The length of the carriageway between a successive merge or lane gain and diverge or lane drop, where vehicles leaving the mainline at the diverge or lane drop have to cross the paths of vehicles that have joined the mainline at the merge or lane gain."

23.13 DMRB Paragraph 4.35 relates to rural Motorways, which includes the M25. The guidance states that the desirable minimum weaving distance must be 2 kilometres / 1.24 miles.

23.14 National Highways can allow a departure from the required design standards however, in seeking to identify potential locations for new a MSA it is preferable to minimise the use of departures or relaxation of this standards.

23.15 Only two links, those being between Junctions 15 and 16 as well as between Junctions 16 and 17 have sufficient space to accommodate an on-line MSA outside the minimum weaving distances without the need for any departures from standards.

23.16 Site C would not meet the minimum weaving distances required for a MSA, but the process undertaken by National Highways, and the indication given by them, is that an acceptable arrangement can be achieved to provide for a safe solution. As such there is no actual difference between the two applications as made.

The identification of any major planning, operational and environmental constraints

23.17 Examples of major constraints include:

- Land allocated for alternative development in a Local Plan
- Land which falls within Flood Zones 3a and 3b
- Other significant and environmental designations, e.g
- Sites of Special Scientific Interest (SSSI)
- Local Wildlife Sites
- Local Green Space
- Ancient Woodland
- Designated Heritage Assets

23.18 An assessment of each site's contribution to Green Belt Purposes was undertaken. Consideration was also given to the previous planning history on each site, including previous appeal decisions where a judgement was made on preferred location for MSA locations (Sites A, B and D).

23.19 In the applicant's ASA, Site A was discounted due to location within Flood Zones, 2 3a and 3b, ancient woodland to the north of the site and presence of three listed buildings (two Grade II and one Grade II*). Other issues of land ownership due to private residencies within the site and the fact that an MSA proposal on this land was considered and dismissed in 1999.

23.20 Site B was discounted by the applicants due to land ownership issues due to private residencies within the site, and previous planning history pertaining to a dismissed MSA at this site location in 1999. This site would also result in more harm to the Purposes of the Green Belt than any other site considered due to being located within an important strategic gap between Uxbridge, Iver and Iver Heath.

23.21 Site C was discounted by the applicants in the ASA, due to not meeting minimum weaving distances and thereby requiring approval of a departure from National Highways and development constraints of Flood Zones 3a and 3b, ancient woodland within the site, and three Grade II listed buildings being present within the vicinity site. Thus the CV MSA site was sieved out at this stage.

23.22 Site D was discounted due to being considered by the Inspector in appeal decision ref: APP/X0415/W/21/3272171 (CPS1) and subsequently refused due to a preference for a MSA on an alternative site which would be less harmful (CV MSA, Site C).

23.23 Site E, the application site, was therefore the only site brought forward for further consideration by the applicants, on the basis that there are no major

constraints that would preclude the delivery of a MSA. Whilst part of the site did form part of the previous Warren Farm proposals, this was just in relation to part of the access and therefore the planning history for Warren Farm (CSP1, Site D) is not considered to count against Site E.

23.24 The comparison between Site C, CV MSA and Site E, CSP2 is explored further below.

The Alternative MSA Sites

23.25 In terms of the recently dismissed appeal at CSP1, the Inspector carried out a review of the alternative locations. At the time of the appeal this included the CSP1 site between junction 16 and 17 of the M25 (on-line MSA), Hunton Bridge (off-line MSA) junction 20 of the M25 (known as Moto and refused by Three Rivers District Council), and the CV MSA (on-line MSA) between Junction 15 and 16 on the M25. A copy of the CSP1 appeal is attached at Appendix E.

23.26 The CSP1 scheme was dismissed on the grounds that the scheme would cause substantial harm to the Green Belt. Other harm was found in terms character and appearance of the area, loss of BMV agricultural land and impact to aviation safety. In coming to this conclusion the Inspector also gave consideration to the other two proposals for MSA's on the western section of the M25.

23.27 At paragraph 79 of appeal reference APP/X0415/W/21/3272171 the Inspector states:

'It is common ground that there is a need for one MSA on the north-west quadrant of the M25. The proposal before me gives rise to 'clear public convenience or advantage' but also inevitable and adverse effects or disadvantages to the public.' Case law indicates that, in such circumstances, it is necessary to consider whether an alternative site exists for the same project which would not have those effects or would not have them to the same extent.' (cited Secretary of State v Edwards Court of Appeal 1995).

23.28 The Inspector went onto to compare each of the proposed MSA schemes as part of the appeal. In terms of the off-line Junction 20 scheme (known as Moto) this had been refused permission by the time the Inspector reviewed the alternatives. Of the scheme, the Inspector notes at paragraph 92:

'In comparison with the appeal site, the Green Belt, landscape, and veteran tree harms are of a similar magnitude in the round, there is likely to be a greater effect on listed buildings, but advantages in terms of BMV land, aviation safety and accessibility. Biodiversity impacts are likely to be similar.'

As things stand, the greatest distinction in terms of harm is the effect of the Moto site on the highway network.'

23.29 The Inspector goes onto describe the fact that the off-line scheme at junction 20 would produce many of the benefits of the CSP1 on-line scheme in terms of meeting the need, providing jobs and reducing gaps between MSA's. However, due to questions over the outstanding highway matters and deliverability the Inspector concluded that the Moto scheme would not provide a persuasive alternative.

23.30 It should be noted that the Moto scheme at Junction 20 was not appealed nor has an alternative proposal at this site been put forward. As such, it is reasonable to conclude that the junction 20 MSA scheme would not remain as a viable alternative scheme to the subject application.

23.31 In terms of the comparison of the dismissed CSP1 scheme and the subject application the Inspector recognised that overall the proposed CV MSA site would have *"clear advantages in terms of Green Belt in that whilst the impact on Green Belt purposes would be broadly comparable, the impact on openness would be less"*.

23.32 The Inspector recognised that there would be major adverse visual effects in terms of changes to landscape impacts in respect of the Colne Valley scheme (reduce to major by new planting) (paragraphs 104-105). However, due to the site circumstances the Inspector considered CV MSA had advantages over the CSP1 scheme, stating at paragraph 106:

'However, the Iver Heath site can be distinguished from the appeal site because the landscape overall is not as sensitive as that at Warren Farm, the amount of change to the landscape fabric would likely to be considerably less and the extent of visual containment by woodland features and other features is greater, other than that for an area to the east of the M25. Of particular note is the different relationship with the users of the M25 – those passing the appeal site would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.'

23.33 In concluding on the alternative site, the Inspector was clear that the CV MSA had the potential to fulfil the need for the MSA and other benefits, but with less harm to the Green Belt than the CSP1 proposal. However, the Inspector was clear that only the comparative merits were being considered as part of the appeal. At paragraph 119 he states:

'The decision on the CVMSA site is for someone else, including deciding whether the very special circumstances test is passed. I can only make a judgement on the comparative merits. However, based on what is before me, the CVMSA site would provide similar benefits but with appreciably less harm. Therefore, the feasible alternative of the CVMSA site is a weighty other consideration.'

23.34 Since, this appeal decision, the application site comprises an amended scheme to CSP1, known as CSP2. The CV MSA still comprises a live planning application, pending consideration planning ref: PL/20/4332/OA, and proposal have also undergone the following revisions to scheme design:

- Changes to access road design in-line with National highway comments
- Removal of hotel facility

23.35 The subject MSA scheme and the revised CV MSA scheme are making their case for why their site is the best placed and best suited to meet the need. However, only one of the MSA proposals can, in reality, come forward to meet the identified need.

23.36 When it comes to judging acceptability of the CSP2 proposal, it is reasonable and proper to take into consideration the circumstances of the other proposed MSA at CV MSA, as this is a material consideration for the decision maker that will be required to be taken into account.

23.37 A review of the two current MSA proposal are summarised in table 7 below. The Inspector's conclusions on the appealed CSP1 site are shown in **bold**, with comments with relating either to CSP1 or CV MSA location, which he also considered at that appeal:

Table 7 Alternative MSA Comparison of Main Considerations

Topic Area	Iver Heath (Colne Valley Services)	Warren Farm (Chalfont St. Peter 2)	Warren Farm (Chalfont St. Peter 1 – Dismissed on appeal)	Summary
Site Size	The site comprises approximately	The site comprises of approximately	59.52ha of agricultural land	CSP2 proposed MSA has a smaller land

	<p>45ha of agricultural land immediately adjacent to the M25 motorway between J15 and 16.</p> <p>13.25ha of developed area</p>	<p>35.87ha of agricultural land on either side of the M25 between J16 and J17. Part of the eastern area is currently used as HS2 compound for the Chiltern Tunnel</p> <p>8.71ha of developed area</p>	<p>on either side of the M25. Developed area is 11.6 hectares</p>	<p>area and smaller developed area.</p> <p>CV MSA has a larger land take to accommodate for parking required by additional traffic flow on the M25.</p>
Green Belt	<p>Inappropriate GB development. Would result in significant harm to openness of the GB in spatial terms and moderate visual impact.</p> <p>Limited harm to GB purposes a) and b) and moderate harm to c)</p> <p>Overall harm: moderate</p>	<p>Inappropriate GB development. Would result in significant harm to openness of the GB in both spatial and visual impact.</p> <p>No harm to purpose a) and b). Moderate harm to purpose c)</p> <p>Overall harm: significant</p>	<p>Yes CSP1 limited harm to GB purposes a); significant harm to c) and no material harm to b)</p> <p>Iver Heath Limited harm to GB purposes b)</p> <p>Development at Iver Heath broadly comparable and spatial dimension of harm would be similar.</p> <p>Iver Heath adverse impact in visual dimension from local viewpoints Overall CV MSA would have clear advantages in Green Belt terms compared to</p>	<p>Each proposal is inappropriate development in the GB and would impact on openness of the GB.</p> <p>CV MSA less harmful in visual impact terms of openness, due to reduce visual prominence Overall moderate harm.</p> <p>CSP2 less harmful in terms of conflict with Green Belt Purposes Overall significant harm</p>

			CSP1. Although broadly comparable in terms of purposes, there would be considerably lesser impact on openness.	
Scale and Height Parameters	Facilities/Amenity Building – up to 14.3m maximum Fuel Filling Station – up to 8m	Facilities/Amenity Building – up to 9.1 maximum Fuel Filling Station – up to 7m	Facilities/Amenity Building 13.5m maximum Fuel Filling Station Up to 7m Hotel Up to 13.5m	CSP2 MSA has a smaller scale buildings and lower overall heights. Both are indicative.
Building Footprint	Facilities/Amenity Building – 4,500sqm Fuel Filing Station – 500sqm Drive-Thru Coffee – 300sqm	Facilities/Amenity Building – 4,700sqm Fuel Filling Station – 480sqm	Facilities/Amenity Building – 7,800sqm Fuel Filling Station - 450sqm Hotel – 3,570sqm	CSP2 MSA has marginally less buildings and lower quantum of building footprint.
Biodiversity	The site is not subject to any statutory designated ecological sites. Two sites of SSSI within 2km. Biodiversity Opportunity Areas to west and east. No protected species found on site. GCN Pond within 500m- District License procedure	The site is not subject to any statutory designated ecological sites. Two Sites of Special Scientific Interest located within 2km. No protected species on site. No significant effects.	Loss of a Veteran Tree. Demonstrated that >10% biodiversity net gains achievable (35.8%). Iver Heath - Harm in relation to veteran tree at Iver Heath would be comparable. Any loss of veteran trees could be	CVS MSA GCN District Licence process and 3 tests followed to mitigate. MSA proposal would result in the loss of a veteran tree. No loss of veteran tree at CSP2. CV secures higher BNG.

	<p>followed and 3 tests passed. No significant effects.</p> <p>Demonstrated that >10% biodiversity net gains achievable; 85.92% habitat and 58.35% hedgerows.</p> <p>Loss of Veteran Tree</p>	<p>Demonstrated that >10% biodiversity net gains achievable; 15% habitat and 29% hedgerow.</p> <p>.</p>	<p>compensated for or replaced</p>	
Water	<p>Flood Zone 1 - Western Parcel Flood Zone 2 and 3 (a and b) and Surface Water Flooding on eastern parcel.</p> <p>Flood impact mitigation included</p>	<p>Flood Zone 1 – both parcels Two small pockets of surface water Flooding comprising low ditches on western section.</p> <p>Flood impact mitigation included</p>	<p>Flood Zone 1 – both parcels Pockets of Surface Water Flooding on western section</p> <p>Iver Heath – Works that would take place in zones 2 and 3 would not comprise vulnerable development. If there are not reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding, then sequential test is capable of being met.</p>	<p>CV MSA experiences fluvial flooding. CSP2 does not experience fluvial flooding.</p> <p>Both CV MSA and CSP2 have areas of Surface Water Flooding.</p> <p>Flood impact mitigation included in both CV MSA and CSP2 MSA</p> <p>Sequential test dealt with later</p>
Air Quality	<p>Site is located in x2 Air Quality Management</p>	<p>Site is located in Air Quality Management Area – M25</p>	<p>Site is located in Air Quality Management Area – M25</p>	<p>CSP2 located in one AQMA, CV MSA in two.</p>

	Areas – M25 and Iver Parish. Iver Parish AQMA relates to a residential area.			
Cultural Heritage	<p>One Grade II listed building adjacent to the southern area of the site. White Cottage</p> <p>A further three Grade II listed buildings are located within 120m east of the site. Barn to North East of Mansfield Farmhouse, Mansfield Farm House and Dovecote east of Mansfield Farmhouse</p> <p>A Grade II* listed dairy is located approximately 390m south of the site. Dairy in the grounds of Elk Meadows</p> <p>Two Archaeological Notification Areas – western and eastern areas of the site.</p> <p>Second ANA extends into the western area of the site</p>	<p>Three Grade II listed buildings at Mopes Farm - located within 250m south west of the site.</p> <p>Two Archaeological Notification Areas (ANAs) within the southern extent of the site.</p>	<p>Three Grade II listed buildings at Mopes Farm - located within 250m south west of the site.</p> <p>Two Archaeological Notification Areas (ANAs) within the southern extent of the site.</p> <p>Iver Heath - There would be less than substantial harm to the significance of designated heritage assets. The level of harm would likely be towards the lower end of the scale</p>	<p>Less than substantial harm in terms of setting on designated and non-designated heritage buildings and archaeology with CV MSA proposal at lower and low to medium end of the scale respectively.</p> <p>CSP2 no harm identified.</p>

<p>Landscape Character</p>	<p>Located on land elevated above the M25.</p> <p>Located within the Thames Valley National Character Area (NCA).</p> <p>Within the Colne Valley Regional Park</p> <p>Site located at the boundary of two LCAs. In places the strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts would be localised and predicted to be moderate. No residual significant effects in the longer term.</p>	<p>Topographic effects, built development would create platforms which cut into the sloped landscape below the M25.</p> <p>Located within the Thames Valley National Character Area (NCA).</p> <p>Within the Colne Valley Regional Park</p> <p>Site located within boundary of four LCAs.</p> <p>Landscape impacts would be localised and predicted to be moderate. No residual significant effects in the longer term.</p>	<p>Located on smoothly rounded undulating land from small valleys.</p> <p>Within a landscape of mixed farmland with hedgerows, hedgerow trees</p> <p>Site within the Colne Valley Regional Park (CVRP)</p> <p>Within two LCA's.</p> <p>The strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts would be localised and predicted to be significant</p>	<p>Both sites are within the Colne Valley Regional Park</p> <p>The proposed developments would result in negative change to landscape character however, neither would result in major adverse harm in the long term.</p>
<p>Visual Effects</p>	<p>ES identifies that the combination of topography and local woodland naturally screen</p>	<p>Site relatively well-contained, no intervisibility with Chalfont St Peter.</p>	<p>ES identifies that local views into the site are limited to the west due to undulating</p>	<p>CV MSA would be well contained within the landscape. Moderate harm</p>

	<p>most of the views into the site from the surrounding area, particularly that part of the site lying west of the M25. Four PRow footpath routes through or adjacent to the site.</p> <p>Residential properties located adjacent to southern boundary and south western boundary.</p> <p>No long term impact, moderate harm identified.</p>	<p>East-facing part of the site would be visible from the valley and higher residential areas in Harefield and Maple Cross.</p> <p>Localised impact, with no significant impact in the longer term. Considerable harm identified.</p>	<p>topography and wooded landscape.</p> <p>Three public rights of ways (PRow) Footpaths located within or adjacent to the site.</p> <p>visual receptors north of the site. Glimpsed views, through vegetation, from Denham Lane, located approximately 400m west of the site.</p> <p>Long distance views towards from the Chiltern Way</p> <p>Significant effects predicted from 4 viewpoints.</p> <p>Iver Heath is relatively well-contained by Woodland to the north east and south. There would be localised effects.</p> <p>Iver Heath overall is not as sensitive as Warren Farm. Of note is the relationship with</p>	<p>identified in the long-term.</p> <p>CSP2 MSA would be integrated into the landscape through existing / proposed earthworks and planting, it would be more widely visible across the Colne Valley. Considerable harm identified in the long-term.</p>
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			<p>users of the M25. Those passing the appeal site (CSP1) would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.</p>	
Noise	<p>Residential properties adjacent to both the south and east of the site. The nearest property is located 80m to the east. Residential receptors are also located on the edges of Iver Heath.</p>	<p>Residential properties adjacent to north, east and western site boundaries. The nearest property is The Orchards traveller site located 220m to the north of the site.</p>	<p>Nearest potential noise sensitive receptors are the residential receptors located on the edges of Chalfont St Peter, fronting Denham Lane and West Hyde Lane. The Orchards traveller site is also located immediately north.</p>	<p>Both MSAs considered acceptable on noise grounds.</p>
Residential Amenity	<p>Mansfield Farmhouse located approx. 100m to the east</p> <p>Mansfield Lodge and New Cottage approx. 80m to the east (when measured from</p>	<p>The Orchards traveller site, located 500m to the north west, when measured from the closest slip road.</p> <p>Aviary Cottage, Denham Lane,</p>	<p>The Orchards traveller located 200m to the north</p> <p>Mopes Farm located 200m to the south west</p>	<p>Both MSA proposal broadly comparable in terms of separation distance to neighbouring properties to main MSA</p>

	<p>the closest slip road (southbound M25).</p> <p>White Cottage located adjacent to the south (approx 170m from main MSA buildings, 200m from slip road and 40m from new Slough Road access)</p>	<p>located 500m to the south-west, when measured from closest slip road.</p> <p>Mopes Farm located 600m to the south east, when measured from closest slip road.</p>		<p>buildings and slip roads.</p> <p>No significant impact to neighbouring residential amenity from either MSA.</p>
Ground Conditions and soil	No loss of BMV Land	<p>8.89ha of BMV agricultural land</p> <p>BMV Land would be restored as part of the HS2 restoration</p>	<p>Historic landfill sites adjacent, and others in close proximity.</p> <p>Iver Heath would not result in the loss of BMV.</p>	<p>CSP2 would result in the loss of BMV land.</p> <p>CV MSA proposal would not result in loss of BMV land.</p>

Mineral Extraction	The site is located within a Minerals Safeguarding Area for sand and gravel. The Minerals Assessment (Land and Mineral Management, 2020) identifies that the western area of the site contains the larger reserve of the mineral resource which could be extracted prior to construction.	Located within a Minerals Safeguarding Area for sand and gravel	Located within a Minerals Safeguarding Area for sand and gravel – subsequently identified to be too isolated and of insufficient quantity to be commercially viable for extraction.	CVS MSA proposal would result in mineral recovery which is a benefit.
Disadvantages of Mineral Extraction	Short term impacts on the landscape	No extraction of mineral	Mineral extraction would meet local and national policies and would be benefit due to shortfalls in sands and gravels in the south east	
Advantages of Mineral Extraction	Contribution to the Council’s land bank		Unlikely that mineral extraction would significantly delay the site coming forward	
Aviation Safeguarding	4.9km from Denham Aerodrome	2km from Denham Aerodrome	2km from Denham Aerodrome	Objection from Denham Aerodrome. CSP2 MSA has

	8km from Heathrow Airport 6km to RAF Northolt	15km from Heathrow Airport 10km to RAF Northolt	Inspector concluded likely to be some harm to aviation safety but did not see the risk being of a magnitude which would be sufficient in itself to justify dismissing the appeal. Iver Heath site would not have an adverse impact on aviation safety	no significant impact on aviation safeguarding. CV MSA has no safeguarding issues
Online/Offline	On-line	On-Line	On-line	Both comparable as on-line
HGV Parking	150 Spaces	142 Spaces	Up to 200 spaces	Both MSA's comparable in terms of HGV parking
General Parking	991 Car Parking including 51 Disabled Spaces 50 Staff Spaces 30 Coach Spaces 30 Caravan Spaces 28 Motorcycle Spaces	759 Car Parking including 38 Disabled Spaces 38 Staff Spaces 19 Coach Spaces	1030 Car Parking Spaces including 52 Disabled Spaces 18 Coach Spaces 22 Caravan Spaces 22 Motorcycle spaces 1 Abnormal Load Space	Comparable provision CV MSA marginally more parking relative to traffic flow.
Electric Charging	100 active	100 passive/ 20 active	Up to 20 active, spaces and up to 100 passive	Both proposed MSA's are comparable in terms of electric charging provision

Carbon Reduction	Yes	Yes	Yes	Both site capable of carbon reductions.
Sustainable Drainage	Yes	Yes	Yes	Both sites would incorporate SUDS.
Renewable Energy	Yes – to be explored at design/Reserved Matters stage	Yes – to be explored at design/Reserved Matters stage	Yes – to be explored at design/Reserved Matters stage	Both MSA proposals would be comparable
Passive Building Design	Yes	Yes	Yes	Both proposed MSA have potential to achieve passive building design. To be explored at design/Reserved Matters stage.
BREEAM	Yes	Yes	Yes	Both proposed MSAs would achieve BREEAM building standard
Green Roofs	Yes	Yes	Yes	Both proposed MSA schemes would include Green Roofs
Sustainable Travel	<p>Staff Access pedestrian and cycle on to Slough Road</p> <p>Public Transport accessibility to bus stops on Slough Road</p> <p>Shuttle bus to Uxbridge</p> <p>CVS is close to local areas of population</p>	<p>Staff Access pedestrian and cycle via Chalfont St Peter CSP/44/1 (restricted byway), onto the A412 Denham Way</p>	<p>Footpath/staff access onto Denham Lane. Workers minibus proposed as part of the Travel Plan</p> <p>Iver Heath – The site is capable of being accessed by foot and cycle. There are buses serving the A4007 and Uxbridge Tube Station is 1 and half miles to the</p>	<p>Both MSAs provide pedestrian and cycle access. CV MSA provides for shorter distances, and more opportunities , in terms of sustainable accessibility</p>

			East. Proposals would include a staff shuttle bus. The site is capable of achieving a good level of accessibility	
Secondary/Rear Access	<p>Yes</p> <p>No secondary vehicular access for TVP.</p> <p>Rear Access from Slough Road for staff drop off and emergencies</p>	<p>No</p> <p>No secondary vehicular access.</p>	<p>Yes</p> <p>Footpath/Staff access onto Denham Lane</p>	<p>CV MSA would provide for a secondary access road for emergency vehicles only</p> <p>CSP2 would provide for no secondary vehicular access.</p> <p>It is considered that there are benefits and disbenefits to each approach.</p>
Weaving Assessment	<p>Non-compliant weaving distance - Departure approved in principle by National Highways</p>	<p>Compliant weaving distances</p>	<p>Compliant weaving distances</p>	<p>National Highways raises no objection to either MSA</p>
Highway impact and safety	<p>No Objection From National Highways subject to recommended conditions.</p> <p>No objections from Buckinghamshire Highway Authority – subject to conditions and/or S106 obligations</p>	<p>No Objection From National Highways subject to recommended conditions.</p> <p>No objections from Buckinghamshire Highway.</p>	<p>No objection from National Highways or Buckinghamshire Highway Authority subject to conditions and/or s106 obligations</p>	<p>No objection on highway grounds on either MSA.</p>

Traffic Flows	207,816 vehicles (junctions 15-16)	166, 482 vehicles (junctions 16- 17)	166, 482 vehicles (junctions 16- 17)	The greatest traffic flows are through the link between J15 and 16. CV MSA captures a greater number of traffic movements, and therefore users.
No. of Non-compliant Gaps	20 (plus reduce 2 further gaps)	19	CSP1 – 19 and Iver Heath – 20 The Iver Heath scheme would be better placed in addressing more gaps than CSP, would reduce the gap between Beaconsfield and Cobham and would serve more motorway users owing to traffic flows	CV MSA proposal would address one more gap than CSP2 (and reduces 2 further gaps)
Economic Benefits	c300 FTE Jobs in the first year of opening rising to c399 FTE jobs when fully operational	c300 FTE Jobs	Once fully operational c.340 full time equivalent jobs estimated	Both MSA proposals are comparable in term of economic benefits . CV MSA would be located in close proximity to population centres including Uxbridge and Slough.
Deliverable Timescales	21 months estimate; Mineral extraction to be resolved first.	24 months	15 – 18 months estimate. Iver Heath – reasonable prospect of	Both MSAs are comparable in terms of delivery times.

	See below on deliverability.	See below on deliverability.	delivery and realistic timescales in 2026/27	It is considered appropriate to allow an opportunity for the consent process to take its course, in order that a fully informed decision can be taken. See below on deliverability.
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Comparative Analysis - Summary of Key Findings:

CSP2 MSA

- 23.38 CSP2 MSA would be inappropriate development in terms of Green Belt and would result in significant spatial harm and significant visual harm to the openness of the Green Belt and is relatively well self-contained. It would result in harm to 1 out of 5 purposes of the Green Belt of which purpose c) is moderate. Overall the harm to the Green Belt is significant.
- 23.39 CSP2 MSA is the smaller site overall and extent of built development with parking and HGV parking, a max footprint of 5,180sqm and 7m-9.1 max heights set.
- 23.40 During construction there would be significant effects reducing operationally to moderate effects on landscape character and considerable landscape visual effects, and having regard to mitigation this overall would be considerable harm.
- 23.41 The eastern has surface water flood area. Flood risk can be effectively mitigated.
- 23.42 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.
- 23.43 It would serve a lower volume of traffic flow (166,482 -approximately 41,000 vehicles less than between junctions 15-16) and vehicle users travelling along this stretch of the M25. It would also serve 19 non-compliant gaps on the 44 mile gap in provision along strategic highway network.

- 23.44 There are other economic, social and environmental benefits arising from the creation of jobs and investment during and post construction with a Local Employment Strategy, rights of way enhancements, a net gain in biodiversity.
- 23.45 120 EV charging points are to be provided with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.
- 23.46 CSP2 MSA would result in loss of BMV agricultural land.
- 23.47 No objections subject to conditions from National Highways and Bucks highways.
- CV MSA
- 23.48 CV MSA would be inappropriate development in terms of Green Belt and would result in significant spatial harm and moderate visual harm to the openness of the Green Belt and is relatively well self-contained. It would result in harm to 3 out of 5 purposes of the Green Belt of which purpose a) and b) are and c) is moderate. Overall the harm to the Green Belt is moderate.
- 23.49 CV MSA is the largest site overall and extent of built development with parking and HGV parking, a max footprint of 5,300sqm and 8m-14.3 max heights.
- 23.50 During mineral extraction and construction there would be significant effects reducing operationally to localised and moderate effects on landscape character and landscape visual effects, and having regard to mitigation this would overall result in a moderate harm.
- 23.51 There would be less than substantial harm to the setting of a number of listed buildings at the lower end of the scale to be weighed against public benefits. There would be harm at the lower end of the spectrum to the setting of the non-designated heritage asset to be weighed in the planning balance.
- 23.52 It would result in the loss of a veteran tree for which wholly exceptional circumstances can be attributed, and compensatory planting is proposed to mitigate this loss. A protected species GCN District License can be secured.
- 23.53 The western section of CVS MSA is within Flood Zone 1. However, the eastern section is within flood zones 2 and 3 (high risk) and all three surface water flood area. Flood risk can be effectively mitigated.

- 23.54 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.
- 23.55 It would serve a high volume of traffic flow (207,816 - approximately 41,000 vehicles more than between junctions 16-17) and vehicle users travelling along this stretch of the M25. It would also serve 20 non compliant gaps on the 44 mile gap in provision along strategic highway network and reduce 2 further gaps.
- 23.56 There are other economic, social and environmental benefits arising from the removal of mineral in the form of sands and gravel in a minerals safeguarding area, creation of jobs and investment during and post construction with a Local Employment Strategy, rights of way enhancements, a significant net gain in biodiversity.
- 23.57 100 EV charging points are to be provided, with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.
- 23.58 No objections subject to conditions from National Highways and Bucks highways.

Summary

- 23.59 An overall comparative summary is to be drawn having regard to all the relevant key issues.
- 23.60 In Green Belt terms CV MSA is less harmful in terms of Green Belt harm and landscape visual impact, with CSP2 performing marginally better on purposes resulting in an overall lesser impact from CV MSA of moderate compared to CSP2 which is significant. The issue of VSC will be dealt with later on the overall assessment.
- 23.61 In terms of landscape CV MSA is less harmful resulting in a moderate localised impact compared to CSP2 which is considerable.
- 23.62 There would be other harm, in respect of CV MSA, including less than substantial harm to designated heritage assets, and non-designated heritage assets, including archaeology, which can be weighed in accordance with paragraphs 202 and 203 and the loss of the veteran tree which can be considered in accordance with paragraph 180 of the NPPF. These are matters which are capable of being overcome in the aforementioned exercise.
- 23.63 In respect of CSP2 there would be limited harm through the loss of BMV agricultural land.

- 23.64 The comparison on flood risk will be dealt with below in considering the sequential test.
- 23.65 In terms of meeting the need, officers consider that the CV MSA site is locationally better placed compared to CSP2 site to serve the greatest number of gaps and traffic flow on this section of the motorway which would deliver the most benefits in terms of the safety and welfare of drivers (and their passengers) and meeting the need.
- 23.66 Turning now to the sequential test, CSP2 MSA site is accepted as being at lower risk of flood, however there are wider factors that need to be considered in applying paragraph 162 of the NPPF. A judgement is required on whether the site under consideration is appropriate for the development. Regard is paid in applying the sequential test to the “without mitigation” impact on the issues considered. Taking all the factors into account, in particular having regard to the area of search, highway technical matters, locational factors including gaps served and traffic flow, constraints including impact on the Green Belt purposes and openness, deliverability and the availability of sites, officers consider that although CSP2 is at lower risk of flood, it would not optimise the number of gaps, or be on a stretch of the M25 with the highest volume of traffic to maximise the associated safety and welfare benefits for motorway users. It would cause greater harm overall to the Green Belt, and considerable harm to the landscape and would therefore not be regarded as an appropriate development in applying the sequential test. Officers consider that CSP2 would not be appropriate as it does not meet the identified need as well as the preferred site and result in greater harm. The sequential test is not passed in respect of CSP2.
- 23.67 A sequential approach to site design has been taken in both of the MSA applications. The flood risk in both schemes can be satisfactorily mitigated to ensure the development is safe for its lifetime taking into account the vulnerability of users without increasing flood risk elsewhere and incorporating SUDS.
- 23.68 There are a number of matters where both sites are broadly comparable as listed in the table above.
- 23.69 Turning now to benefits, both sites would have benefits in terms of jobs and economic growth with CV MSA being closer to population centres, both would have some limited benefits in terms of rights of way enhancements and HGV parking. CV MSA would deliver greater benefits in terms of biodiversity net gain and facilitating minerals extraction. This would reinforce the conclusion that CV MSA has less harm and is an appropriate

development to meet the need for an MSA on this part of the M25 as an alternative site and deliver greater benefits.

23.70 Deliverability is dealt with in the section below.

24.0 Deliverability

24.1 The CSP2 MSA applicants estimates a 24 month period, for delivery of the MSA. Deliverability is capable of being a material consideration where it relates to the planning merits of the case, such as where, as here, two sites are competing for a single opportunity (i.e. to meet the need for roadside facilities in this quadrant of the M25). Phasing of the development is a matter to be discussed further at the more detailed design stages, however it is considered that construction of major works of the scheme would commence after the completion of key civil engineering works of HS2, which is due to be completed 2025. Therefore, for the purposes of assessment, it has been assumed that construction of the Proposed Development could commence on Site 2025 and last for approximately 24 months. This would result in completion 2027. HS2 Chilterns Tunnel Team have been notified of this timeline, and have not provided comment.

24.2 The CV MSA applicants estimates a 21 month period, including mineral extraction for delivery of the MSA.

24.3 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 a material to the determination of a planning application.

24.4 However it may not always be appropriate to treat this distinction as absolute when taking into account material considerations in the determination of a planning application. Deliverability of a scheme is capable of being a material consideration where it relates to the planning benefits 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. Deliverability is considered to be material on this basis in the circumstances of this case. The land within the red line boundary of the CV MSA application 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 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.

- 24.5 Given the purpose of the Act, it appears that the focus of the consent procedure will be on whether to prevent industrial or building development on the Green Belt, and although it can be anticipated that national green belt policy will be relevant to that decision, officers are unaware of any published and up-to-date criteria that the Secretary of State will apply when reaching his decision. Further, it is not known what approach the Secretary of State would take to the provision of exchange land.
- 24.6 In such circumstances, the need to obtain the consent of the Secretary of State represents a potential impediment to the delivery of the CV MSA scheme, however without further information on the specific basis upon which any application for consent will be decided, or the outcome of the consent process, it is difficult satisfactorily to decide on the weight to be accorded to this issue.
- 24.7 In circumstances where (for reasons explained later) the CV MSA application is considered to be otherwise preferable on land use grounds to the alternative CSP2 MSA proposal, it is considered appropriate to allow an opportunity for the consent process to take its course, in order that a fully informed decision can be taken. Officers do not consider that it would be preferable either to proceed simply to grant permission for the CV MSA scheme instead of the CSP2 scheme, when the degree to which the consent process relating to the MSA scheme might affect its delivery is unclear, or conversely reject now the CV MSA scheme in favour of the CSP2 scheme, given that the MSA scheme holds in prospect the ultimate delivery of an otherwise preferable scheme to meet the identified need.
- 24.8 It is recognised that allowing the consent process to be followed itself has possible timing implications. However any potential adverse effects on the delivery of a scheme to meet the clearly identified need which arise from an initial delay relating to the consent procedure are considered to be outweighed by the advantages in ensuring that a final decision on the MSA scheme, and the CSP2 scheme as an alternative, are made with improved knowledge of whether there is an actual constraint to delivery of the MSA scheme.
- 24.9 If consent is obtained, then for the reasons given in the CV MSA report, officers' current view is permission should be granted for the CV MSA application, subject to any further material considerations that arise out of the consent process (or generally before the final decision is taken). If consent is withheld, this is likely to alter the balancing exercise relating to CSP2 as the competing alternative in this case, again subject to any further material considerations.

24.10 The resolution recommended at the end of this report therefore acknowledges that a final determination of the CSP2 MSA application will not be made at this stage. It also recognises that in any event 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.

25.0 Infrastructure and Developer Contributions

25.1 Having regard to the statutory tests for planning obligations in the Community Infrastructure Levy regulations and the National Planning Policy NPPF it is considered that the following planning obligation(s) are required to be secured within a signed section 106 agreement if the application is considered to be acceptable. The following draft obligations are agreed by the applicant:

Employment and Skills Strategy:

25.2 A written strategy containing targets to facilitate the employment and training of local people on the land during the construction and operation of the development which shall be submitted to and approved in writing by the Council at the same time as the first Reserved Matters application.

Local Procurement Strategy:

25.3 A written strategy for the promotion of business opportunities for local businesses in connection with the development which shall be submitted to and approved in writing by the Council at the same time as the first Reserved Matters application.

SUDS Scheme Whole Life Maintenance Plan:

25.4 A plan detailing how and when to maintain the sustainable drainage systems scheme for the Development in perpetuity which is to be submitted to and approved in writing by the Council in accordance with conditions to be attached to any Planning Permission.

SUDS Management Company:

25.5 A Management Company to implement the SUDS Scheme Whole Life Maintenance Plan.

Cycleway Contribution:

25.6 A financial contribution of £125,000 (index linked) is sought towards the completion of the A412 North Orbital Cycleway 2019 Scheme. This is directly relevant to the proposed development as it would facilitate employees cycling to work from Denham, Higher Denham and Denham train station.

Restricted Byway Contribution:

25.7 A financial contribution of £180,000 (index linked) will be put towards the surfacing improvement to Old Shire Lane [Restricted Byway CSP/44/1] to facilitate convenient connections for employees cycling to work from Chalfont Lane. The route shall subsequently be resurfaced with Flexipave, or similar, at 3m width.

Details of and timescales for implementation of the Security Framework:

25.8 A Framework with the objective of increasing safety for members of the public and employees subsequently agreed by the Owner, the Developer and Thames Valley Police and (should such amendments impact on connections to the strategic road network) by National Highways.

Security Steering Group:

25.9 A Security Steering Group to be formed to review and monitor security and safety of the MSA comprising representatives of the developer and Thames Valley Police force (and if agreed by National Highways its Connect Plus and Traffic Officer Service).

ANPR Cameras Contribution:

25.10A sum of £44,000 to benefit Thames Valley Police as a contribution towards the provision of four ANPR Cameras on the land.

Off-Site Biodiversity Net Gain:

25.11 Provision of and future management for at least 30 years, of the Biodiversity net gain land (land which is under the applicants control, situated adjacent to the application site, north west of the proposed development) by a body to be created and fully funded by the developer.

25.12 The draft s106 obligations are a material consideration in this case. These are designed to mitigate the impact of the proposed development and provide wider enhancements, including, but not limited to the surrounding landscape.

Community Infrastructure Levy (CIL):

25.13 The CIL Charging Schedule was adopted by (former) Chiltern District Council on 7 January 2020. It came into effect on 17 February 2020. A CIL Correction

Notice was subsequently approved (March 2020) to amend a correctable error in the previously adopted CIL Charging Schedule. The “large sites” definition in the Schedule was the correctable error that was amended. The proposed development would be CIL liable.

26.0 Overall Assessment

- 26.1 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.
- 26.2 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
- 26.3 The proposed MSA development would constitute inappropriate development which by definition is harmful to the Green Belt and would result in significant spatial and visual harm to the openness of the Green Belt. The proposal would also conflict with one of the five Purposes of including land in the Green Belt as set out in paragraph 138 of the National Planning Policy Framework (‘the NPPF’), resulting in moderate harm to purpose c). In addition, the proposal would not accord with Local Plan Policies GB2 and GB30 of the Chilterns Local Plan to which moderate weight is afforded to this policy. The MSA development would result in substantial harm to the Green Belt.
- 26.4 There would be considerable harm to the character of the landscape and visual impacts including the Colne Valley Regional Park, contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan. These identified impacts would be localised and with mitigation there would remain considerable negative impact, which attracts considerable weight. Policy CS4 is broadly consistent with the NPPF and according the development’s conflict with this policy is afforded significant weight.

- 26.5 The development would result in a limited loss of Best and Most Versatile (BMV) agricultural land in conflict with Policy CS4 of the Chilterns Core Strategy.
- 26.6 The proposed MSA location would also fail to pass the flood risk sequential test, due to an appropriate alternative for the proposed development available at another site contrary to Policy CS4 of the Chilterns Core Strategy and policy GC10 of the Chilterns Local Plan. Significant weight is accorded to policy conflict with CS4, and moderate weight to Policy GC10.
- 26.7 The proposal complies with other development plan policies on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, highways, parking and access, public rights of way, meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenities.
- 26.8 Overall 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. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.
- 26.9 Turning to other material considerations, there are a number of factors that should be considered.
- 26.10 Circular 01/2022 is a material consideration and provides guidance on the process for the process of identifying an appropriate location for a new MSA and criteria. The proposal would accord with this Circular.
- 26.11 The NPPF is a material consideration in determining applications. Paragraph 11 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 the need to include minerals application 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 [footnote 7]; 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.
- 26.12 There are relevant development plan policies that apply to this application and the report identifies where those development plan policies are not fully consistent with the NPPF. Those policies which are most important for

determining this application are Core strategy Policy CS1 and Local Plan Policies, GB2, GB30 and GC1 relating to the principles that go to the heart of the development in respect of Green Belt, landscape character and context. For the reasons set out in the report Policy GB2 and GB30 are not fully consistent with the NPPF, however moderate weight can still be attached to them having regard to paragraph 219 of the NPPF.

- 26.13 Overall the suite of the most important development plan policies for determining the application are not considered to be up to date and as such paragraph 11 d) of the NPPF is considered further below.
- 26.14 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 in the following paragraphs, including the requirement in considering Green Belt harm to consider whether very special circumstances exist, quantifying the heritage harm and weighing any harm against public benefits and planning balance, and the weight to be given to harm and benefits where referenced.
- 26.15 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, parking and access, public rights of way, meeting the challenge of climate change and flooding mitigation, conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenity.
- 26.16 National Highways as the strategic highway authority and Buckinghamshire Highway Authority as the local highway authority do not raise a 'severe' impact or unacceptable impact on highway safety having regard to paragraph 111 of the NPPF. There is some positive benefit resulting from the rights of way enhancements and provision of HGV parking, which are afforded limited positive weight.
- 26.17 In terms of aviation safety, Officers consider that this would not pose a significant risk in terms of air safety or of risks to those on the ground to justify a refusal on this ground.
- 26.18 In considering paragraph 11c) of the NPPF the proposal would conflict with the Development Plan, however given the most important policies are out of date this reduces the weight given to that conflict to moderate. Consideration is now given to paragraph 11d) which requires consideration to policies in the NPPF which protect areas or assets of particular importance which provides a clear reason for refusal of the application. Footnote 7 specifies those, of

which land designated as Green Belt and areas at risk of flooding are relevant to this proposal.

26.19 Turning firstly to Green Belt harm, the proposed MSA development is inappropriate development, and would result in significant spatial and visual harm to the openness of the Green Belt. The proposal would also conflict with one of the five Purposes of including land in the Green Belt resulting in moderate harm to purpose c). The MSA development would result in significant harm overall to the Green Belt which is afforded substantial negative weight.

26.20 The NPPF states at paragraph 148 that VSCs 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. The assessment of other harm and benefits are considered further below and the consideration of the VSC will follow on from that.

26.21 Turning to the risk of flooding, Officers conclude that taking all other factors into account as set out in the report above, the proposal would not meet the identified need due to an appropriate alternative for the proposed development available at another site, and fails the flood risk sequential test set out in accordance with paragraphs 161 of the NPPF. For a comparison of all main matters please see Table 9. There is a clear reason to refuse the application on this ground.

26.22 In addition to the harm already identified, other harm comprises: harm to character of the landscape and visual impacts which attracts considerable weight; Limited harm from the loss of Best and Most Versatile ('BMV') agricultural land; and failure to pass the flood risk sequential test due to not being an appropriate development to fulfil the need for a MSA as well as the site at Colne Valley (CV MSA).

26.23 Turning then to other material considerations and benefits, there is a clear need for an MSA in this section of the M25 and associated safety function and is a significant positive consideration.

26.24 Alternative land and sites for MSA provision have been considered as a material consideration. Officers consider that CSP2 would not be an appropriate development having regard to all the matters considered above to fulfil this need when considering the preferred site. Significant negative weight is given to this factor.

26.25 There are other benefits which are material considerations: economic benefits achieved through the creation of jobs and investment during, and

post, construction phases, with a Local Employment Strategy to maximise the opportunities locally, and this benefit is afforded significant weight. A net gain in biodiversity has also been demonstrated to be achievable, and this attracts moderate weight in the planning balance. A positive benefit resulting from the rights of way enhancements and provision of HGV parking are afforded limited positive weight.

Very Special Circumstances

26.26 Taking the above into account and in particular having due regard to the proposed CV MSA as an available, alternative appropriate site, to meet the need for a MSA in this quadrant of the M25, the benefits delivered by the proposed development are not sufficient to outweigh the identified harm to the Green Belt and harm to landscape, loss of BMV agricultural land and failure to meet the flood risk sequential test. "Very Special Circumstances" therefore do not exist.

26.27 Turning again to paragraph 11d)i. There is a clear reason for refusal on Green Belt.

Conclusion

26.28 The overall assessment sets out the harm, the benefits and other material considerations. When considering the overall balance, it is acknowledged that this is a matter of judgement and that the need for an MSA is an important factor. Officers in making a judgement consider that the proposal would conflict with the Development Plan as a whole. In the light of policies GB2 and GB30 not being wholly consistent with the NPPF moderate weight is given to this conflict having regard to paragraph 219 of the NPPF.

26.29 On the basis that Officers consider that the most important policies for determining the application are out of date, paragraph 11 d) of the NPPF is engaged. However, the policies of the NPPF relating to Green Belt and flood sequential test have been taken into account and Officers in making a judgement consider that there are clear reasons for refusing the development proposed in accordance with footnote 7 and the tilted balance does not apply.

26.30 Officers consider that material considerations as set out above do not indicate that the application should be determined other than in accordance with the development plan.

26.31 As set out above, the resolution recommended acknowledges that a final determination of the CSP2 MSA application will not be made at this stage in the light of the CV MSA report conclusions . 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. .

27.0 Equalities Act

27.1 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 an MSA that would meet the needs of motorway users. The services would be provided in a facility which is fully accessible for all visitors, regardless of any relevant protected characteristics as stated above and no discrimination or inequality is considered to arise from the proposal.

28.0 Human Rights Act

28.1 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.

29.0 Working with the applicant / agent

29.1 In accordance with paragraph 38 of the NPPF (2023) 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.

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

30.0 Recommendation

30.1 That planning permission be deferred and delegated to the Director of Planning and Environment for REFUSAL until the 1938 Act consenting procedures in respect of CV MSA and minerals applications have been given an opportunity to take their course. The reasons for refusal would be based on the following reasons:

1. The proposed development would constitute inappropriate development in the Green Belt which by definition is harmful. The proposed development would also result in significant harm to the openness of the Green Belt in both spatial and visual terms, and would conflict with Purpose c of including land within the Green Belt. Substantial weight is given to the 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. Having regard to the benefits arising from the proposal, the harm to the Green Belt and other harm is not clearly outweighed by the benefits such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposed development is therefore contrary to Policy GB2 and GB30 of the Chilterns Local Plan and the National Planning Framework.
2. The proposed development is of a scale and nature on an open green field site which would represent an obstruction in to open countryside and result in considerable adverse landscape character and visual impact of the immediate area, fundamentally altering its character and appearance contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan and the National Planning Framework.
3. The proposed development would fail to meet the flood sequential test in that there is a reasonably available appropriate site for the development proposed. The development would not be an appropriate site for the development proposed, with regard to local and national policies relating to flood risk. Accordingly, it would conflict with Policy CS4 of the Chilterns Core Strategy, Policy GC10 of the Chilterns Local Plan and Paragraphs 161 and 162 of the Framework.
4. Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a satisfactory Section 106 Agreement to secure the provision of planning obligations, including monitoring and financial contributions relating to footpath and cycle lane improvement, Biodiversity Net Gain, Security Group implementation and formation, security camera contribution, SuDs management and maintenance, employment and skills strategy and local procurement strategy; which are necessary to facilitate delivery of the proposed development and mitigate its impacts. In the absence of such provision the proposal is contrary to requirements of policies GC1, GC4,, NC1 and TR3, in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policies CS4, CS24, CS25, CS26, CS30, and CS32 of the Core Strategy for Chiltern District Adopted 15 November 2011, Policy PW11 of the Chalfont St Peter Neighbourhood Plan (2013 – 2028),

Buckinghamshire Biodiversity Net Gain SPD (2022) and the National Planning Policy Framework”.

- 30.2 Subject to planning permission being granted for the competing site planning application PL/20/4332/OA or on refusal of PL/20/4332/OA to refer this application back to the Strategic Sites Committee for re-consideration.
- 30.3 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.

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Appendix A Consultation Responses

Chalfont St Peter Parish Council

1. Introduction

- 1.1. These representations provide a response, on behalf of Chalfont St Peter Parish Council (CSPPC), to the outline planning application PL22/1411/OA.
- 1.2. The representations identify the relevant planning history for the site, the statutory planning policy and area constraints that are key considerations in determining the appeal. This is followed by a review and discussion of the merits of the application, followed by conclusions and a recommendation.

2. The Planning Application

- 2.1. An application for Outline planning permission is sought for the erection of a Motorway Service Area with all matters reserved with the exception of access from the M25, comprising a facilities building, fuel filling station, electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces, Sustainable Drainage Systems (SuDS)/attenuation, retaining structures and associated mitigation, infrastructure and earthworks/enabling works.
- 2.2. The application site is approximately 35.88 hectares according to the applicant. The site is almost entirely within Chalfont St Peter Parish apart from a small section in the south that is located within Gerrards Cross Parish. The application site is located entirely within the Green Belt and entirely within Colne Valley Regional Park.

3. Planning History

2019 Planning Application for a Motorway Service Area

- 3.1. A planning application for a Motorway Service Area was submitted by Extra (dated 28 June 2019) (Application Ref: PL/19/2260/OA) with the following description:

"The development proposed is the erection of a motorway service area with all matters reserved with the exception of access from the M25, comprising of a facilities building, fuel filling station, electric vehicle charging, up to 100-bedroom hotel, service yard, parking facilities, vehicle circulation, landscaping, woodland and amenity spaces, sustainable drainage systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and associated mitigation, infrastructure and earthworks/enabling works."

3.2. An appeal was made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission. [Buckinghamshire Council's Strategic Sites Committee resolved \(23rd June 2021\)](#) that the Members were 'minded to refuse' the application for a number of reasons:

- The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.
- The proposal would have substantial harm to the openness of the Green Belt, in both spatial and visual terms resulting in substantial erosion of openness, unrestricted sprawl, closing the gap between neighbouring towns and substantial encroachment into the open countryside. Such harm is afforded very substantial negative weight.
- The proposed development is of a scale and nature on an open green field site which would represent an obstruction in to open countryside and result in significant adverse landscape character and visual impact on the area of the development site, its immediate setting and the wider area, loss of best and most versatile agricultural land, and would result in less than substantial harm to the setting of the listed buildings at Mopes Farm and the public benefits do not outweigh the harm to the heritage assets.
- Having regard to the benefits arising from the proposal and the harm to the Green Belt and other harm resulting from the proposal, this harm is not clearly outweighed by other considerations. There are therefore no very special circumstances to clearly outweigh this harm.
- The proposal is contrary to the National Planning Policy Framework and Policies CS1, CS3 and CS4 of the Core Strategy for Chiltern District (2011), Policies GB1, GB2, GB30, GC1, LB1 and LB2 of the Chiltern District Local Plan (1997) (including alterations adopted 289 May 2001) Consolidated September 2007 and November 2011.

3.3. The Inspector dismissed the applicant's appeal (Appeal Ref: APP/X0415/W/21/3272171, Decision Date 17 November 2021). The Inspector's conclusions are summarised below:

- Any MSA in the north-west quadrant of the M25 would be highly likely to be on Green Belt land and would cause substantial harm to the Green Belt.
- In this case there is substantial harm to the Green Belt, significant harm to the character and appearance of the area, moderate harm caused by loss of the BMV agricultural land and limited harm caused by aviation safety.
- Conditions and the S106 would not be capable of mitigating the harm to an acceptable level.

- Although there would be some harm caused by the loss of a veteran tree, taken on its own, the need for the MSA and other benefits comprise wholly exceptional reasons to override the loss of a veteran tree.
- The issues of heritage assets, highway safety and accessibility, and pollution are neutral considerations in the planning balance.
- The economic, social and environmental benefits, taken together, are substantial. However meeting the need (for an MSA) is the most important benefit.
- Iver Heath MSA:
 - The other economic, social and environmental benefits from Iver Heath are capable of being similar to the appeal scheme given the availability of more than 35 ha of additional land for off-site enhancement.
 - The harm to the Green Belt and the landscape would be considerably less.
 - There would be no impact on the BMV land and aviation safety.
 - The other potential harms to veteran trees and heritage assets are unlikely to be matters that prevent an MSA coming forward at the Iver Heath site, notwithstanding the great weight that should be given to the conservation of heritage assets, including their setting.
 - There is a reasonable prospect that the Iver Heath site could be delivered in that there do not appear to be any insurmountable obstacles.
 - The CVMSA site may be lagging behind the appeal scheme in terms of resolving some technical issues. But, to my mind, it is worth giving a site, which is likely to be considerably less harmful to the Green Belt, the opportunity to run its course. This is in the context of the Government's imperative of protecting the Green Belt. On the assumption that planning permission is granted in the next 12 months or so, delays to the delivery would not be significant in the greater scheme of things.
- The substantial harm to the Green Belt by reason of inappropriateness and effects of openness and purposes, together with the significant harm to the character of the area, the moderate harm caused by the loss of the BMV agricultural land, and the limited harm caused by the loss of a veteran tree and to aviation safety, would not be clearly outweighed by other considerations to constitute very special circumstances.
- In principle, the need for an MSA in the north-west quadrant of the M25 is a benefit that should be attributed substantial weight, and along with other benefits, is capable of outweighing even a substantial amount of Green Belt and other harm. However, there is a reasonable likelihood that these benefits can be achieved in a

less harmful way by an alternative site. Therefore, the weight to the benefits of the appeal scheme is moderated.

- In addition, the Inspector attributed substantial weight to the harm to the Green Belt in accordance with paragraph 148 of the Framework. In doing there has to be a gradation of harms depending on the scale and particular location of development. In this case, due to the size of the MSA and its particular impacts, the harm is pushing towards the top of the scale of substantial harm.

1996 Planning Application for a Motorway Service Area

3.4. An earlier planning application for a Motorway Service Area submitted for land south of the appeal site. The application was refused. Details are as follows

- 96/08215/CM - Land forming part of Warren Farm, Denham Road and Denham Park Farm, Slade Oak Lane, proposed twin motorway service areas with provision for access from M25 (outline application) (that part being within South Bucks District).
- Reasons for refusal:
 - No very special circumstances have been demonstrated which would justify the reversal of national and local planning policies regarding Green Belt.
 - The site is located within the Colne Valley Park. The proposals would conflict with the aims of the Park and have a detrimental effect upon the amenities of the locality:
 - To maintain and enhance the landscape of the Park in terms of its scenic and conservation value and its overall amenity.
 - To resist the urbanisation of the Park and to safeguard existing areas of countryside from inappropriate development.
 - To conserve the nature conservation resources of the Park
 - The application fails to indicate how emergency and staff access is gained to the site. Any increased use of the narrow country lanes would necessitate road improvements which would be potentially damaging to the character of the area. Furthermore, such an increased use could adversely affect the amenities of the residents in Slade Oak Lane.

4. Planning Policy

National Policy Context

4.1. National Planning Policy Framework (2021)

Local Policy Context

4.2. The Development Plan for Chiltern District within Buckinghamshire currently consists of the following:

- 4.3. The saved policies of the adopted Chiltern District Local Plan 1997 include Policy GB2, which reflects the-then national Green Belt policy. The MSA proposal would not be in accordance with the policy - as inappropriate development that should be refused planning permission – _unless it can be shown that it would ‘preserve the openness of the Green Belt’ and ‘not conflict with the purposes of including land in it’ (criterion (b)(iv)).

Chiltern Core Strategy 2011

- 4.4. The adopted Chiltern Core Strategy 2011 likewise cross-refers to the-then current national Green Belt policy. It does not include a Green Belt, District-specific policy, stating in paragraph 14.4 that with regard to sites for new residential development and the Green Belt’s boundaries:

“As the Council has been able to identify land, there has been no need as part of this Core Strategy to review the review the boundaries of the Green Belt. Within the Green Belt, national policy will continue to apply”

Chalfont St Peter Neighbourhood Plan (adopted in November 2016)

- 4.5. The made Chalfont St Peter Neighbourhood Plan (2016) does not include a Green Belt policy either, referring to its extent – _and to that of the Colne Valley Park - in para. 2.10. Once again, it relies on current national Green Belt policy; one of the Plan’s Objectives (page 43) is to ‘conserve and enhance the Parish’s landscape and views’ and the Plan goes on to confirm:

“The designation of much of the Parish’s area as Green Belt provides strong protection from development...”

- 4.6. Policy PW11 has the objective of supporting the rural economy; together with its supporting text, it reads as follows:

“Proposals that involve the creation of new employment opportunities within the rural area will be supported so long as they accord with policies in the Neighbourhood Plan and higher level policies.

10.2 New employment in rural areas can have a significant impact on the appearance of the open countryside and the Green Belt. It is important therefore that any proposals for new employment accord with policies protecting the landscape and rural areas of the parish”.

- 4.7. The PC concludes from the statutory development plan that the Green Belt’s long-maintained boundaries in Chiltern that have endured throughout – in new plans and through Plan review - in the vicinity of the M25 confirm the site’s contribution to the Green Belt. The approach taken in each Plan has been and still is consistent with ever-evolving national policy.

- 4.8. The Chiltern and South Buck Local Plan (2036) was withdrawn on the 21st October 2020 on the grounds that it did not fulfil Duty to Cooperate with regard to meeting Slough Borough Council's unmet housing need.
- 4.9. CSPPC notes from its comments on the current planning application that the Buckinghamshire Council's Planning Policy team considers that the proposed development is not in accordance with the development plan:

"...the overall Policy conclusion is that the proposed development is not in accordance with the development plan and that very special circumstances will need to be justified to consider allowing an exception to normal Green Belt policy to allow the proposed motorway services."

5. Green Belt

- 5.1. The entirety of this development proposal falls within Green Belt. CSPPC recognises that policy relating to proposals in the Green Belt have not changed since the applicant's appeal that was dismissed in November 2021. Development is proposed on both the western and eastern side of the M25 and despite the applicant's attempts to justify that its proposals are now 'less harmful' in Green Belt terms, the fact still remains that the proposals constitute inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt¹. The proposals do not constitute very special circumstances and the merits (and material considerations) of the proposals do not outweigh the level of harm to the Green Belt². The fundamental aim of Green Belt is to prevent urban sprawl but keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence³. It is clear to CSPPC that the proposals are fundamentally at odds with this aim of the NPPF and forever alter the openness of the area.

Land West of the M25

- 5.2. The land proposed for development west of the M25 is considered to contribute strongly to the Green Belt (as stated within the Buckinghamshire Green Belt Assessment Report, 2016). Parcel 44b, to which the development is located within, also scored '5' (the highest possible score) for its contribution to Purpose 3 (assist in safeguarding the countryside from encroachment) of the NPPF. The parcel also notably scored a '3' (out of 5) against Purpose 1 (preventing urban sprawl) and Purpose 2 (preventing neighbouring towns from merging) due to its role forming a wider gap and visual separation between the settlements of Chalfont St Peter and

¹ NPPF Paragraph 147

² NPPF Paragraph 148

Maple Cross. The parcel was not recommended for further consideration in that study.

5.3. In his report the Inspector for the previous appeal states:

*"With regard to the visual dimension of openness, that part of the appeal site to the west of the M25 comprises a chalk valley cutting through rolling farmland. The open land extends between the M25 and Denham Lane, the latter forming the eastern extent of Chalfont St Peter. The MSA would involve a significant incursion of built form and infrastructure into this open landscape together with a marked change in landform."*⁴

Land East of the M25

5.4. The land east of the M25 falls within Parcel 40b in the Green Belt study. In the study it scored a '3' (out of 5) against Purpose 2 (preventing neighbouring towns from merging) as it forms the wider gap between Denham Green and Maple Cross preventing development that may reduce the perceptual and actual distance between the two settlements. The study notes how the parcel maintaining the overall openness of the gap between Denham Green and Gerrards Cross / Chalfont St Peter to the west.

5.5. In respect of Purpose 3 (assist in safeguarding the countryside from encroachment) the parcel scored a '3' noting that *"there is a marked transition in the character of the landscape from north to south"*. It states that *"the north of the parcel retains a largely unspoilt rural character with a rolling landscape characterised by large, open agricultural fields"* and that *"as a result of local topography and the high level of openness, there are often long vistas across the wider countryside"*. The proposals are located within this northern part of the parcel therefore this assessment applies to the development proposed in this location.

5.6. The Inspector considered that with only limited development on the land east of the M25 in the form of slip roads and the bridge over the M25 that it would have some effect on the openness of the land. Clearly with the main MSA facilities now being proposed east of the M25 the current proposals do now have a significant effect on the openness of the land. The Inspector's consideration of the eastern parcel also assumed that most of the area would remain open with swathes of meadow and woodland planting – not a new MSA development.

*"The area to the east of the M25 is already close to major works associated with HS2 and crossed by overhead power lines. Moreover, most of the area would remain open with swathes of meadow and woodland planting. In this context the provision of slip roads and the bridge over the M25 would have some, but not a significant, effect on the openness of this parcel of land."*⁵

- 5.7. As referred to above, the 1996 planning application (96/08215/CM) for a motorway service area slightly south of the planning application in question (although also situated entirely within the Green Belt) was refused on the grounds that *“the proposal involves commercial development in the Green Belt as described in the adopted Buckinghamshire County Structure Plan 1991-2011 and as shown in the adopted Local Plan for South Bucks and the South Bucks District Local Plan Deposit Version 1996 in which there is a general presumption against development in the Green Belt with certain exceptions. Motorway Services Areas are not one of the exceptions. No very special circumstances have been demonstrated which would justify the reversal of central government and local planning policies for the Green belt in this instance”*.
- 5.8. The presumption against development in the Green Belt remains unchanged and therefore any divergence from this would conflict with the recent appeal decision, the local authority’s evidence on Green Belt in addition to local and national policy existing policies.

6. Alternative MSA Proposal at Iver Heath

- 6.1. The Inspector for the MSA appeal at Warren Farm considered the merits of the that proposed scheme as well as the merits of the MSA proposals located between M25 junctions 15 and 16 near Iver Heath (Application PL/20/4332/OA known as the Colne Valley Motorway Service Area (CVMSA). He made a number of key conclusions in his report.
- 6.2. The Inspector considered that the landscape and visual harm of an MSA on the Iver Heath would be considerably less than an MSA in the location of the current application site. And whilst he confirmed that the CVMSA site is for someone else to decide including whether the very special circumstances test is passed his final conclusion was that the CVMSA provides similar benefits but with less harm as referenced below:

“Of particular note is the different relationship with users of the M25 - those passing the appeal site would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.”⁶

“The decision on the CVMSA site is for someone else, including deciding whether the very special circumstances test is passed. I can only make a judgement on the comparative merits. However, based on what is before me, the CVMSA site would provide similar benefits but with appreciably less harm.

Therefore, the feasible alternative of the CVMSA site is a weighty other consideration.”⁷

- 6.3. He acknowledged that although the CVMSA site may be lagging behind in terms of delivery that given the fact that it was considerably less harmful to the Green Belt that it should be given the opportunity to “run its course”. He refers to a potential time horizon of 12 months for a planning permission being granted. His report is dated 17th November 2021 therefore it is still within the twelve month period.

“There is a reasonable prospect that the Iver Heath site could be delivered in that there do not appear to be any insurmountable obstacles. The CVMSA site may be lagging behind the appeal scheme in terms of resolving some technical issues. But, to my mind, it is worth giving a site, which is likely to be considerably less harmful to the Green Belt, the opportunity to run its course. This is in the context of the Government’s imperative of protecting the Green Belt. On the assumption that planning permission is granted in the next 12 months or so, delays to delivery would not be significant in the greater scheme of things.”⁸

- 6.4. In any event, Buckinghamshire Council will need to assess whether there are very special circumstances for the CVMSA. In terms of the current application at Chalfont it is already clear from the previous Warren Farm Inquiry and Inspector’s decision that very special circumstances do not exist at this location.

7. High Speed 2 (HS2)

- 7.1. The application site located east of the M25 is adjacent to the HS2 Chiltern Tunnel (southern portal) and within the HS2 area known as the Colne Valley Western Slopes. According to the applicant the application site (east of the M25) is temporarily being used for stockpiling excess material whilst HS2 is being constructed.

- 7.2. The HS2 proposals are clear that the approved HS2 proposals and its design respond positively to the character of the Colne Valley, which is highly valued by the community, and that its proposals seek to conserve, enhance, restore; and transform:

“The design has responded positively to the character of the Colne Valley, which is highly valued by the local community. The design has followed the general approaches (as applicable) in the HS2 Landscape Design Vision, which are to:

Conserve; Enhance; Restore; and Transform.”⁹

7.3. The approved HS2 Masterplan (see Figure 1 below) indicates the application as 'Land Returned to Agricultural'. The HS2 proposals were designed carefully through considerable local engagement and independent design review. To clarify, CSPPC opposed the HS2 proposals in this location due to the impact of the development in this sensitive and vulnerable location. Colne Valley Park Community Interest Company (CIC) were also opposed to the HS2 project.

7.4. The preparation of the carefully considered design including its landscape, environmental impacts never involved the option of introducing an MSA west of the HS2 site. It was clearly important to restore the land to its natural state to help mitigate the impact of the development. Clearly introducing an MSA in this location conflicts with the HS2 Design Vision and Masterplan and the HS2 proposals were considered and approved with the area in question being restored as agricultural land and not an MSA that will result in a range of additional negative impacts to the area.

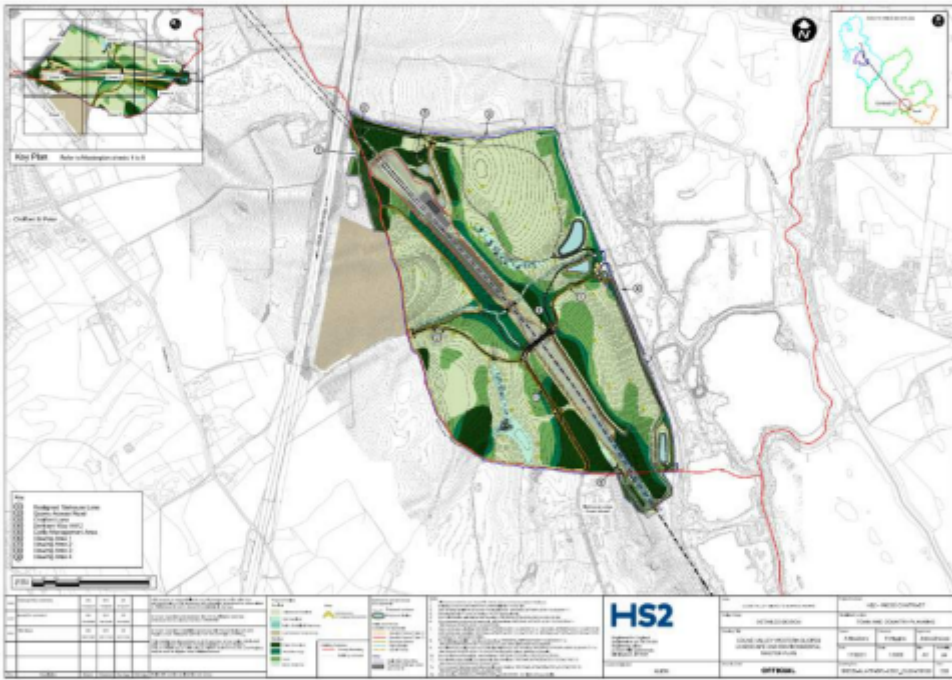


Figure 1: HS2 Masterplan Application Ref: PL/21/0591

7.5. The HS2 Colne Valley Western Slopes Legacy Design Vision compares a 'before and after' of the current situation in 2020 with that of 2040 once the restoration of the area has matured (see below). Any introduction of an MSA east of the M25 (along with associated new infrastructure west of the MS25) would clearly conflict with this legacy project and the openness of land both east and west of the M25 where the application site is located.



Figure 2: HS2 Colne Valley Western Slopes Design Vision (Part 2) Application Ref: PL/21/0591

7.6. The applicant claims that only 20% of the land will be capable of being reinstated to its former agricultural quality due to compaction and weather conditions affecting displaced soils:

“The reinstatement of agricultural land after construction works does not usually lead to land of the same quality, due to compaction and weather conditions affecting displaced soils. It is likely that only 20% of such land would be reinstated to the same quality after HS2.”¹⁰

7.7. However, this is not corroborated by HS2 as part of its planning application where it states that agricultural soil will be reinstated to similar profiles to those originally present to maintain agricultural quality.

“Where agricultural restoration is proposed, soils will be reinstated to similar profiles to those originally present to maintain agricultural land quality.”¹¹

7.8. In any case there does not appear to be any technical assessment provided as to the following details. Instead, it appears the applicant has jumped to a conclusion that most of the land will not be suitable for agricultural

- a) What area of the land is currently being used temporarily used to stockpile materials;
- b) What materials are and have been stockpiled on the site;
- c) How long have the materials been stockpiled;
- d) What impact the stockpiling of materials has had on the land and soil; and

- e) Based on the above a-d what type of agriculture the site could support in the future

7.9. Critically, the site could of course be used for other uses if the above technical analysis were to prove conclusive that the land is not suitable for agricultural use. Alternative uses could be land for the use of biodiversity (for example) and further improve the pedestrian and visitor experience to the area as well as further improve the qualities of the Green Belt and CVRP in this location.

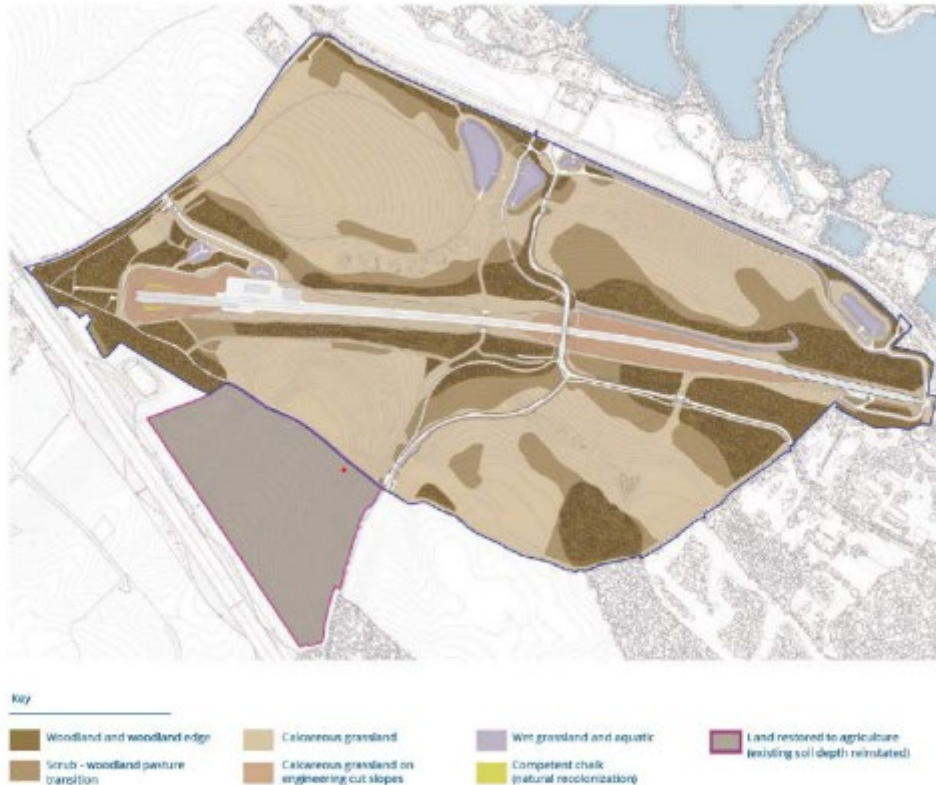


Figure 3: HS2 Environmental Design (Part 1), Soil Profile Plan Figure 5.13 Application Ref: PL/21/0591

7.10. We note from the HS2 Drainage Strategy that the application site is adjacent to the north west quadrant of the Colne Valley Western Slopes and that the runoff from this area will be allowed to 'discharge freely'. It is currently unclear, as far as we can tell, from the applicant's application how the drainage strategy of HS2 and that

of the application site would function together. This is clearly a concern given the sloping character of the area and the likely drainage impacts

“The landscape area to the west of the HS2 alignment (north west and south west quadrant) and runoff from the material placed in the South East Quadrant will be allowed to discharge freely.”¹²



Figure 4: Drainage Strategy for Colne Valley Western Slopes. Written Statement. Application Ref: PL/21/0591

HS2 Comments

7.11. We note from the HS2 response to the current planning application that it has a number of concerns about the proposals. Perhaps most critical of the concerns is that HS2 considers that there are *“key interfaces of concern between HS2 and the revised MSA scheme proposals”* that the applicant will need to consider in cumulative effect terms with HS2 including:

- Contouring
- Noise Impacts
- Light Impacts

7.12. HS2 goes on to say in its comments that "As a committed project in that location, planning policy dictates that the HS2 completed scheme should be fully taken into account by the developer".

- The applicant seems to have overlooked potential synergies regarding retaining existing slip road which could significantly reduce the carbon impact of the proposed development
- The application refers in its Framework Travel Plan (section 4.6) to the existing HS2 access to the north and east of the application site and how the developer will work with the LPA and Highways Authority to retain these local connections. However, HS2 explains that the northern access are the slip roads for which an Undertaking / Assurance is in place to remove once HS2 works are completed and the eastern access is also the quarry access road for which a legal agreement is to be entered into between HS2 Ltd and Three Rivers District Council to remove.
- HS2 states that whilst proposed draft planning conditions included as Appendix 1 of the planning statement now relate to a different site and proposal, the vast majority remain relevant and, crucially from an HS2 interface perspective, the HS2 condition requested in HS2's consultation response to the previous application is still included. The condition is for the requirement of a detailed Design and Construction Method Statement(s) to be submitted and approved by the LPA and that it must include arrangements to ensure any concurrent taking place of both developments that the HS2 works are not impeded. The reason for the condition is "To ensure the works do not prejudice the construction of HS2".

7.13. The comments from HS2 are concerning and strongly suggest that HS2 considers that the applicant has not taken into account the cumulative effect of the HS2 proposals with its own.

8. Colne Valley Regional Park (CVRP)

8.1. At the time of preparing these representations Colne Valley Regional Park has not submitted its response to the planning application and it is understood that these will be submitted in early July. CSPPC makes the following comments in respect of the impact of the proposals on the CVRP without prejudice ahead of CVRP's comments.

8.2. CSPPC considers that the application proposals directly conflict with the Vision and Objectives of the CVRP.

8.3. The Vision for the Regional Park states how it will look by 2050:

"In 2050, the Colne Valley Regional Park is a network of high-quality countryside, villages, green spaces, lakes and waterways.

It forms a unique and precious green buffer immediately to the west of London, centred on the River Colne and the connected waterways, lakes and canals. Water quality, flow and condition throughout is improved and exceeds all statutory requirements. The Park has a high profile and fulfils its enormous potential as a regionally significant destination for recreation and relaxation.

The Colne Valley Regional Park is a vibrant, living entity vital to good health and overall well-being: an important environment, rich in wildlife, in which people live, work and play, and one that actively encourages farming and forestry to thrive."¹³

8.4. The Objectives for the Park are as follows:

- **Landscape:** *To maintain and enhance the landscape, historic environment and waterscape of the park. Comment: the landscape will be significantly impacted by the MSA proposals.*
- **Countryside:** *To safeguard the countryside of the Park from inappropriate development. Where development is permissible the Park will encourage the highest possible standards of design. Comment: The proposals represent inappropriate development both in Green Belt terms and in countryside terms.*
- **Biodiversity:** *To conserve and enhance biodiversity through the protection and management of species, habitats and geological features of the Park. Comment: Clearly the impacts of an MSA east and west of the M25 will have a negative impact on biodiversity.*
- **Recreation:** *To provide opportunities for countryside recreation and ensure the facilities are accessible to all. Comment: The proposals will have an impact on the experience of users of the Public Rights of Way surrounding the proposed scheme and the introduction of an MSA and its infrastructure will detract from the countryside character.*
- **Rural Economy:** *To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of this precious area of the countryside. Comment: The proposals undermine the rural character of the area and conflict starkly with the objective of creating a vibrant and sustainable rural economy including farming and forestry.*
- **Community:** *To encourage community participation including volunteering and environmental education and promote the benefits of health and social well-being afforded by access to high quality green space. Comment: The*

¹³ <https://www.colnevalleypark.org.uk/whats-special/>

proposals will result in the degradation of green space and there is no environmental educational proposals proposed as far as we are aware.

- 8.5. It is clear that the proposals directly conflict with the overall Vision for the Park as well as all of its Objectives. The proposals, if approved and delivered, would create significant harm to the Park and its purposes.

9. Transport, Emergency Access, Sustainability and Parking

National Highways

- 9.1. SPPC notes that National Highways has requested clarification and further technical documentation from the applicant on a number of important matters. As a result, it has issued a 'holding recommendation' and requested that the Council not determine the planning application for a period of 56 days (until at least 27th July) or until such time as National Highways is able to submit an alternative response.
- 9.2. National Highways explains in its response that it is interested in the potential impact upon the M25 and has undertaken a review of the submitted Transport Assessment (April 2022) and other relevant planning documents by the applicant. It is interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN during construction and operation of the MSA.
- 9.3. CSPPC is concerned that such fundamental assumptions and analyses have not been undertaken by the applicant at the point of submitting its planning application.
- 9.4. These include for instance a considerable difference in the number of parking spaces for the staff of the MSA which National Highways estimates is currently 65 parking spaces short which is nearly double what the applicant is providing. It also raises a key point about the need for the applicant to base its daily visitor flows on the latest (post covid) forecasts which is likely to require a significant increase in visitor parking as well.
- 9.5. National Highways rightly points out that there is indeed potential that HS2 and the MSA could have construction works simultaneously and therefore it requires an assessment of how these would interact.
- 9.6. Clearly these changes in assumptions have the potential to have considerably greater and 'severe impacts' on the M25 (and the Green Belt, landscape etc) and have not yet been properly tested by the applicant.
- 9.7. In its current response National Highways raises issues about the applicant's assumptions used and requests further information:
- Turn-in Rates

Recommends that additional sites are considered to gain more confidence in the turn in rates.

- **Parking Requirements:**

Considers that 38 staff car parking spaces is not adequate explaining that there will be a maximum of 411 staff on site at once. This would require a car driver mode share of 9% which is not reasonable. It points to the Colne Valley MSA car driver mode share assumptions which are 25% - this would result in the need for 103 staff car parking spaces.

Parking provision for visitors to the MSA are based on pre Covid daily flows (DfT Circular 02/2013). However, the applicant should be using the 2025 forecasts which shows a daily increase of 178,000 of which 20,100 are HGVs. This will increase the number of parking spaces required.

- **HS2 Traffic:**

The Transport Assessment assumes that HS2 will be completed by late 2024 and that key civil engineering works there will have been completed before the construction of major works of the MSA. However, National Highways considers there is potential for there to be a short period where both HS2 and the MSA are being constructed concurrently and it requests an assessment of how both would interact in terms of traffic impacts and the source data for information regarding the assumptions of the HS2 activities.

- **Construction Traffic:**

National Highways requests a draft version of the applicant's detailed Construction Traffic Management Plan is made available so it can review the haulage route.

- **Swept Path Assessment:**

No vehicle tracking exercise has been undertaken or provided with in the TA. National Highways recommends that these assessments illustrating the access arrangements are provided.

- **Highway Drawings:**

Further details are requested regarding the access and grade separated junction that crosses over the M25 (including AutoCAD format) so that proper checks can be conducted and design standards / guidance used can be established.

Emergency / Secondary Access

9.8. The application does not include emergency or secondary access. As explained in the Transport Assessment *"once operational, all access, including employees and emergency vehicles will from the mainline"*. There appears to be no detailed consideration of emergency access in the Transport Statement or any justification for not including one. Given the very detailed consideration of this topic at the previous Inquiry it seems odd to CSPPC that the current proposals are almost absent from its consideration. We request further information and request that justification is provided by the applicant on this matter.

Sustainability

9.9. The NPPF states that *"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued"*¹⁴

9.10. With no secondary access there is no potential opportunity for employees to access the site by public transport, walking or cycling. The applicant estimates that there will be 310 FTE jobs at the MSA who will need to drive to work.

9.11. In its Sustainability Statement¹⁵ the applicant explains that it *"will encourage the use of the surrounding network of footpaths, in addition to increasing pedestrian accessibility to the Site area. This could include:*

- *Onsite footways, pedestrian / cyclist access;*
- *Provision of secure cycle parking;*
- *Provision of improvements to the surrounding existing cycle and pedestrian pathways, connecting the site to surrounding areas and wider cycling routes"*

9.12. However, according to the Transport Assessment all employees must use the M25 for access to the site. Therefore, it is entirely unclear from the documentation whether access to footpaths and cycle paths are proposed or not.

9.13. The applicant's Sustainability Statement states that *"due to the nature of the Proposed Development to provide facilities for existing motorway users, additional trips will not be generated beyond staff movements. The proposed MSA may generate some road traffic (e.g., staff trips), however this is likely to be small and not significant"*.¹⁶

9.14. Firstly, there are an estimated 411 staff that will be on site at once. This is not a 'small and not significant' additional number of trips each day. Additionally, there will be delivery vehicles accessing the site therefore we consider the applicant has not seriously considered the actual transport impacts of the proposals.

Parking & Electric Vehicle Charging Points

¹⁴ NPPF Paragraph 104

¹⁵ Sustainability Statement, Table 11.1

¹⁶ Sustainability Statement, Paragraph 11.2.1

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- 9.15. Notwithstanding the valid points raised by National Highways regarding the unreliable assumptions made by the applicant regarding parking requirements, there are significantly less parking spaces proposed than that of the previous appeal application. The current application proposes a total of just over 1,000 parking spaces (by our estimation) whereas the appeal application proposed around 1,300 parking spaces. The most notable difference is that the current application proposes around 270 less light vehicle spaces. There are 58 less HGV spaces proposed, and 4 less coach spaces proposed. If the National Highways representations result in further work demonstrating that more parking capacity is required, this will undoubtedly alter the non-parking related development capacity of the site and have knock on impacts to the masterplan with less land available for mitigation measures.
- 9.16. We note that the Transport Assessment does not provide a parking plan that contains any detail for one to review or assess. It states that *"The illustrative masterplan is provided in Appendix D"*. When one views that masterplan document the key for all "Proposed parking and road network" is coloured grey and there is no further breakdown or indication which area is proposed for any of the different parking facilities including 759 light vehicle spaces, where the 38 disabled spaces will be located or where the 142 HGV space are located. Without such information one cannot ascertain whether there will be the required capacity or whether the potential layout is suitable.
- 9.17. The Transport Assessment fails to specify the number of EV charging points that will be provided with the scheme. It simply states that "Electric Vehicle Charging Points within the light vehicle parking area". It then suggests that a planning condition handles this issue. However, the quantum and location of EV charging points should be clearly stated and illustrated in the current application.

Denham Park Farm Quarry

- 9.18. We note that the Denham Park Farm Quarry is located to the south of the site. The applicant's Transport Assessment makes no mention of the quarry despite the fact that the quarry has been operational since 2017 and as we understand it (and as noted in the applicant's planning statement) has a permitted phased plan for extraction and restoration over a 20 year period.
- 9.19. It is entirely unclear as to how the operation of the quarry and associated movements have been considered in the applicant's proposals and documents submitted.

10. Public Rights of Way

- 10.1. The appeal Inspector concluded that the previous proposals which, like these current proposals, involve a significant incursion of built form and infrastructure into the open landscape together with a marked change in landform, would be clearly perceived by users of the footpath and by the many motorists on the M25. The Public

Rights of Way (PRoW) around the application site are also significant in this location (both east and west of the M25).

- 10.2. As stated in the Design and Access Statement the area around the site has a high density of existing PRoW and are very well used by the local community and visitors.

“The area around the site has a high density of public rights of way that are enjoyed by the local community and visitors. These are illustrated on the figures showing Existing Public Rights of Way (below).”¹⁷

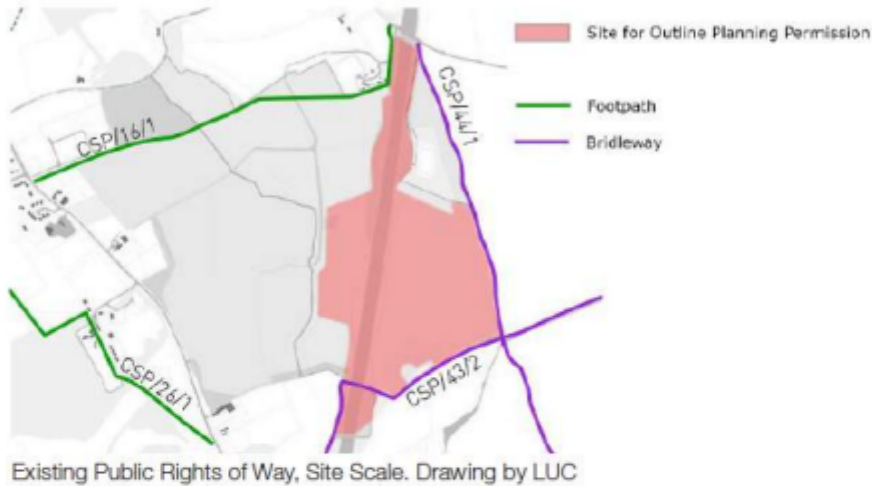


Figure 5: Existing Public Rights of Way (PRoW), Design and Access Statement

“There are two recreational routes along the eastern (CSP/44/1 – Old Shire Lane) and southern site boundaries (CSP/43/2 – South Bucks Way), a local route along the northern boundary (CSP/16/1). The South Bucks Way continues east of the site from Denham Lane (CSP/26/1), see figure Existing Promoted Public Rights of Way, Site Scale”¹⁸

¹⁷ Design and Access Statement (Section 2.1)

¹⁸ Design and Access Statement (Section 2.1)



Figure 6: Existing Promoted Public Rights of Way, Design and Access Statement

11. Landscape and Visual Impact

- 11.1. The application includes a Landscape and Visual section of the Environmental Statement (Vol 1 Chapter 7).

Landscape

- 11.2. Within that report it states that:

"All physical changes are limited to the area of the Site and will not have a direct impact on the wider landscape"¹⁹

- 11.3. CSPPC considers that the introduction of an MSA which develops both the west and east side of the M25 will clearly have an impact on the wider landscape.

- 11.4. The applicant's report also argues that:

"In terms of landscape character, the scale of disturbance to the Site is relatively limited and will be experienced in the context of the existing motorway corridor and HS2. Furthermore, parts of the landscape which

¹⁹ Environmental Statement Vol 1, Chapter 7 Landscape and Visual Paragraph 7.9.19

*were subject to the HS2 construction activity (which includes the Site) will be relatively 'new' in their appearance*²⁰

11.5. CSPPC questions how the scale of disturbance to the Site could be determined by the applicant as 'relatively limited'. The west of the M25 is undeveloped Green Belt and countryside which is proposed for development as roads with a constant stream of motorway and service vehicle traffic. The applicant also appears to downplay the restoration measures HS2 will be implementing at the Colne Valley Western Slopes saying that they will be relatively 'new' in their appearance. This assumption and statement fail to consider and appreciate the design vision by HS2 for the restoration and improvement of the area in question. The applicant should be assessing landscape impact on the basis of the HS2 restoration work being fully delivered and not on its 'new' appearance – particularly given that the application site itself is part of the restoration project.

11.6. As stated above, the proposals do indeed extend into the surrounding areas in terms of landscape impact. The applicant attempts to argue that the impact beyond the application site is limited due to it being well contained by existing well defined boundaries however there is little evidence demonstrating these boundaries:

*"For a localised section of the motorway network, the associated infrastructure of the slip roads, operational MSA, layout and related elements (such as lighting) will each extend the character of the motorway infrastructure into the adjacent landscape, however this is very limited and both to east and west is contained by existing, well-defined boundaries. Such impacts are balanced by the approach to the design, which seeks to integrate the Proposed Development into the landscape through use considered mitigation."*²¹

Visual

11.7. The applicant concludes that views of the Site and of the Proposed Development are restricted to a relatively limited areas in the immediate context of the Site and from locations close to the Site boundaries conceding that there are some cross valley views from the east. The applicant identifies a number of 'representative visual receptors' including the following²²:

- Near distance recreational receptors such as walkers using the network of rights of way adjacent, and in close proximity to, the Site. Largely restricted to the public footpath to the west (CSP/16/1) and public bridleway to the east (CSP/44/1) (also the route of the Old Shire Lane and South Bucks Way);

²⁰ Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.20

²¹ Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.21

²² Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.24-25

- Recreational receptors such as walkers using the network of public rights of way further afield, particularly the routes (and common land) to the east near Harefield, but also to the north, on the edges of Maple Cross;
- Receptors associated with the edges of the local settlements, including Maple Cross and Harefield, and to a lesser extent South Harefield and Chalfont St Peter; and
- Users of the local transport network, but largely limited to Denham Lane, the M25 and Denham Way, as well as Park Lane further to the east.

11.8. The applicant concludes that the highest magnitude of visual impact and significance of effect are from locations directly adjacent to the Site or very close to the site stating that:

*“Notwithstanding the significance of effect from close proximity to the Proposed Development, all views show that the landscape and visual strategy has the potential to avoid or minimise visual (and landscape) impacts and result in a reduction in the significance of visual effect in the medium to long term (i.e. as landscape proposals become fully established)”.*²³

11.9. The experience of users of walkers using the Public Rights of Way (PRoW) and common land along with views from the edges of settlements and the M25 should not be underestimated by the applicant or by the Council. The Inspector for the Warren Farm MSA Appeal considered these points in his report:

*“These changes would be clearly perceived by users of the footpath which runs near to and across the northern part of the site and by the many motorists on the M25. Drivers on the M25 would have their eyes on the road ahead and would also anticipate seeing MSAs at regular intervals. That said drivers would have some appreciation of the surrounding open landscape. Moreover, passengers would be more likely to enjoy the passing open countryside preserved by Green Belt.”*²⁴

11.10. The Inspector concluded that the development would lead to “inevitable major landscape and visual effects which it not possible to mitigate and that it would result in significant harm to the character and appearance due to its landscape and visual effects.

“However, notwithstanding these factors, the particular location of the development leads to inevitable major landscape and visual effects which it is not possible to mitigate. In this case the development would result in significant harm to the character and

²³ Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.30

²⁴ Warren Farm MSA Appeal Decision Reference: APP/X0415/W/21/3272171, Paragraph 15

*appearance of the area, by reason of its landscape and visual effects.*²⁵

- 11.11. He also concluded that it was not compliant with the Local Plan (Policies GC1 and GC30) as it failed to recognise the intrinsic character and beauty of the countryside and would not relate well to landscape features, not integrate into the rural setting and not conserve the scenic beauty or amenity of the landscape:

“As a result, the development would not recognise the intrinsic character and beauty of the countryside and would conflict with Policies GC1 and GB30 of the Chiltern District Local Plan (CDLP) as it would not relate well to landscape features, would not be well integrated into its rural setting and would not conserve the scenic beauty or amenity of the landscape.”²⁶

- 11.12. CSPPC considers that the current application should be refused on the same landscape and visual impact grounds.

12. Air, Noise and Light Pollution

Cumulative Impact (HS2, Denham Park Quarry)

- 12.1. National Highways and HS2 have submitted in their representations to this application fundamental concerns about whether / how the applicant has taken into account in its assessments and plans the construction of HS2 alongside the impacts of the construction and operation of the MSA if they were to coincide. CSPPC shares these concerns of National Highways and HS2. CSPPC has raised the same issue in relation to Denham Park Quarry which has a permitted phased plan for extraction and restoration over a 20 year period.

- 12.2. CSPPC would like to point out the need for the applicant to take into account the proposed MSA, HS2 and Denham Park Quarry in its assessment of Air, Noise, and Light Pollution as the impact of the MSA will result in a serious impact on its own but in reality, the impact of all three of these developments being constructed / in operation simultaneously will clearly be far greater in terms of its impact on the area. CSPPC requests evidence from the applicant on the cumulative effect of the development in this area to be provided.

Transport Assumptions

- 12.3. As set out in these representations National Highways has requested and challenged the applicant on its assumptions and reports in relation to the SRN. One of its queries is in relation to an apparent gross underestimate of employee parking provision. If the application is to be altered to include, for example, more parking

²⁵ Warren Farm MSA Appeal Decision Reference: APP/X0415/W/21/3272171, Paragraph 33

²⁶ Warren Farm MSA Appeal Decision Reference: APP/X0415/W/21/3272171, Paragraph 34

and additional movements then clearly the air, noise and light pollution evidence also needs to be updated to reflect this.

Air Pollution

12.4. The applicant states that it considers that HS2 *“key civil engineering works are due to be completed late 2024...with the current South Portal compound being demolished in early 2025”* and that the MSA is likely to be in construction in 2025 following the hand over²⁷. It then goes on to say that due to lack of overlap between major works that the cumulative impacts of HS2 in combination with the MSA are not significant:

“Due to the lack of overlap between major works, it is not considered that the cumulative impacts of HS2 in combination with the MSA scheme will be significant”²⁸

12.5. As stated previously, the applicant should not rely on the assumption that HS2 will be effectively completed in late 2024 and ‘handed over’ in 2025 and as a result it feels it can ignore the cumulative impact of the two developments in its assessments.

12.6. On the basis of the application only being in outline, there seems to be less than expected information on pollution matters. Consideration seems to have only been given to the impacts of dust, fine particulate matter and for pollution concentrations of NO₂, PM₁₀ and PM_{2.5} have only been considered for the nearby existing sensitive human receptor (Orchard Caravan Park). Air quality impacts for the wider Denham Lane area in the Chalfont St Peter area seem not to have been considered. It would appear that the mitigation proposed focuses on an appropriate Construction Environmental Management Plan and EV charging points – disproportionately small measures in the PC’s estimation.

Noise Pollution

12.7. The applicant’s Noise and Vibration Assessment identifies the ‘Noise and Vibration Sensitive Receptor Locations’ which includes locations up to 1.2 km from the proposals. It only identifies one location west of the M25 (Avery Cottage, Denham Lane) presumably as the applicant is measuring distances from the main MSA area and not the proposed transport infrastructure west of the M25. This surely cannot be a robust approach given the noise impacts that will result from the infrastructure being constructed and operated west of the M25.

12.8. As one can see from our basic measurement from the proposed transport infrastructure west of the M25, a 1.2 km distance is nearly in the centre of Chalfont St Peter Village.

12.9. CSPPC therefore considers that the findings of the Noise and Vibration Assessment cannot be relied upon and will need to be revisited. There will clearly be

²⁷ Environmental Statement, Vol 1 Chapter 15 Air Quality Paragraph 5.2.2

²⁸ Environmental Statement, Vol 1 Chapter 15 Air Quality Paragraph 5.2.2

considerable noise and vibration impacts from the MSA development both west and east of the M25 which does not appear to have been properly assessed.

Table 14.5: Existing Noise and Vibration Sensitive Receptor Locations

Receptor	Bearing from Site	Approximate Distance Between Development Area and Receptor	Grid Reference		
			x	y	
Nearest to the location of the Proposed MSA					
ESR1	The Orchards Gypsy and Traveller Site off Shire Lane	North	220m	501996	191421
ESR2	Aviary Cottage, Denham Lane, Gerrards Cross. SL90 0QH	South-west	340m	501570	190234
ESR3	Hill House, Chalfont Ln, West Hyde, Maple Cross, Rickmansworth. WD3 9XN	North East	810m	502960	191516
ESR4	Corner Hall, Old Uxbridge Rd, Rickmansworth. WD3 9YA	East	990m	503379	190975
ESR5	2 Colne Cottages, Old Uxbridge Road, West Hyde. WD3 9YB	South East	1.2km	503547	190393
ESR6	Cedar Grange, Tilehouse Lane, Denham. UB9 5DG	South East	1.1km	503234	189993

Figure 7: Environmental Statement, Noise and Vibration, Table 14.5



Figure 8: 1.2km Distance Measurement from development west of M25 (Source: Google Maps)

Light Pollution

12.10. It was not possible to locate a detailed Light Pollution study in the applicant’s submission setting out a detailed lighting impact of the proposals and proposed

mitigation. This is concerning to CSPPC given the likely severe light pollution impacts of a new MSA that will be running 24 hours a day.

- 12.11. The applicant's 'Sustainability Statement' includes a table titled 'Air Quality and Environmental Pollution Initiatives' which includes five brief bullet points explained as "*The following measures will be considered at the detailed design stage in order to align with industry best practise for the mitigation of impacts of external lighting*":
- *Use of optimised optics, minimal inclination, and minimal heights.*
 - *Non-essential lighting is switched off (occupancy sensing) at a pre-determined curfew time, suggested as 23:00.*
 - *All lighting used around the perimeter will be mounted so the photometric distribution is towards the task area, preventing artificial light spillage.*
 - *Consideration of ecological habitats and the direction of luminaire away from these areas. Adopting a light quality in form of LEDs (<2700K and >550nm) to emit minimal UV and blue light. Post installation shielding could also be used.*
 - *Retention of trees around the site perimeter.*"²⁹
- 12.12. Whilst these measures would be welcomed, they are generic mitigation measures and place all the emphasis on the detailed design stage which is clearly too late in the process to assess the development's lighting impact at the outline stage.
- 12.13. The applicant's Landscape and Visual Assessment discusses potential light impacts in landscape and visual terms. It concludes that the lighting effects for each of the landscape character areas and visual impacts are not considered to be 'significant'. CSPPC seriously questions these conclusions and questions what lighting design the consultant used as a basis to make such conclusions as the new lighting associated with the MSA east of the M25 and transport infrastructure west of the M25 will clearly lead to considerable additional light pollution in the area.

Ecology & Biodiversity Net Gain

Badgers

- 12.14. The applicant has provided a Badger Survey Report³⁰ however most of the important information is redacted making it almost impossible to understand its contents. However, it does state at Paragraph 4.1.2 that "Since the 2019 surveys the activity and sett creation on site and in the surrounding land has increased overall.

²⁹ Sustainability Statement, Table 12.1

³⁰ Environmental Statement, Appendix 8.2 Badger Survey Report

CSPPC requests a non-redacted version of this report to better understand its contents.

Bats

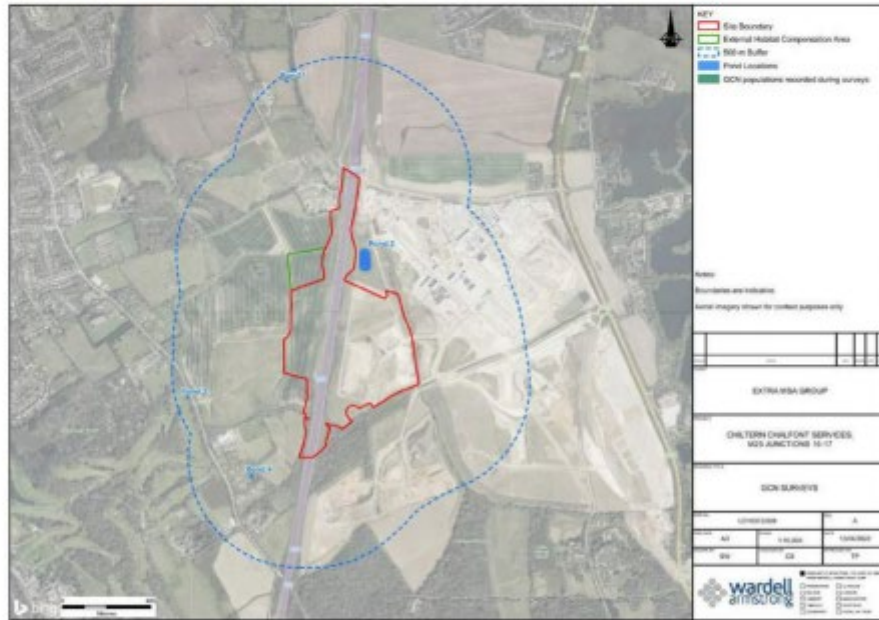
12.15. CSPPC notes that all species previously recorded (in 2018/19) were also recorded in 2021 and that there has been an increase in activity for some of the species:

“The results of the survey generally concur with the findings of the previous survey. All of the species recorded by the 2018/2019 surveys have also been recorded on site during the 2021 surveys. Levels of activity for some species such as Noctule/Nyctalus sp have increased marginally”³¹

Great Crested Newts

12.16. It is noted that the Great Crested Newt population has increased significantly at Pond 3 located west of the M25 and that it has been assessed as having a ‘good’ Habitat Suitability Index Assessment (HSI).

12.17. Pond 4 was assessed as having ‘Average’ HIS.



³¹ Environmental Statement Vol 2, Appendix 8.3 Bat Survey Report

Wintering Birds

12.18. It is noted that the following criteria were considered by the applicant in terms of evaluating the survey area for its significant to wintering birds³²:

- **A:** The occurrence of large or notable population of an individual species, particularly if these comprise a significant proportion (i.e. 1% or more) of the national breeding (or wintering) population. **No wintering populations recorded within the survey area comprised 1% or higher of the national breeding population**
- **B:** The species-richness of the bird assemblage of the survey areas (i.e. how many different types of species does the survey area or development area support); **In accordance with the criteria provided by Fuller (1980); with 37 species recorded by the survey, the site is considered to currently support a wintering assemblage of at least Local importance**
- **C:** The assemblage of species listed on Schedule 1 of the Wildlife & Countryside Act 1981, Annex 1 Birds Directive, NERC listed species, LBAP species and species determined to be of either red or amber status in BoCC 4, and therefore of conservation concern. **The surveys indicate that the survey area supports a range of wintering Red listed BoCC, Amber listed BoCC, NERC listed and LBAP species considered likely to be of at least District importance.**

Biodiversity Net Gain

12.19. The applicant's Biodiversity Net Gain Report covers two scenarios: **Scenario A)** the current habitats baseline, including land within a HS2 construction site for the Chiltern Portal to the east of the M25; and **Scenario B)** described as a 'dynamic' baseline Scenario, it assumes that all land within the HS2 controlled area is remediated to arable farmland with no hedgerows, analogous to its former agricultural use.

12.20. Preliminary results for **Scenario A** (based on indicative landscaping proposals): the development could deliver 15.41 net gain in biodiversity (habitats) and 29.35% net gain for linear habitats (hedgerows). This would require two new hedgerows on a parcel of external habitat compensation land to the north of the application site (through a legal agreement).

12.21. Preliminary results for **Scenario B** (based on indicative landscaping proposals): the development could deliver 14.35% net gain in biodiversity (habitats) and 29.35% net gain for linear habitats (hedgerows). This would require two new hedgerows on a parcel of external habitat compensation areas to the north of the application site and the conversion of arable habitats within the external habitat compensation area to neutral grassland.

³² Environmental Statement Vol 2, Appendix 8.5 Wintering Birds Survey

- 12.22. Whilst CSPPC welcomes the maximising of biodiversity net gains in the parish, it is currently unclear as to how the biodiversity net gain proposals link with the ecological surveys undertaken for badgers, GCNs, bats and wintering birds and how the proposals will result in a net gain for these species.
- 12.23. CSPPC queries why there is a reliance on 'External Offset Land' to deliver the necessary biodiversity net gains and whether these locations are the most suitable.
- 12.24. It is noted in Paragraph 4.5.7 of the applicant's Biodiversity Net Gain Report that a 'Biodiversity Management Plan' will be required in order to confirm the habitat creation, management and monitoring requirements over the 30-year management period. Buckinghamshire Council should require this Management Plan to be provided with the current planning application otherwise it is not possible to confirm that the stated biodiversity net-gains are realistic and achievable.
- 12.25. Linked to CSPPC's overall concerns regarding the lighting impact of the scheme is the impact of light pollution in relation to wildlife including birds and bats.
- 12.26. CSPPC would like to point out that much of the scrubland and some of the cereal crop fields located southwest of the application site are home to skylarks which are on the 'red list'. Also, the existing tunnel under the M25 is used by deer – not just muntjacs.

13. Heritage & Archaeology

- 13.1. The applicant identifies two heritage assets within the vicinity of the application site³³:
- A group of three Grade II Listed Buildings at Mopes Farm lie c.290m – 315m south-west of the site and comprise the farmhouse, barn to the north-west and the barn and cottage to the south-west (NHLE ref. 1124829, 1124830, 1158470). The applicant concludes that:
 - *"The proposed development within the site is focused within the eastern extent of the site, beyond the M25, and comprises motorway services, associated buildings and road networks. There is no clear intervisibility between the Listed Buildings at Mopes Farm and the land within the site due to the topography of the site, the landscape and the presence of intervening vegetation along the southern site boundary. However, glimpsed views of the upper extents of buildings at Mopes Farm, are possible from occasional parts of the site, such as the PRoW on the southern edge of the site."*
 - *"The land within the site is not considered to contribute to the heritage significance of the Listed Buildings at Mopes Farm. On this basis, the proposed development within the site is considered to result in no harm"*

³³ Environmental Statement Vol 2, Appendix 9.1 Heritage Statement

to the significance of the Grade II Listed Mopes Farmhouse, the Grade II Listed Barn to northwest of Mopes Farmhouse and the Grade II Listed Barn to southwest of Mopes Farmhouse and Mopes Farm Cottage."

- The Scheduled Monument Moated site 200m north-west of Chalfont lies c. 635m south-west of the site on Gerrards Cross Golf Course (NHLE ref. 1014602). The applicant states that: *"There is no intervisibility between the site and the asset, and on the basis of that, distance and a lack of historical association, the site is not considered to contribute to the heritage significance of the asset, and the proposed development is considered to result in no harm to the significance of the Scheduled Monument. It has not been assessed further."*

13.2. It also identifies three Grade II Listed Buildings lie along Old Uxbridge Road 1.03km east of the site, comprising the Church of St Thomas of Canterbury; May Cottage and Corner Hall (NHLE ref. 1173848, 1173843, 1348255). However, it states that at the time of the site visit, these assets were not clearly visible in views east from the site. Any potential intervisibility between the land within the site and these assets is not considered to comprise key views, and the site does not contribute to their heritage significance. Therefore, the proposed development is not considered to result in any harm to these heritage assets, and they have not been assessed further.

13.3. CSPPC looks forward to reviewing the response from Buckinghamshire Council's Conservation Officer on the applicant's Heritage Assessment and its conclusions. CSPPC is concerned that the applicant may have overlooked the amount of development proposed west of the M25 in its assessment due to the revised scheme now proposing the main proposals east of the M25. However considerable development is still proposed west of the M25 in the form of considerable highways infrastructure.

13.4. The applicant does identify views of Mopes Farm, from parts of the sites including the PRoW on the southern edge of the site yet dismisses the potential for any harm to Mopes Farm. This needs much further investigation and assessment by the Council.

Archaeology

13.5. CSPPC notes that the Buckinghamshire Archaeology consultee considers that the area west of the M25 requires an archaeological assessment. CSPPC supports that such an assessment is required and takes issue with the fact that Heritage Statement downplays the fact that considerable highways infrastructure is being proposed west of the M25 (our emphasis added):

"A large amount of prehistoric activity has been recorded in the study area, and activity has been recorded within the site during works prior to the construction of the M25, comprising a buried soil surface and pit containing finds of prehistoric to Bronze Age date, and various findspots of prehistoric

date. The geophysical survey which was undertaken within the western part of the site in 2019 did not record any anomalies indicative of prehistoric archaeological remains. The potential for significant, prehistoric archaeological remains within this part of the site is considered to be low. Development proposals are focused in the eastern extent of the site, on land to the east of the M25³⁴

14. Conclusions and Recommendations

- 14.1. The proposed development is wholly unjustified on the grounds that the development proposal does not constitute 'very special circumstances' to warrant strategic inappropriate development in the Green Belt, and as such continues to conflict with paragraphs 147 – 150 of the NPPF.
- 14.2. As Buckinghamshire Council will have read from CSPPC's detailed representations there are, in addition to Green Belt, a multitude of additional grounds for refusal that we trust will be fully considered by the Council in its assessment of the application.
- 14.3. Based on the above findings, the Parish Council is unable to support the development proposal and therefore request that the planning application is refused.

³⁴ Environmental Statement Vol 2, Appendix 9.1 Heritage Statement Paragraph 7.2

Denham Parish Council – 13th January 2023

Denham Parish Council strongly objects to this application. The site immediately adjoins the boundary of the Parish. Construction of the proposed facility appears to have to access the site from roads within the Parish, which are already badly congested and thus will adversely affect traffic flow and highway safety.

The proposal will clearly impact on the openness of the Green Belt and the applicant has made no very special circumstance case to justify why the proposal be allowed. Denham Parish Council calls for the application to be refused.

There is no emergency access and support the comments that have been made by ThamesValley Police

Three Rivers District Council

This Council has considered the above application and has NO COMMENT to make.

This is on the basis that the application documents state that all access, including construction, would be from the M25 Motorway. It is requested that your authority ensures that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained within the National Planning Policy Framework if minded to approve, to ensure the proposed development does not generate additional noise which would be harmful to the amenities of residents in Three Rivers, and would not adversely affect the character, appearance or openness of this part of the Green Belt countryside.

Furthermore, you are requested to ensure that any design including landscaping scheme has regard to the intended landscape restoration works at the adjacent HS2 site

Hertfordshire County Council Highways

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Following a review of the details provided to Hertfordshire County Council for review it is noted the proposed Motorway Service Area will not have an impact upon the local highway network through the Hertfordshire County Council highway area.

For this reason we do not wish to raise any objection at this time.

Hertfordshire County Council Spatial Planning

As Chief Planner for Hertfordshire County Council I wish to raise concerns over the application reference- PL/22/1411/OA.

While we are not objecting to the application we would request that as part of your assessment you give consideration to the cumulative impact of development within this area and the impacts of noise and lighting upon residents and ecological habitat. Akin to this we would request you give consideration to emergency access to the proposal as there appears limited reference within the application documents.

We note that the development is proposed within the Green Belt. In this context I would expect the applicant to thoroughly justify the development in the context of demonstrating very special circumstances.

I would be grateful if you can please keep me updated with any further information that may be submitted, or with regard to the decision.

London Borough of Hillingdon

REPORT

LBH Ref No. 39707/APP/2022/1605 - BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH

Development:

Land between Junctions 16 and 17 of the M25, near Chalfont St Peter, Buckinghamshire. Outline Application for the erection of a Motorway Service Area with all matters reserved with the exception of access from the M25, comprising a facilities building, fuel filling station, electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces, Sustainable Drainage Systems (SuDS)/attenuation, retaining structures and associated mitigation, infrastructure and earthworks/enabling works (Consultation by Buckinghamshire County Council).

SUMMARY

The approximately 35.88 hectares site lies entirely within the administrative area of Buckinghamshire County Council (BCC) on land to the east of the M25 between Junctions 16 and 17, near Chalfont St Peter, Buckinghamshire, approximately 3.2km north of the M40 interchange with the M25 (Junction 16) and 2.4km south of Junction 17 of the M25.

The site lies within the Green Belt and the Colne Valley Regional Park and is adjacent to the HS2 Chiltern Tunnel (southern portal). The application site is currently being used by HS2 as a temporary stockpiling area.

Within the vicinity of the site an outline application for an MSA previously submitted on land to the west of the M25 at Warren Farm. BCC does not appear to have consulted LBH about the previous outline application. The previous application was taken to appeal on grounds of non-determination and dismissed by an Inspector given the presence of what he perceived to be a less harmful alternative site for an MSA.

The Warren Farm proposal was supported by Planning Officers at Buckinghamshire Council who recommended approval. Significant work has been undertaken between the applicants, the Local Planning Authority, National Highways and other stakeholders as part of the Warren Farm application. Draft planning conditions have been agreed between the applicants and the Local Planning Authority and were interrogated by a Planning Inspector with no objections from other interested parties at the appeal. Much of this work has been utilised with many of these conditions and planning obligations remaining relevant to the current application.

The current application primarily involves re-locating the proposed MSA to the eastern side of the M25 and reducing its overall scale. All matters are reserved apart from access from the M25.

A competing and larger alternative MSA proposal submitted on land to the west of the M25 between Junctions 15 and 16 at Iver Heath in 2021, is considered, by comparison, more harmful overall than the current application. The alternative MSA proposal is considered, by comparison, more harmful in relation to Green Belt, landscape character and appearance, heritage assets, loss of veteran trees and priority habitats.

Outline application for an MSA between M25 junctions 15 and 16 near Iver Heath

LBH received an Out of Borough consultation ref. 39707/APP/2021/177 from BCC in Jan 2021 for the outline application for an MSA between M25 junctions 15 and 16 near Iver Heath, which was described as follows:

Out of Borough consultation for 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, a controlled vehicular access from the A4007 for staff and emergency vehicles only, facilities buildings, Drive-Thrus, fuel filling stations, electric vehicle charging, hotel, parking facilities, service yard, vehicle circulation, landscaping, woodland and amenity spaces, a Sustainable Drainage Systems, a diverted public bridleway; together with associated mitigation and infrastructure and with earthworks / enabling works including mineral extraction.

The Out of Borough consultation ref. 39707/APP/2021/177 report included the following recommendation:

That delegated powers be given to the Deputy Director of Planning and Regeneration to issue the following response to BCC: OBJECTION.

Objection:

The London Borough of Hillingdon objects to the application which is an inappropriate development within a large area of the Green Belt requiring very special circumstances to be robustly justified. The Applicant has failed to provide evidence that there is a need for commercial development to the scale proposed. It is requested that further detail is provided on the need for the scale of scope of commercial development and traffic routing for the construction. Further information is required in relation to the minerals extraction work and the importation of inert material for site restoration. The London Borough of Hillingdon should be consulted on the additional information provided. Further details relating to construction traffic is also required. It is recommended that a strategic approach is taken by Buckinghamshire Council and Hertfordshire County Council in consultation with relevant authorities to identify the need for an MSA and allocate a suitable site through the local plan process.

Outline application for an MSA between M25 junctions 16 and 17 near Chalfont St Peter

Although the current application is considered, by comparison, less harmful than the alternative MSA proposal, it is still located in the Green Belt and in conflict with the development plan overall.

The proposal would cause significant harm to the openness of the Green Belt. It is also evident that objectively the site meets the purposes of including the site within the Green Belt and the presumption should be that it should be retained in line with national policy. Whilst alternative sites continue to be progressed that have the potential to have less harm to the Green Belt and less harm from other aspects of the proposal, it is deemed impossible to conclude that very special circumstances exist that would overcome the substantial weight that must be given to any harm to the Green Belt. Logically, such a comparison would be best achieved through the plan-making process and it is considered that this would be the appropriate opportunity to establish the best location for a new MSA, if one is required.

The London Borough of Hillingdon has no material Highway objection to the creation of the proposed M25 MSA. The London Borough of Hillingdon would like to ensure that a Construction Management Plan and Travel Plan is put place to understand any impacts on the local road network and to ensure this.

CONSIDERATIONS

Site and Locality

The approximately 35.88 hectares site lies entirely within the administrative area of Buckinghamshire County Council (BCC) on land to the east of the M25 between Junctions 16 and 17, near Chalfont St Peter, Buckinghamshire, approximately 3.2km north of the M40 interchange with the M25 (Junction 16) and 2.4km south of Junction 17 of the M25.

The site lies within the Green Belt and the Colne Valley Regional Park and is adjacent to the HS2 Chiltern Tunnel (southern portal). The application site is currently being used by HS2 as a temporary stockpiling area.

Proposed Scheme

The proposed development comprises the following:

Access:

- A grade separated Junction that crosses over the M25;
- New on and off slips serving both northbound clockwise and southbound anti-clockwise directions;
- A single point of access to the MSA from the M25; and
- Associated drainage and landscaping.

Facilities Building:

- Up to 4,700sqm building footprint (ref Parameter Plan).
- Maximum height of 9.5m above proposed ground level (ref Parameter Plan).
- Food court and ancillary retail, incorporating facilities for the sale and consumption of hot and cold food and beverages on and off the premises;
- Business Centre comprising a Business Lounge with a range of different sized meeting rooms;
- Free toilet and hand washing facilities for all drivers and their passengers;
- Showers and washing facilities for HGV drivers; and
- Staff areas including kitchen, catering storage, staff rooms, retail storage, refuse areas, office space.

Fuel Filling Station:

- Up to 480sqm building footprint (kiosk) (ref Parameter Plan).
- Maximum building/canopy height of 7m above proposed ground level (ref Parameter Plan).
- The Fuel Filling and Electric Vehicle Charging Station will include the main forecourt and HGV forecourt together with an ancillary forecourt sales building including toilets.

Parking Facilities:

- Up to 759 light vehicle spaces (including 38 disabled);
- Up to 38 staff spaces;
- Up to 142 HGV spaces;
- Up to 19 coach spaces;

- Up to 23 caravans/motor homes/vehicle and trailer (including 1 disabled);
- Up to 23 motorcycle spaces; and
- Up to 1 abnormal load space.
- Electric Vehicle Charging Points within the light vehicle parking area (120 passive and 20 active at the time of opening – with increased provision in response to future demand);
- Structured and natural landscaping.

All matters are reserved apart from access from the M25.

MAIN PLANNING ISSUES

Government Guidance

The Department for Transport (DfT) Circular 02/2013 – The Strategic Road Network and the Delivery of Sustainable Development ('the Circular') currently sets out government policy regarding the role, function and provision of MSAs on the Motorway Network. It notes that "A well-functioning strategic road network enables growth by providing for safe and reliable journeys".

Paragraph B4 of the Circular emphasises that "Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements."

Paragraph B6 of Annex B provides guidance about the maximum distances between MSAs, advising that this should "be no more than 28 miles (or 30 minutes)" which "should be the equivalent of 30 minutes driving time." Paragraph B8 adds that these distances "are considered appropriate for all parts of the strategic road network and to be in the interests and for the benefit of all road users regardless of traffic flows or route choice".

Need was a matter considered at the August 2021 inquiry for the MSA proposals at Warren Farm. Prior to giving consideration as to how each alternative site addressed the need, it was agreed between all parties involved in the inquiry that "there is a need for a new MSA on this part of the motorway network, specifically the Northwest quadrant of the M25, between Junctions 15 and 20."

Green Belt

The site is located within the Green Belt. Buckinghamshire Council are in the early stages of preparing a new Local Plan for the whole of Buckinghamshire. It will set the visions and objectives for development in the area, a spatial development strategy, guiding development up to 2040. The formal plan process is expected to run from 2022 to 2024. The site has not been allocated for use as an MSA.

The proposed MSA has been re-located to the eastern side of the M25, outside of the localised chalk valley and rolling farmland to the west of the Motorway. The eastern side of the M25 has been subject to recent and extensive disturbance (on site and in the surrounding landscape) from development associated with HS2; notwithstanding HS2 restoration, this is no longer an established part of the landscape. The development is proposed to be set down on the eastern side using

natural and man-made features along with planting to reduce views of the main areas of built development and parking.

Taken together these measures seek to minimise the impact on the perception of openness. The MSA will not be viewed from local properties and whilst the new MSA may be perceptible from rights of way to the east and south with some longer views into the site from edge of Harefield to the east, it is considered overall that there would be less harm to the perception of openness when compared to the previous Warren Farm proposals.

Officers would generally agree that the current proposal would have less impact on the Green Belt than the previous Warren Farm proposals. However, the proposal would cause significant harm to the openness of the Green Belt. It is also evident that objectively the site meets the purposes of including the site within the Green Belt and the presumption should be that it should be retained in line with national policy. Whilst alternative sites continue to be progressed that have the potential to have less harm to the Green Belt and less harm from other aspects of the proposal, it is deemed impossible to conclude that very special circumstances exist that would overcome the substantial weight that must be given to any harm to the Green Belt. Logically, such a comparison would be best achieved through the plan-making process and it is considered that this would be the appropriate opportunity to establish the best location for a new MSA, if one is required.

Traffic Impact

Access will be gained via a new designated MSA Junction on the M25. This will connect to the MSA development by way of a dedicated access link. There will be no secondary access connecting to the local road network. Once operational, all vehicle access, including employees and emergency vehicles will be from the mainline.

The access is materially unchanged from that proposed as part of the previous Warren Farm proposals which was signed off by National Highways in 2020, albeit it is now reversed to accommodate the MSA development on the eastern side of the M25.

The MSA proposes 38 staff parking spaces. A Framework Travel Plan has also been submitted which sets out measures to reduce single-occupancy vehicle trips, encourage car sharing between employees and commitment to explore the viability and provision of a dedicated employee shuttle bus and/or shared transport, working with transport operators to tailor any provisions to employee's home locations and shift times. These could be to nearby residential areas or train stations and bus stops.

The London Borough of Hillingdon has no material Highway objection to the creation of the proposed M25 MSA. The London Borough of Hillingdon would like to ensure that a Construction Management Plan and Travel Plan is put place to understand any impacts on the local road network and to ensure this.

CONCLUSION

On that basis, regarding the current application, the Interim Head of Planning, Transportation and Regeneration issues the following response to BCC:

OBJECTION.

The site is located within the Green Belt. The proposal would cause significant harm to the openness of the Green Belt. It is also evident that objectively the site meets the purposes of including the site within the Green Belt and the presumption should be that it should be retained in line with national

policy. Whilst alternative sites continue to be progressed that have the potential to have less harm to the Green Belt and less harm from other aspects of the proposal, it is deemed impossible to conclude that very special circumstances exist that would overcome the substantial weight that must be given to any harm to the Green Belt. Logically, such a comparison would be best achieved through the plan-making process and it is considered that this would be the appropriate opportunity to establish the best location for a new MSA, if one is required.

The London Borough of Hillingdon has no material Highway objection to the creation of the proposed M25 MSA. The London Borough of Hillingdon would like to ensure that a Construction Management Plan and Travel Plan is put place to understand any impacts on the local road network and to ensure this.

Buckinghamshire Fire and Rescue

In response to your request to consult on the outlined planning permission for the subject development, the fire authority offer the following comments or observations:

- The applicant must give due consideration to the inclusion of an appropriate Automatic Water Suppression System within the MSA
- The applicant must give due consideration to Approved Document B Vol.2, specifically, Section 15, Vehicle Access, and Section 16 Fire Mains & Hydrants
- Emergency vehicle access to site must be provided and maintained at all material times
- Particular attention must be given to prevent chronic parking issues, which could ultimately affect emergency service attendance

Further comment will be made via the Building Control Body under Building Regulations as and when detailed plans are submitted for consultation. A pre-consultation meeting is highly recommended.

Heathrow Airport

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, we would like to make the following observation:

Wind Turbines

Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 5, 'Renewable Energy & Impact on Aviation' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety>)

NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

BPA – 22nd December 2022

Your proposed works are in close proximity to a high pressure pipeline system operated by BPA. Please find attached our GIS map. Before any work (including hand trial holes) starts on site you must consult with BPA.

Email landsteam@bpa.co.uk to arrange a free site meeting with one of our Technicians.

Your safety is paramount to BPA. In order to protect you from potential injury or death we ask that this safety information is passed to the person that will be carrying out the work.

BPA regularly monitor the pipelines and we ask that the following procedures are observed:

- Before any work (including hand trial holes) starts in the vicinity, a BPA Technician must locate and mark the pipeline(s) on site.
- All works within 6m of the pipeline require prior approval by BPA and a BPA Technician must supervise all works within 6m of the pipeline(s). The technician will determine whether a written method statement is necessary before any works proceed.
- BPA require a minimum of 7 days' notice to arrange supervision (under normal circumstances).
- Heavy vehicle crossing points to be approved before use across the easement.
- Any works involving the exposure of the pipeline/s requires a continuous site presence until backfilled (this may mean a security arrangement out of hours).
- BPA may require proof of liability insurance depending on the proposed works.
- Utility crossings may require a formal crossing consent
- No buildings can be located within the pipeline easement.
- BPA do not charge for the first three days of supervision (this includes site meetings). After that, BPA will charge for any future supervision.

When planning works which involve crossing or working within the easement of the pipeline, the following will be requested before works can start:

- A confirmed or proposed programmed start date for the works
- A detailed description of the proposed works
- A plan of the work area
- Drawings and a method statement for the written approval of BPA.

For more information about working in close proximity to pipelines please visit <http://www.linewatch.co.uk/downloads.php>.

Buckinghamshire Waste Development

We in waste consider this as commercial consultation and therefore we currently do not consult on commercial developments. We provide consultation for domestic settings only.

Archaeology – 25th May 2022

Thank you for re-consulting the Buckinghamshire Council Archaeological Service on the above application. We understand that due to the nature of the proposed works preservation in situ would not be practical, as this is the case, we have amended our advice. We maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 194 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

Historic Environment Record (HER) information

We have consulted the Buckinghamshire Historic Environment Record (HER) and note that the following records which lie within or close to the site are relevant:

HER reference	Designation Status*	Description
0532300000	PLN, HER	Neolithic to Bronze Age flint scatter and features found on the surface and in salvage excavation near Mopes Farm
0532400000	HER	Four Neolithic to Bronze Age flint flakes found on the ground surface near Mopes Farm
0532500000	HER	Neolithic to Bronze Age flint scatter found near Warren Farm
0436200000	HER	Suggested route of a Roman road from Chorleywood to Langley Park.

0532300001	HER	Nine Neolithic to Bronze Age flint flakes found on the surface near Mopes Farm
0532301000	HER	Old ground surface exposed in excavation near Mopes Farm
0419800000	HER	Neolithic to Bronze Age flint flakes found in fieldwalking survey near Warren Farm
0508500000	HER	61 Mesolithic to Bronze Age flint artefacts found building the M25 at Marsh farm
0996900000	HER	Roman pits, ditches and furnace, and pottery identified during evaluation trial trenching and phased open excavation.
0996700000	HER	Iron Age pits, postholes, pottery and possible ditched enclosure found during evaluation trial trenching
0996600000	HER	Remains of post-medieval farm building found during evaluation trial trenching
0508505000	HER	Late Bronze Age flint flakes found building the M25 at Marsh Farm
0030500000	PLN, HER	Possible medieval moat

Archaeological and related interests

The proposed site lies within an area where numerous discoveries of multi-phase archaeology have been recorded. Archaeological investigation, construction-works and field walking have combined to reveal a landscape occupied from the Mesolithic period onwards, and it is considered that development of the proposed site has a high potential to impact on further buried archaeological remains.

Archaeological Solutions (AS) carried out an archaeological excavation at a mineral extraction site adjacent to the south of this proposal. The OASIS Summary Sheet includes the following for this site:

No Bronze Age activity has previously been recorded in the immediate vicinity of the site and, similarly, very little material associated with human activity during the Roman period has been recorded locally, despite the purported route of a Roman road running nearby. It was, however, to these periods that the majority of the archaeology recorded during the various phases of excavation dated.

One hundred and six features can be attributed to the late Bronze Age; all of these features were concentrated on a small area in the western part of the site. They consisted of two ditches, representing boundaries or enclosures and a large number of pits and post holes, including at least one concentration which may represent a structure. The Roman archaeology consisted of a set of boundary ditches representing a field system or a set of enclosure and associated pits located in the

0532300001 HER Nine Neolithic to Bronze Age flint flakes found on the surface near Mopes Farm
0532301000 HER Old ground surface exposed in excavation near Mopes Farm 0419800000 HER
Neolithic to Bronze Age flint flakes found in fieldwalking survey near Warren Farm 0508500000 HER
61 Mesolithic to Bronze Age flint artefacts found building the M25 at Marsh farm 0996900000 HER
Roman pits, ditches and furnace, and pottery identified during evaluation trial trenching and phased
open excavation.

0996700000 HER Iron Age pits, postholes, pottery and possible ditched enclosure found during
evaluation trial trenching 0996600000 HER Remains of post-medieval farm building found during
evaluation trial trenching 0508505000 HER Late Bronze Age flint flakes found building the M25 at
Marsh Farm 0030500000 PLN, HER Possible medieval moat western part of the site. Further Roman
features were sparsely distributed across the eastern part of the site. To the north of the Roman
enclosures was a focus of industrial activity associated with iron smelting. This has been tentatively
dated as Roman due to its proximity to the concentration of Roman activity; dateable ceramic
evidence from these features, however, is of late Bronze Age date which clearly must be residual.
Worked flint considered to be of early Neolithic date has been identified as potentially residual
material. However, the lack of further evidence of this date suggests that this material may be later
in date and contemporary with the more well-represented activity recorded at the site. A single
feature of late Neolithic date has been recorded along with Bronze Age activity, both of which may
be a more likely source for the worked flint. Post-Roman archaeology consisted of a single medieval
layer and post medieval and modern boundaries.

We welcome the inclusion of the Heritage Statement produced by Pegasus and the Geophysical Survey Report produced by SUMO. While the SUMO report includes, No magnetic responses have been recorded that could be interpreted as being of probable or possible archaeological origin.

Geophysical surveys can have variable results within Buckinghamshire.

The Pegasus report conclusions include:

Known areas of previous disturbance within the site comprise the route of the M25 which would be disturbed or removed any below-ground archaeological remains. Whilst there are historic planning permissions for the extraction of below ground material in the south-east and north-west of the site, it is not considered that these have been implemented.

The Colne River Valley is known to have significant potential for Palaeolithic and later prehistoric remains from the lower gravel deposits. A large amount of prehistoric activity has been recorded in the study area, and activity recorded within the site during works prior to the construction of the M25 comprising a buried soil surface and pit containing finds of prehistoric to Bronze Age date. The

geophysical survey, which was undertaken within the western part of the site in 2019, did not record any anomalies suggestive of prehistoric date. Numerous find spots of prehistoric date have been recorded in the vicinity of the site, and evaluation and excavation to the south of the site recorded a large number of prehistoric flint flakes, a pit containing Neolithic Grooved Ware pottery, and activity of Bronze Age and Iron Age date. Overall, the potential for prehistoric archaeological remains within the entire site is considered to be moderate. Development proposals are focused in the northern extent of the site, on land to the west of the M25. The potential for significant archaeological remains within the development area is considered to be low.

The significance of any archaeological remains within the proposed development site cannot be known until further investigation has been undertaken. The recorded archaeology in the vicinity of the site may not have warranted preservation in situ but it can be argued to be quite significant. If significant archaeological remains are recorded through evaluation it is likely that they would require full excavation, as preservation in situ does not appear to be practical.

If planning permission is granted for this development then it may harm a heritage asset's significance so conditions should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following conditions:

No development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Where archaeological remains are recorded by evaluation and are worthy of recording no development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

The archaeological investigation should be undertaken by a professionally qualified archaeologist working to the agreed written scheme(s) of investigation which should be based on our on-line template briefs.

Lead Local Flood Authority – 9th January 2023

Following the previous consultation response by the Lead Local Flood Authority on 19th May 2023, the drainage submission by the applicant has been updated:

- Environment Statement Volume 1 – Chapter 12: Water Resources (2nd Addendum, Pegasus Group)
- Flood Risk Assessment (ref. 0010 Rev.V1.2, November 2022, Wardell Armstrong)
- Drainage Strategy (ref. 1620005217 Rev. 2.0, 14.04.2022, Wardell Armstrong)
- Technical Note (ref. LD10372, 23.11.2022, Wardell Armstrong)

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the above information and has no objection to the proposed development subject to the following planning conditions listed below being placed on any planning approval.

Assessment of site level changes and the implications on groundwater flood risk and the proposed surface water drainage strategy in the post development scenario.

The amended Flood Risk Assessment (FRA) presents anticipated groundwater levels based on the Groundwater Flood Risk Map - Chilterns Model from the Strategic Flood Risk Assessment. Within Table 4, it is understood that predicted groundwater depths vary from 44m AOD to 54m AOD (Basin A) and 43m AOD to 52m AOD (Basin B) meaning that based on anticipated depths of the pond bases, 71.34m AOD (Basin A) and 69m AOD (Basin B) there is an anticipated freeboard of between 17.3m and 17m respectively. This information satisfies the Lead Local Flood Authority's concern on groundwater levels and the interaction with the surface water drainage scheme.

Infiltration rate testing conducted by James & Milton Drilling Ltd. This should comprise of a report providing an analysis of the observed ground conditions, trial pit logs, infiltration rate logs, calculations etc.

The infiltration report has been included in Appendix A of the FRA. This details the infiltration rate tests and trial pit logs for the site. The investigations demonstrate that where Chalk is encountered good infiltration potential was observed as infiltration rates varied between 1.07×10^{-4} m/s and 1.44×10^{-4} m/s. In addition, from reviewing the borehole logs hosted on the British Geological Survey, chalk is present at varying depths within the site boundary and therefore infiltration into the underlying Chalk is feasible. This is supported by investigations from neighbouring development, the Technical Note (5.2.2) sets out that the chalk layer is consistently within less than 7m of the existing ground levels and this reduces eastwards. In addition, infiltration rate testing indicated that where clayey gravel (Reading Beds) geology was encountered a rate of 7.47×10^{-6} m/s was observed. This suggests that infiltration is possible in these locations but will be slower than in the underlying Chalk.

In response to the observed infiltration rates, the drainage strategy adopts a conservative approach and uses design infiltration rates of 5.55×10^{-5} m/s for soakaways and 1.39×10^{-5} m/s for infiltration trenches.

Assessment of how infiltration potential may vary as a result of any site level changes The Technical Note (3.4.4.1) states that the Ponds will either be in direct contact with the Chalk or encounter (in Pond A) the Reading Beds as indicated on drawing no. RAM-XX-XX-SK-C-00015 –

Proposed Drainage Sections. Based on the analysis of infiltration potential due to site level changes, there has been some amendments to the design of basins to improve connectivity with the underlying chalk. The design base level of the ponds will be confirmed following detailed site investigations. This information satisfies the Lead Local Flood Authority's concern of infiltration as a means of surface water disposal.

I would request the following condition(s) be placed on the approval of the application, should this be granted by the LPA:

Condition 1

Development shall not begin until a surface water drainage scheme for the site, based on the approved Flood Risk Assessment Flood Risk Assessment (ref. 0010 Rev.V1.2, November 2022, Wardell Armstrong) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Demonstrate that water quality, ecological and amenity benefits have been considered
- Ground investigations including:
 - Infiltration in accordance with BRE365 in the locations of the proposed infiltration devices
 - Groundwater level monitoring over the winter period
- SuDS components as shown on drawing no. RAM-XX-XX-SK-C-0013 (Rev. P04, Ramboll) and in line with the design parameters set within 2.1 of the Drainage Strategy (ref. 1620005217 Rev. 2.0, 14.04.2022, Wardell Armstrong)
- Assessment of the feasibility for including permeable paving within the parking areas and reasonable justification provided for any exclusion
- Full construction details of all SuDS components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Condition 2

Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

NB: We would recommend that the “whole-life” maintenance and management plan for the surface water drainage system is secured by a Section 106 Planning Agreement. The use of a planning obligation (as opposed to a planning condition) would help to safeguard the maintenance and management of these features over the lifetime of the development. The BC Strategic Flood Management team are of the opinion that this is a reasonable approach due to the residual risk of

surface water flooding to the site should the systems not be adequately maintained.

Buckinghamshire Highways – 31st May 2022

Thank you for your letter dated 12th May 2022 with regard to the above planning application.

I note the Highway Authority has provided previous comments for this site under application number PL/19/2260/OA, which in a final response dated 15th October 2020; the Highway Authority had no objection subject to obligations and conditions. It is noted that the previous application proposed an emergency vehicular access from the highway on Denham Lane as well as the upgrading of the existing public right of way network to provide a multi-user route, also off Denham Lane, which provided non-vehicular access into the site for staff members. However, the current application instead proposes for all access to be taken from the M25, including during the construction period, and I have therefore provided my response below based on these changes.

Trip Generation

It should be noted that the current application has amended the location of the proposed motorway service area to the east side of the M25. As such, the site is no longer accessible via public rights of way networks on the west side of the M25 which connect to Denham Lane and therefore the risk of parking concerns within the previous application have been eliminated.

Given the amendments to the application which propose all access to be taken from the motorway network, including during the construction period, and no connection is to be made to the local highway network, I can confirm that no vehicular movements will be generated onto the local highway network as a result of the proposals.

The Highway Authority is therefore satisfied that no further information is required.

Parking and Layout

The Transport Assessment uses the current policy, (DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development) for proposed developments impacting the Strategic Road Network, (SRN) and the provision and standards for roadside facilities to assist in assessing and determining the design requirements for the MSA. The circular sets out the method of calculating the number of parking spaces required at a MSA. This method is based on the proportion of traffic volume passing the site. It is also noted in the circular that provision may be adjusted to reflect local conditions.

The Transport Assessment sets out the minimum of parking spaces required at an MSA. This has been calculated using the method outlined in the current policy, (DfT Circular 02/2013), and I have confirmed that these calculations are correct. Please see extract of the minimum parking requirements taken from the applicants transport assessment:

Table 9: Minimum Parking Requirement for Proposed Development (Circular 02/2013)

Vehicle Type	Spaces
Total Light Vehicle spaces	759 (including 38 disabled spaces)
Total HGV spaces	95
Total Coach spaces	19
Total Caravan spaces	23
Total Motorcycle spaces	23
Abnormal load space	1
Total number of parking spaces	920

The application proposes 142 HGV spaces, which is significantly above the minimum requirements as set out above. However, the applicant has provided justification for this overprovision through demonstrating the level of utilisation of HGV parking at local MSAs across the South East. This is also the approach taken within the aforementioned previous application, although a slightly different level of parking has now been proposed to reflect the current traffic flows on the motorway. The Highway Authority concludes that a future proof level of HGV parking is important at the MSA. A lack of suitable HGV parking leads to drivers parking in unsuitable locations such as hard shoulders, local roads or outside marked HGV parking bays which could lead to safety problems, so it is important sufficient spaces are provided. As such, I can confirm from the perspective of the Highway Authority that the applicant has justified the need for the higher level of HGV parking.

A further 38 parking spaces have been provided for employees. Given that this specific use is not contained within the Buckinghamshire Countywide Parking Guidance, the applicant has justified this provision through the balance of needs of employees accessing the site at different times due to shift patterns and ensuring the number of trips can be managed through the Framework Travel Plans. I am satisfied that this is appropriate.

It does appear that a level of electric vehicle charging spaces are to be provided within the site, although the exact number has not been specified. As per the previous application, it is recommended that 5% at a minimum are provided, with an additional 5% available for passive provision so that they may retrospectively fitted on occupation or at a future time when they may be required.

An indicative layout has been submitted as part of the application which appears to demonstrate that all requirements can be achieved within the submission of a reserved matters application, should outline consent be granted. It is also strongly recommended that the applicant consider the provision of parent and child parking within the overall provision which should have a safe route into the building. The final layout will be subject to condition however it is also acknowledged that National Highways will have their own opinion regarding the final layout of the site.

Framework Travel Plan

A framework travel plan has been submitted which is similar to that submitted for the previous application, however, removes the potential for public transport and active travel modes due to the amendments to the proposed development which include taking all access from the motorway.

However, it is noted that the applicant discusses the potential of retaining the connections to the local highway network following the completion of the HS2 works north and east of the site through downgrading the access to a public right of way, connecting to A412 Denham Way. Having briefly

reviewed this, it appears that the distance across the field to the A412 is considerably longer than that proposed within the previous application with no surveillance. In addition, the A412 is a high-speed road classified road which is not suitable for drop-off/pick-up. It is also unclear whether the applicant would be able to obtain access rights across this land. As such it is the Highway Authority's position at this stage that this is something which is not practical to pursue and instead the travel plan should put greater focus on other sustainable opportunities, such as the provision of a staff mini-bus.

I will secure the submission and monitoring of a full travel plan through a s106 obligation below.

Conclusion

Mindful of the above, based on the premise that all access is to be taken from the motorway resulting in minimal, if any, impact on the local highway network, the Highway Authority does not object subject to the following obligations and conditions.

Should at any time the application be amended to include any access, pedestrian or vehicular, from the local highway network, the Highway Authority should be re-consulted in order to assess the impacts.

S106 Obligations

The obligation for a full Travel Plan, including the payment of a £5000 developer contribution towards a

Travel Plan monitoring fee which is calculated as £1000 per annum for 5 years.

Obligations	Support	Regulation 122 Justification
Full Travel Plan	NPPF Section 9 Paragraphs 104 (c), 110 (a) and 112 (a) Buckinghamshire Council's Sustainable Travel Plans – Guidelines for Developers	Necessary – Given the material levels of vehicular movements expected by staff, influenced by the nature of the development, the travel plan is required to promote the use of sustainable modes of transport to and from the site. Directly related – Reducing the reliance on the private car for staff travelling to and from the site. Fair and reasonable – The requirement for a travel plan for developments of this size is supported within local and national policy and guidance. The annual fee of £1000 covers the cost of supporting and monitoring developer travel plans which requires a specific monitoring tool. The developer therefore pays a contribution per year towards the maintenance and licence fees of the monitoring tool. This is a standard fee applied to all travel plans within the county as set out within our developer travel plan guidance (https://www.buckscc.gov.uk/media/4515148/4510664-developer-travel-plan-guidelines-01.pdf).

Condition 1: No part of the development shall commence until a comprehensive framework Travel Plan for the site has been submitted to and approved by the Planning Authority. No part of the development shall then be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

Condition 2: The details to be submitted for the approval of the Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for parking and manoeuvring in accordance with Buckinghamshire Council's Buckinghamshire Countywide Parking Guidance policy document. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To ensure an appropriate level of parking is provided across the development.

Buckinghamshire Highways – 31st January 2023

I write further to my comments dated 31st May 2022 in which I had no objection to the proposals, subject to obligations and conditions. Since these comments, the applicant has submitted amended plans which I will review below. These comments should be read in conjunction with my aforementioned previous comments for this site.

The amended plans submitted now include a controlled staff link between the proposed facilities building and the public right of way network adjacent to the site. In my previous response, it was highlighted that the distance across the field to the A412 is considerably longer than that proposed within the previous application with no surveillance or lighting. This is also the situation for the route to Chalfont Lane. As such, it is unlikely that this will be an attractive route for staff to access the site on foot. However, this route may be more attractive for staff seeking to cycle to the site from surrounding residential areas or nearby railway stations. As such, the Highway Authority has no objection to the creation of the staff link.

Thames Water -2nd June 2023

Waste Comments Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the

information provided. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-yourdevelopment%2Fworking-near-ourpipes&data=05%7C01%7Cplanning.comments.csb%40buckinghamshire.gov.uk%7C639532e6c796484e0bc708db635fff92%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C638213036181924705%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=UIZRBT91%2FILburw0SeTbvqywSc3cH8WvAotfElmn754%3D&reserved=0> Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fgroundwater-protection-positionstatements&data=05%7C01%7Cplanning.comments.csb%40buckinghamshire.gov.uk%7C639532e6c796484e0bc708db635fff92%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C638213036181924705%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=691FDqh7UyLWdjvsUhp2YgYIwjVelWZotcDTu0pg%2FU%3D&reserved=0>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Affinity Water – 08 June 2022

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Stations (NORO & WESY). These are for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

We currently are not objecting the application on the basis of discussions with the applicant and projections to enter into an operating agreement; however, we reserve our right to object in the case that an operating agreement is not reached. Our concerns for this development are set out as conditions below and are included for your reference:

1. Contamination including turbidity

Due to the presence of contaminated land in this area, any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Infiltration

Due to the presence of contaminated land and planned use of the site for vehicles and a petrol station, surface water should not be disposed of via direct infiltration into the ground via a soakaway.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: To provide confirmation that direct infiltration via soakaways will not be used due to the risks associated with opening up direct pathways into the aquifer within an SPZ1 of a public water abstraction borehole, and the potential presence of unknown contaminated land with the risk for contaminants to remobilise potentially impacting public water supply.

4. Drainage The onsite drainage system should incorporate an oil/water interceptor to prevent petrol/oil being discharged into the surface and groundwater network.

Condition

D) Prior to the commencement of development, details of the Drainage Scheme confirming the use of an oil/water interceptor shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: To provide confirmation that an oil/water interceptor will be used to prevent oil and hydrocarbons from particular areas of the development being discharged into surface water and/or groundwater.

5. Bunding If any tanks, generators and filling areas are to be installed as part of the development, they will need to have secondary containment which can hold 110% of the volume the tank or generator is designed to contain.

Condition E) Prior to the commencement of development, details of all substance containers confirming bunding of 110% capacity shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity

Water.

Reason: To prevent contaminants being discharged into the surface and groundwater network in the event of a spill.

6. Substance Storage (e.g. Petrol Station or Fuel Pipeline) The installation of a leak detection system should be considered, and a procedure should be adopted that includes directly notifying Affinity Water along with the Environment Agency immediately if any leak is suspected.

Condition

F) Prior to the commencement of development, details of all substance containers confirming the presence of a leak detection system and methodology that includes immediate notification to Affinity Water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: To enable Affinity Water and the Environment Agency to immediately assess the impact on public water supply and implement protection measures if necessary.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Affinity Water – 12th October 2022

As an update to our response dated 08/06/22 (also attached), we would like to confirm removal or discharge (if this has been added as a condition) of item 'C' infiltration. After discussions with the developer and recently updated information on source protection zones, this point is no longer a concern.

Environment Agency - 13th June 2022

Thank you for consulting us on the above application on 12 May 2022.

The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- within source protection zone 2
- located upon a principal aquifer with solution features

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the

developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Environment Agency Position

In light of the above and based on a review of the submitted information, the proposed development will only be acceptable subject to the following conditions.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Please also include the following informatives in any permission given. We also offer the following advice.

Conditions

Condition 1: Remediation Strategy

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2: Verification report

Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3: Long-term monitoring

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4: Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 5: SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 6: Piling/boreholes/tunnel shafts/ground source heating and cooling systems

Piling and other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

Condition 7: Underground storage tanks

The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework, and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and chapter D Position Statements of the 'The Environment Agency's approach to groundwater protection'.

Condition 8: Decommission of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

Advice to Local Planning Authority/Applicant

After reviewing the documentation, we have some concerns regarding the proposal and implications regarding current waste legislation. please see our comments below.

Environmental Impact Assessment Scoping Report

- This original EIA proposal was for a new service station to the west of the M25, the new proposals have this located to the East of the M25, therefore the assumptions and assessments need to be reconsidered in regard to waste
- Considering the redline site boundary, the site is located in an area surrounded by landfill and controlled waste deposits, it is disappointing a section on waste has not been proposed for inclusion in the EIA. Additionally, this subject has not been identified in section 5 of topics scoped out of the Environmental Statement indicating it has either been overlooked or deliberately excluded. Within the scoping, previous waste disposal has been touched upon in several sections but there is no coherent strategy to identify existing waste already present on site, waste streams to be generated by the development, or how these wastes will be recovered or disposed of on or off site. The site itself holds no authorisation to recovery or dispose of waste and the scoping does not indicate the

development is looking to do so. This is highly relevant to the materials management (cut and fill) and the Construction Management Plan. Where waste is present, this cannot be “recovered” as fill on this basis. The proposal has moved the site further to the east and this may have reduced possible impacts from waste but there is still overlap with previous landfill activities.

- Section 2.1.4 identifies Warren Farm Inert Landfill site to the south (now to the west) and Denham Park Farm Inert Landfill (now directly south) that are regulated in line with Environmental Permits. It suggests none of the permitted landfills lie within the redline scoping boundary, which would require further clarification as the access road and related earthwork structures may encroach on Warren Farm landfill. This could impact the landfill and will destroy important downstream monitoring boreholes for the landfill which will impact the ability to surrender their permit. This will also change the surface water drainage and conceptual model introducing new receptors; therefore this will need to be considered in more detail and may require an Environmental Permit variation, this must be discussed with the permit holder.

Please be aware the boundary indicated in these reports does not reflect the current extent of the permitted area or associate landfill infrastructure. The EIA does not provide any clarification for the historic landfill which may be impacted by the development. Where landfill haul roads and tracks crossed the site, these were constructed and remain controlled waste. Where area have been excavated and backfilled, these are also likely to be controlled waste. Where any of this material is excavated, it must be handled and treated in line with relevant waste legislation.

- 3.1.1 Part 5 must also consider the existing waste status of excavated materials and the legislative requirements for the handling, treatment, recover and disposal of such materials. Even inert wastes such as hardcore or “suitable fill material” must comply with waste legislation if it has previously been disposed or classified as a waste and the required environmental permits for the redeposit and recovery of waste must be factored into the construction programme.

- In section 4.12.18, although care has been taken to try and exclude areas of permitted and historic landfill from the red line boundary, as indicated above, it is likely there is controlled waste within the proposed site. The SI has focussed on risk to human health therefore is not appropriate to identify what has been deposited as waste. The summary of geology within this section has identified “made ground”, this is likely controlled waste that has been deposited. It is not appropriate to use contaminated land terminology, methods and legislation to landfill and disposal/recovery sites which contain controlled waste. Anthropogenic contamination from historic landfill activities must be managed and controlled in line with waste legislation.

- As indicated in 4.12.30 to 4.12.39, considerable further work is required understand the site, however the proposals must delineate the landfills and previous waste deposits and not rely on out of date or inaccurate polygons. This is this is critical to ensure any excavation is clean natural soils (non-waste) which may be appropriate for reuse. Where contamination is present this is likely to be controlled waste. The “recovery” of excavated controlled waste on the site will require an Environmental Permit. It is critical these activities and investigations do not compromise any containment systems (either specifically engineered or developed naturally) which would open pathways for contamination to impact controlled waters.

- 4.13.29 needs to identify sensitive surface waters in addition to groundwater receptors and consider surface water safeguard zones and protected areas.

- Section 4.14.16 to 4.14.19 must be updated to consider the waste status of materials and ensure they are excavated stored treated and recovered/disposed in line with waste regulatory requirements. This has not been clarified in the scoping document.

Environmental Statement – 11 Ground Conditions

- A main aim identified in 11.1.2 should be to delineate any areas of waste deposits within the proposed development area.
- 11.2 the methodology is only considering the site in line with contaminated land legislation, this should also look at waste legislation and where this is relevant it should be applied instead of contaminated land.
- 11.3.21 indicate Denham park farm is 225m from the site, we can confirm it is much closer, with the permitted landfill area within 85m of the new proposed development and the current Landfill access adjacent to the proposed red line boundary. This landfill will be operating during the proposed construction and opening of the services and continue to run as a landfill for another 20 to 30 years

Informatives

Informative 1: Land contamination: risk management and good practice

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Land Contamination: Risk Management, dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Informative 2: Waste on-site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused onsite providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Informative 3: Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Informative 4: Use of Section 106 Town and Country Planning Act 1990 planning obligation

The type and nature of contamination on this site is such that it will require extensive monitoring. We advise that early engagement between the developer, local authority and ourselves is made to discuss the opportunities available through planning obligation (Section 106 of the Town and Country Planning Act 1990) agreements to ensure that this site will be appropriately monitored in order to protect controlled waters.

Informative 5: National Quality Mark Scheme for Land Contamination Management. This development site appears to have been the subject of past activity which may pose a high risk of pollution to controlled waters.

However, we note that the application is accompanied by a report prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines

- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations. We therefore assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us.

We recommend that you take account of the conclusions and recommendations within the NQMS report.

If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management.

Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 174 of the National

Planning Policy Framework.

We also recommend that you consider the merits of advising the developer to continue to handle any further land contamination management work that may be required under the NQMS.

Informative 6: Request for consultation on discharge of condition Please consult us on the details submitted to your authority to discharge these conditions and on any subsequent amendments/alterations.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation. "<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Development in close proximity to activity regulated by an Environment Agency permit

New development within close proximity of an authorised landfill could result in impacts including being exposed to odour, noise, and dust. The severity of these impacts will depend on the size of the facility, the nature of the activities or prevailing weather conditions. Planning policy requirements (paragraph 187 of the National Planning Policy Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing authorised landfill could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development

to minimise exposure to the neighbouring authorised landfill and/or through financial contributions to the operator of the facility to support measures that minimise impacts. Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local resident's concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 187 of the NPPF. When a new development is built near to an existing authorised landfill this does not automatically trigger a review of the permit.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Environment Agency – 1st November 2022

Thank you for re-consulting us with the additional information for the above application on 3 October 2022.

The additional information does not change our position with regard to the proposed development and our comments and conditions recommended in our original response (reference NE/2022/134497/01) still stand.

Advice

Where waste is excavated as part of the works this cannot be "reused" as part of the development, it must be sent off site for recovery and/or disposal elsewhere as the current proposals for the site will not include the required authorisation to recover the waste as part of the earthworks and materials management. This must be recognised in the Remedial Strategy and Remediation Management Plan.

The status of the material deposited on the site by HS2 is of concern. Where the end use for the land has changed, this deposit is likely to be regarded as a waste activity and therefore the proposed development must comply with waste legislation. This cannot be reused under contaminated land legislation or DoWCoP and would either need an Environmental Permit for Recovery of waste or it would need to be sent off site as a waste. This would have significant implications to the proposed development.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Environment Agency – 21st February 2023

Based on a review of the submitted information, we have no objection to the proposed development. Our previous comments and conditions recommended in NE/2022/134497/01 and NE/2022/134497/02 remain valid. However, we have the following advice to add.

Drainage

When finalising the drainage system, we advise the applicant to follow our guidance –

The Environment Agency's approach to groundwater protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. The design of the drainage systems should be in line with chapter G position statements

<https://www.gov.uk/government/publications/groundwater-protection-positionstatements>

The following points should be noted whenever infiltration systems are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks.
- Clean uncontaminated roof water should drain directly to infiltration systems entering after any pollution prevention methods.
- No infiltration systems should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration systems and the water table

At the petrol filling station, the applicant should ensure that:

- only clean water, such as roof water, will discharge into the ground,
- surface water run-off from roofs does not discharge through an interceptor,
- there is sufficient capacity for all surface spills,
- contaminated site water doesn't discharge to surface watercourses, soakaways or the ground; if connection to a sewer system is not possible, then contaminated water must be contained and disposed of off-site,
- contaminated water from wash bay areas must discharge to foul sewer after passing a silt trap to retain grit (or contained and disposed of off-site),
- contaminated water from dispensing areas and road tanker discharge area must also connect to the foul sewer (or contained and disposed of off-site) after passing through an appropriately designed oil-water treatment system, such as a separator, with shut-off valve,
- materials used are resistant to attack by hydrocarbons, this includes both the hardstanding and pipework.

Environmental Permit

An environmental permit will be required for the treatment, recovery or deposit for soils or other materials which may be waste and are proposed as part of this scheme. This would include landscaping or construction works associated with the motorway or creating a development

platform. We can provide Environmental Permit pre-application advice through our website at Get advice before you apply for an environmental permit -GOV.UK (www.gov.uk) this can ensure the construction programme stays on track and avoid lengthy delays.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Natural England

Thank you for your consultation on the above dated 12 May 2022 which was received by Natural England on 12 May 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habitatsandspeciesimportance.aspx>

Annex A – Additional advice

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Annex A – Additional advice

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Newts Officer - 23 June 2022

Summary

No Objection subject to condition regarding the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents.

For all other matters relating to Ecology please refer to the Ecology Officer's Comments.

Discussion

The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.

- There are 5 ponds within 500m of the development proposal. The closest pond is located adjacent to the eastern site boundary. There are 2 ponds located 225m and 230m to the south-east and south-west. There is 1 pond located 490m to the west. The last pond is located 490m to the north-west of the site.

- There are great crested newt records within 1km of the site.
- There is limited connectivity between the development and surrounding features in the landscape.

A Preliminary Ecological Appraisal (PEA) by Wardell Armstrong (April 2022, site survey conducted pm 17th and 25th February 2022) for the site at Land Between Junctions 16 and 17 Of The M25 Near Chalfont St Peter Buckinghamshire has been submitted and concluded:

- *'3.3.4 No ponds are present within the application boundary, however, a single balancing pond is present within the survey area¹⁰, with an additional three ponds located within 500m. In addition, there is some suitable terrestrial habitat, including grassland, scrub and woodland on site.'*
- *'Surveys identified a 'medium' population of GCN within Pond 3, within Gerrards Cross Golf Course >450m from site. Minor loss of distant terrestrial habitat.'*
- *'GCN surveys have been undertaken, most recently during 2021. The surveys confirmed the presence of a 'medium' GCN population in Pond P2 within Gerrards Cross Golf Course. Impacts to GCN are likely to be minimal given the separation distance from potential breeding habitat. The GCN survey results are reported separately (WA 2022).'*

A Great Crested Newt Survey Report by Wardell Armstrong (April 2022, eDNA surveys conducted on 23rd April 2021 and population surveys were conducted between 6th May 2021 to 11th June 2021) for the site at Land Between Junctions 16 and 17 Of The M25 Near Chalfont St Peter Buckinghamshire has been submitted and concluded:

1.1.5 All waterbodies were initially subject to eDNA testing to determine whether GCN were present. Ponds where eDNA returned a positive result for GCN were surveyed six times in total in order to confirm presence, with a view to undertake an assessment of the population size class.

1.1.6 Pond 3 only was subject to six survey visits in 2021.

3.4 Population Assessment

1.1.8 A summary of the peak counts recorded within each pond/per visit and population estimate is given below in Table 4. The peak count for each pond is highlighted in bold text.

Table 4: Results summary 2021 Ponds with GCN recorded

Table 4: Peak counts of GCN within each waterbody located within 500m of the site								
Waterbody Number	Visit 1	Visit 2	Visit 3	Visit 4	Visit 5	Visit 6	Population Size Class	Breeding Confirmed
1	-	-	-	-	-	-	-	-
2	-	-	-	-	-	-	-	-
3	1	20	8	2	27	0	Medium	Yes
4	-	-	-	-	-	-	-	-

4.1.2 Medium populations of GCN were recorded in Pond 3. The eDNA surveys returned negative for waterbodies 1, 2 and 4 during the 2021 surveys, therefore these points were not subject to conventional surveys.

I am not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

There are works taking place on the western side of the M25 and Denham Lane is not considered a significant barrier between Pond 3 and the proposed development site. Aerial photography suggests there is a pond located 225m to the south-east of the site that has not been surveyed. Should GCN be present within this nearby pond they may well use the site during their terrestrial dispersal phase.

As it is considered that the habitat on site is mostly unsuitable and the likelihood of GCN is low then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist should be acceptable to reduce the risks to GCN at this site. A pre-commencement condition for the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) for great crested newts has been provided below.

A great crested newt informative has also been provided below.

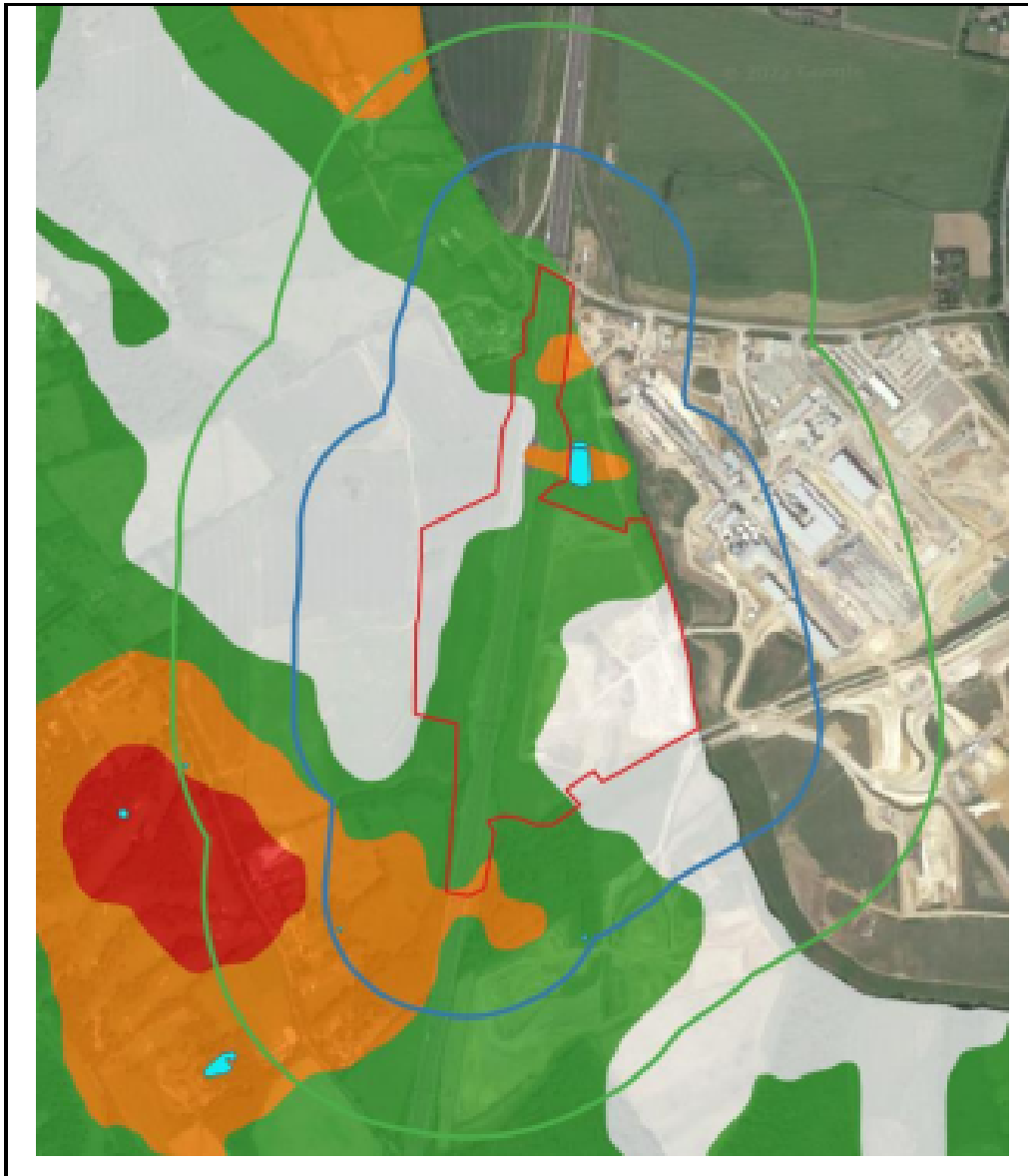
The applicant must be aware that should a GCN be discovered during works all operations must cease immediately and Natural England and/or a great crested newt licensed ecologist must be contacted immediately to provide further advice. A Natural England European Protected Species Mitigation Licence (EPSML) or Buckinghamshire Council's Organisational District Licence might be required before works can recommence.

If the applicant wants to remove the risk of works ceasing should a GCN be found on site, then they should consider applying for the Council's Organisational District Licence for GCN. More details on the district licensing scheme operated by the council can be found at www.naturespaceuk.com

For all other matters relating to Ecology please refer to the Ecology Officer's comments.

Contact details: charley.scales@buckinghamshire.gov.uk

The image below shows a rough outline of the site (red) in the context of the surrounding landscape, including the impact risk zones. Ponds are shown in light blue. A 250m buffer is shown around the site in blue and a 500m buffer in green.



Conditions

Restrictions on commencement of development until specific protection measures are agreed
Prior to the commencement of any development a precautionary working method statement shall have been submitted to, and approved in writing by the Local Planning Authority. This is to include details of reasonable avoidance measures for great crested newts. The development shall proceed in accordance with the approved measures, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the survival of species protected by legislation and notable species that may otherwise be affected by the development.

Informatives

Protection of great crested newts and their breeding/resting places

Informative: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Buckinghamshire Council have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result GCN and their habitats are a material consideration in the planning process.

Tree Officer- 17th January 2023

Various revised documents have been submitted that include an amended Illustrative Landscape Masterplan which shows slight changes to the road layout and drainage infiltration ponds, and consequent changes to various other documents.

The additional information provided includes a further revision to the Arboricultural Impact Assessment, which is now dated December 2022. This refers to minor additional tree loss, which would have little impact of the overall scheme.

However, these changes would not affect my previous conclusion: Generally, it appears that the proposed access arrangements would only involve the loss of one large tree and the proposed replacement planting should compensate for this loss so I would not object to the application.

Forestry Commission – 13th June 2023

Thank you for consulting the Forestry Commission. As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on: the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to mitigate impacts and result in overall gains wherever possible.

We advise that the planning authority should consider the following policy and guidance as part of their decision-making process for this application:

1. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 180(c) of the NPPF sets out 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. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF. If the proposed development is likely to result in the any of the following:

Development within the Ancient Woodland boundary or within the buffer zone.

Loss or damage to veteran or ancient trees including within hedgerows

Direct or indirect impacts to ancient woodland, ancient trees or veteran trees (see Standing Advice including Assessment Guide to check this)

or the Council feel our input is particularly required for this application, then we ask that the Council please email us at planningconsultationSEL@forestrycommission.gov.uk for the attention of Richard Cobb so that we can work with the Council and provide more detailed advice. Please include any specific information or questions that you.

2. Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 131 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.

If the proposed development is likely to result in the any of the following:

Large scale loss of non-ancient trees

Loss of non-ancient woodland (especially where it's long-established)

Development on recently felled woodland, especially if there is a risk that this may have not happened lawfully

A significant opportunity to expand, connect, increase tree and woodland cover or enhance existing woodland eg bringing it into management or improving its condition.

Then please contact us as above.

For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.

Biodiversity Net Gain (BNG):

Paragraph 174(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. A requirement for most development to deliver a minimum of 10% BNG will become mandatory from November 2023. The planning authority should consider the wide range of benefits trees, hedgerows and woodlands provide as part of delivering good practice biodiversity net gain requirements. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through BNG.

We would also like to remind applicants that if tree felling is undertaken that it may require a felling licence from the Forestry Commission. Please refer to Annex 1 attached for further guidance and advice that we hope you find helpful. If you have any particular concerns that are not covered by the above, please contact us again highlighting any specific issues for us to consider in more detail

Thames Valley Police – 5th January 2023

The National Planning Policy Framework 2021 demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. (Ref. paragraphs 92b, 112c and 130f). With this in mind it is important to consider all appropriate crime prevention measures when viewing the proposals to safeguard the community, its occupant and prevent the development negatively impacting police resources.

I refer to our response submitted in June of last year asking for an appropriate additional access from the local road network onto the development to address public and officer safety and the original concerns raised about a single point of access from the motorway network. Whilst there is an additional access into the site for staff this is not suitable for the purpose of emergency services due to the lack of vehicular access.

In terms of this new staff pedestrian access, it is unclear how this will operate. Robust access controls would need to be present to prevent this becoming an unauthorised point of entry and exit from the site benefitting offenders without the risk of being observed. Further details relating to the physical security and access controls must be provided to ensure this access will not increase the potential for crime and anti-social behaviour to occur at the site.

Environmental Health- Contaminated Land

I have reviewed Chapter 11 of the Environmental Statement and the Phase 1 Geoenvironmental Desk Study prepared by Wardell Armstrong (Report ref. LD10372).

The PRA has identified a number of plausible contaminant linkages that require further investigation.

The Environmental Consultant has recommended that a site investigation be undertaken to allow the site to be fully characterised.

Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

The application requires the following condition(s):

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A site investigation, based on the Phase 1 Geoenvironmental Desk Study prepared by Wardell Armstrong (Report ref. LD10372), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

HS2

Thank you for your email regarding this matter and for your attached consultation letter dated 12 May. Before providing HS2 Ltd's formal comments on the planning application I have liaised with the Area Town Planning Manager and the plans and specifications submission for the Colne Valley Western Slopes earthworks should assist with your assessment of the MSA proposals.

From an HS2 land restoration perspective, the approved landscape masterplan and proposed contours sheets are probably the most helpful information for you. The reference number for the approval under Schedule 17 of the High Speed Rail Act 2017 is PL/21/0591/HS2 on the Council's online portal and here is a link for ease: <https://pa.chilternandsouthbucks.gov.uk/onlineapplications/simpleSearchResults.do?action=firstPage>.

Now turning to the consultation on the revised MSA planning application itself, which was fully expected following the appeal dismissal last Summer. The supporting material, including illustrative masterplan and supporting statement have been reviewed by HS2 and its appointed contractor (Align JV) and following key observations are made:

- New on-line MSA proposals informed by findings of the Planning Inspector and previous comments raised by the LPA and other key stakeholders.

- In response, the proposed MSA is relocated from the western side (Warren Farm) to the eastern side of the M25 (on land adjacent to the HS2 Chiltern Tunnel currently being used by HS2 as a temporary material stockpiling area).

- This, combined with a smaller scale of development now being proposed (i.e. the 100 bedroom hotel element has now been removed) concludes that the proposals are: “considerably less harmful than the previous Warren Farm proposals”, and “notably less harm in relation to Green Belt openness etc.....”

- HS2 have acquired the area subject to Safeguarding Directions under Schedule 16 possession and the land would not be handed back to the landowner until our works were concluded.

- Area is currently being utilised as a stockpile for chalk cake material and whilst this is needed predominantly to restore the HS2 site, it is also a material that the developer may have interest in (as their proposed design indicates a calcareous grassland landscape post MSA construction).

- There may be synergies regarding retaining existing slip roads to this development that seem to have been overlooked (albeit outside of the application site boundary and may need to be privately secured) yet could significantly reduce the carbon impact of the proposed development.

- Further collaboration with the developer would be welcomed as there could be some mutually beneficial agreements (regarding excavated materials at least) that could be reached.

- Under section 4.6 of the Framework Travel Plan headed “Further Opportunities”, reference is made in the second paragraph to the existing HS2 access to the north and east of the application site and how the developer will work with the LPA and Highway Authority to retain these local connections, “albeit downgraded to PRoW use only once HS2 construction works is completed.” However, in those respects it should be noted that the northern access are the slip roads for which an Undertaking/Assurance is in place to remove once HS2 works are completed and the eastern one is also the quarry access road for which a legal agreement is to be entered into between HS2 Ltd and Three Rivers District Council to remove.

- Draft planning conditions were agreed as part of the previous Warren Farm application/appeal, which also had the benefit of interrogation from a Planning Inspector during a roundtable discussion at the public inquiry in August 2021.

- Whilst proposed draft planning conditions included as Appendix 1 of the planning statement now relate to a different site and proposal, the vast majority remain relevant and, crucially from an HS2 interface perspective, the HS2 condition requested in our consultation response to the previous application is still included as follows:

“23. No development hereby permitted shall commence until a detailed Design and Construction Method Statement(s) has been submitted to and approved in writing by the Local Planning Authority.

The Design and Construction Method Statement(s) shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 works, the construction of the HS2 works are not impeded. The approved scheme shall be in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the works do not prejudice the construction of HS2.”

In addition, key interfaces of concern between HS2 and the revised MSA scheme proposals include contouring, drainage and any noise/light impacts that the applicant will need to consider in cumulative effect terms with HS2. As a committed project in that location, (both Phase One Act and Schedule 17 plans and specifications approval previously referenced), planning policy dictates that the HS2 completed scheme should be fully taken into account by the developer and in that context it is welcomed that the applicant has continued to follow ongoing progress of the plans for delivery of the high-speed railway since Royal Assent was achieved in 2017.

In terms of the potential synergies and collaborative approach points outlined above, it is also welcomed that the applicant has already approached HS2 Ltd to discuss opportunities for co-operation should the proposed development achieve Outline planning consent.

Accordingly, HS2 Ltd raise no objections to the application in safeguarding terms and in the event the local planning authority are minded to grant consent HS2 Ltd request that the planning condition set out above is attached to any permission.

Please note that in the event the local planning authority is minded to approve the application without the requested planning condition, (or similarly worded alternative to achieve the same objective of safeguarding delivery of the high-speed railway in that location), contrary to the advice of HS2 Ltd, then the application should, in accordance with paragraph 6 of the Safeguarding Directions issued on 22 August 2018, be sent together with the material specified in paragraph 7 of the Safeguarding Directions, by first class post to:

High Speed Rail Property Team

Department for Transport

Great Minster House

33 Horseferry Road

London

SW1P 4DR

Or by email to: hgspeedrail@dft.gov.uk and copy email to: town.planning@hs2.org.uk.

The Department will inform LPAs of the date of receipt of the application and the material required under paragraph 7 of the Safeguarding Directions, and will, within 21 days of that date, either notify authorities that there are no objections to permission being granted, or issue Directions restricting the granting of permission specifically for those applications.

Denham Airport

PL/22/1411/OA

I refer to your letter of 17 August relating to the above application and thank you for alerting us to the recent report prepared by ASA for the Council and dated August 2022.

The ASA report changes nothing in our letter to you of 9 June 2022 which addressed the Applicant's assessment of aviation safety.

You will be aware that ASA previously advised the Council in respect of the applicant's first application, PL/19/2260/OA.

In March 2021 we submitted a report prepared by Dr Eddowes who had reviewed the ASA report on the first application. Dr Eddowes, an aviation safety specialist, prepared a full appraisal of ASA's work. He provided detailed statistics and followed industry standard risk assessment and classification methodologies.

Dr Eddowes concluded how and why the ASA report did not '**provide an adequate account of the impacts of the MSA on the safety of operations at Denham Airport to properly inform the determination of the application.**'

ASA state at Section 1.3 that its August 2022 report should be '*...considered in conjunction with its earlier reports for Chiltern District Council...*'. It would appear that ASA still considers that its approach and judgements are robust. We continue to dispute this.

At its heart, ASA continues to suggest that '*There is...no requirement...to protect the availability of land eg for a forced landing near the aerodrome.*'

This was ASA's position in 2020 and remains its position despite the Planning Inspector in 2021 making clear that it was entirely reasonable and appropriate for Denham Aerodrome seek to protect aviation safety at the Airport.

The Planning Inspector's letter of 17 November 2021, in relation to the first Extra application stated:

'On the basis that the planning system has a role, it was reasonable for the aerodrome manager to commission the risk assessment and raise objections as a result of its conclusions, even though the area being assessed was not controlled by the aerodrome. Alternative forms of development for the appeal site and community land are very limited because it is Green Belt. Objecting to the current development proposals was a legitimate way that the aerodrome operator could mitigate the risk through the land use planning process.'

The basis for ASA's position on this is its interpretation of the CAA's Publication, CAP 738, 'Safeguarding of Aerodromes' is flawed. The list of potential threats to aerodrome safeguarding quoted by ASA is not **exclusive**. The introductory paragraph to the list quoted by ASA states that safeguarding '*...is the process by which the Aerodrome Operator can... protect the environment surrounding the Aerodrome from developments and activities what have the potential to impact on the aerodrome's safe operation.*'

This makes clear that it is the Aerodrome Operator's responsibility and duty to assess the safety of the environment surrounding an aerodrome. Paragraph 3.28 of the CAP refers to 'Other considerations' and gives examples but the examples are defined as '**including**'. It is reasonable, and in fact an obligation where justified, for the Aerodrome Operator to be concerned about the loss of land currently available for a forced landing.

The ASA report then seeks to demonstrate that, in any case and irrespective of the Aerodrome Operator's judgement, the actual level of aviation safety risk is so low that this issue may be disregarded. The reasons put forward by ASA are set out below and are accompanied by our specific preliminary response.

ASA: Only some aircraft movements use the full flight training circuit and other arrivals and departures '*...are not in a position in [sic] whereby a forced landing at the MSA would be a feasible option...*'

Response: ASA has no details of the scale and nature of aircraft movements at Denham.

ASA: '*...other suitable landing sites*' are available

Response – ASA has not identified these or assessed them. It has used and out of date plan (by Jacobs) which is no longer relevant.

ASA: '*...any increase in the aviation safety risk would be lower than that for the earlier site as much of the land for this site would be now available if an emergency landing were required...*'

Response: Not correct and the MSA site and specifically the proposed Filling Station are directly below the flying circuit.

ASA: '*...the proposed MSA site itself is largely unsuitable due to its slope in many areas...*'

Response: This ignores Extra's proposed land remodeling.

ASA: '*...the aviation safety risk is significantly higher in terms of the potential loss of suitable landing site in the event of an emergency landing, although this risk is acceptable to pilots and to the aerodrome operators...*'

Response: The Aerodrome Manager judges the risk caused by the loss of land to the proposed MSA site as unacceptable.

ASA: '*General aviation is not completely risk-free.*'

Response: This may be correct but it does not justify actively increasing risk.

ASA: '*It should also be noted that flights at Denham are, as at August 2022, overflying the HS2 viaduct construction works and the materials storage area to the east of the proposed MSA site. These flights theoretically present a*

much higher increased safety risk in terms of the loss of suitable areas for an emergency landing. In the circumstances, it appears that pilots at Denham are accepting this higher risk and given that these temporary obstacles will be removed once HS2 is in operation, there is no reason to suppose that they would not also accept a lower level of increased safety risk if planning consent for the MSA were granted.'

Response: There is no basis for this assertion, but the 'temporary works' are just that.

In addition, ASA has provided no evidence to support any of the above assertions. It should be noted that these points generally reflect those made by ASA in its report for the Council in connection with the first Extra application. These points were all refuted by Dr Eddowes.

We request the Council take cognizance of the 2021 Inspector's clear acceptance that the Aerodrome Manager's concerns constitute a material planning consideration. The application site proposes buildings and people on the ground beneath a busy airfield training circuit. There are a number of clear planning issues on which to refuse this application and aviation safety indubitably constitutes one of these.

We request the Council take account of these points as well as the contents of our letter of 9 June 2022 and all of the material information we submitted in connection with the first Extra application.

We endorse the objections to this application made on behalf of the Colne Valley Services applicant and, as before, would like to bring to your attention that the CVS would not adversely affect aviation safety.

If necessary the Airport would re-engage Dr Eddowes to provide a detailed risk assessment but the main principles of his conclusions remain as in 2020-2021.

We hope, however, that the Council will refuse this application and use the adverse impact on aviation safety as a reason for doing so.

If you have any further queries we would be pleased to assist you.

Civil Aviation Authority

The UK Civil Aviation Authority's Airfield Advisory Team have been set up to meet the Department for Transport's objective of sustaining the UK network of airfields. We are a non-regulatory team who provide advice to Government, licensed and unlicensed airfields and local planning authorities on matters that are relevant to CAA functions, and formally commenced engagement with airfields in November 2020.

In January 2021 we were asked by Buckinghamshire County Council to comment on a planning application submitted by Extra MSA Group (ref: PL/19/2260/OA). We understand that this planning application, referenced above, is a new application from the same applicant and we have been asked by a concerned third party to comment.

Denham Aerodrome previously raised concerns about development in close proximity to their aerodrome and in particular, the ever decreasing options for landing off-aerodrome in the event of an inflight emergency. Several reports associated with aviation safety were prepared because of this concern. We wrote to Gary Murphy and provided independent commentary on the matter and provided an assessment of one report created by a third party regarding the risk. Our conclusion was that, whilst it is not the aerodrome's responsibility to identify off-aerodrome landing sites in the event of an emergency, it is accurate to say that the proposed development would significantly reduce the amount of space available should such an incident occur.

The proposed site for this application is located very close to that of the former proposal and consists of a development area of approximately 85 acres. This application is centred longitudinally along the M25 with the bulk of the development area on the east side of the carriageway. As before, the flight track over the ground for Denham aerodrome's runway is directly over the site and so as concluded previously, this proposal would reduce the area available for an off-aerodrome landing in the event of an emergency.

Figure A1 below shows the site location plan associated with this application with Denham Aerodrome's rectangular circuit track over the ground shown.



Figure A1: Denham Aerodrome's circuit overlaid above this application site location

We are aware of another proposal for a motorway service area between junctions 15-16 (M25) (ref: PL/20/4332/OA) as shown in blue in Figure A2. The site is over 3 miles away from the aerodrome and covers an area of around 120 acres.



Figure A2: Illustration of both current MSA proposals in Buckinghamshire

Environmental Health- Air Quality

Air Quality Comments

I understand that the only vehicular access into the Proposed Development will be taken from the M25 and is proposed through a new all-movements grade separated access junction. There will be no vehicular access between the Proposed Development and the local road network during both construction and operational phases.

Should there are any changes to the application that would increase traffic on the local road network either at the operation or construction phase the Strategic Environmental Protection Team need to be consulted.

Recommendation:

A condition requesting a Construction Environmental Management Plan (CEMP) as outlined in paragraph 15.5.3 of the Air Quality Assessment.

Environmental Health- Noise

I have visited the proposed development site and have reviewed the information posted on the Planning Portal in connection with this application, and for background, the Planning Inspectorate's decision in respect of PL/19/2260/OA and would make the following comments:

I have no fundamental objection to the nature of the proposed development of a Motorway Service Area (MSA) at this location as regards noise, vibration, artificial light, dust, etc., subject to the Local Planning Authority including specific conditions to control these pollutants in the event of permission be granted:

Disturbance during the construction phase: noise/vibration/dust

I would recommend the following condition

1) No demolition or construction activity shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases of the development. Thereafter, the construction of the development shall only be carried out in accordance with the approved Construction Environmental

Management Plan which shall include details of

- a) Construction vehicle numbers, type, routing
- b) Construction and storage compounds (including areas designated for car
- c) parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Construction and demolition hours of operation
- g) Dust control measures
- h) Noise control measures
- i) Vibration control measures

It may be that the above condition is modified to reflect the concerns of other consultees, for example the Highway Authority or Environment Agency, as regards other environmental matters.

Noise from plant, vehicles, etc. on site during normal operation of the proposed MSA

I recommend the use of the following condition as regards these issues:

- a) No demolition or construction activity shall take place until a detailed written scheme for protecting the local community from noise associated with plant, vehicles and other noise sources

associated with the operation of the Motorway Service Area has been submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, the development shall be carried out in strict accordance with the approved scheme unless the Local Planning Authority otherwise agrees in writing.

c) The approved scheme shall thereafter be maintained.

Artificial light during normal operation of the proposed MSA

I recommend the use of the following condition:

1(a) Before the development commences a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on nearby land uses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light. Only the details thereby approved in writing by the Local Planning Authority shall be implemented and shall thereafter be maintained.

1(b) If within a period of 12 months following the first use of the lighting the Planning Authority requires the alignment of the lights to be adjusted and/or hoods or shields to be fitted, this shall be carried out in accordance with an agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

Economic Development Officer

Having had a look at the Socio-Economic benefits section of the Environmental Statement, my observations aren't too dissimilar from the comments I made on the previous application. From an economic development perspective, we would welcome investment, job creation and skills development in the county. My concern though is over the extent to which the employment benefits would be felt by residents of Buckinghamshire. I welcome the commitment to an Employability Strategy to try and maximise the local benefits and if the application was approved, would be happy to work with the applicant on this.

I do though think that finding Buckinghamshire residents to fill the temporary construction roles will be difficult - recruitment challenges in the sector are well-documented locally and there is a lot of competition for construction workers. In the operational phase, around 70% of the positions to be created are at an entry level and whilst it is important to offer a mix of employment opportunities, I would suggest that given the socio-economic profile of the county (above average skills level, below average levels of unemployment) that these may not be the best fit or the types of employment most likely to be sought by local residents.

Obviously, with the Covid-19 pandemic unemployment did increase, but this is on a downward trend and there are a high number of job opportunities now available. The report suggests that 25% of employment will be secured by people outside of Chiltern - personally, I think this is on the low side, especially as the report itself acknowledges that the opportunities will be attractive to residents in other areas, and the site will be easily accessible to workers from further afield.

Ecology – 11th November 2022

Summary

No objection, subject to conditions and the entering into of a Section 106 Agreement (*as deemed necessary*)

Conditions relating to an updated reptile survey, a Construction Environmental Management Plan, a Landscape and Ecological Management Plan, and a lighting design strategy for light-sensitive biodiversity are required. In addition, if the construction of the proposed development is to be completed in phases then a condition relating to a Phased Biodiversity Net Gain plan is recommended.

Proposed offsite habitat creation can be secured via the entering into of a Section 106 Agreement. Alternatively, the red line boundary of the application site can be amended to include the additional field adjacent to the north-west boundary of the site. In line with the Mitigation Hierarchy this latter option is preferred.

Discussion

Following our previous comments on 24th June 2022 further information was provided relating to protected species (bats, reptiles, and breeding skylarks) and biodiversity net gain.

Site Designations

The site falls within the Site of Special Scientific Interest (SSSI) Impact Risk Zone for Mid Colne Valley SSSI. Please refer to Natural England's comments.

The site also lies within the Colne Valley Regional Park.

Ancient semi-natural woodland (Bloom Wood) exists within approximately 350m to the west of the site and ancient semi-natural woodland (Nockhill Wood) exists within approximately 300m to the south of the site.

According to 8 Ecology - ES the application site is located at the downward slope away from Bloom Wood edge. Hence it was concluded that the woodland hydrology will remain unchanged.

Biodiversity Net Gain

According to the final biodiversity net gain metric that was submitted (produced by Wardell Armstrong and dated 30/03/2022) the proposed development will result in a biodiversity net gain which is in line with NPPF.

The biodiversity gain is predicted to be a total of 21.95 habitat units and 1.69 hedgerow units.

I would recommend that the proposed habitat creation and biodiversity net gain and long-term monitoring are secured via a Landscape and Ecological Management Plan (LEMP) via a condition to any approval granted. If the construction of development is phased then I would also recommend that a condition relating to a Phased Biodiversity Net Gain plan is attached to any approval granted, so for each phase of construction a biodiversity metric accompanied by baseline and proposed habitat plans be submitted.

The offsite habitat creation to other neutral grassland and mixed scrub (grassland habitat allocated to mitigate the impacts of the proposed development on breeding skylarks) has to be secured via the entering into of a Section 106 (S106) agreement (as the habitat area is outside the red line boundary of the site). Alternatively, and as a preferred option in line with the Mitigation Hierarchy, the red line boundary of the application site can be amended to include this additional habitat area.

Protected Species

Reptiles

The protected species survey work undertaken so far is satisfactory with the exception of reptile survey. The majority of reptile visit checks were carried out outside the recommended survey times

contrary to best practice (Froglife, 1999, Reptile Survey: An introduction to planning, conducting and interpreting surveys for snake and lizard conservation, Froglife Advice Sheet 10). In addition the survey was undertaken in 2018-2019 thus the survey findings are also now considered out of date in line with CIEEM 'Advice Note on the Lifespan of Ecological reports and Surveys' (April 2019). I therefore have no confidence in the survey results and that a reptile population is not present on site, in particular along the M25 neutral grassland embankments.

I considered the baseline habitats, the 2018-2019 survey methods and results, and post development habitats, and the exceptions in British Standard 42020: 'Biodiversity - Code of practice for planning and development' (2013) apply in this instance and the updated reptile survey can be secured via a condition (and not requested prior to determination). In line with the British Standard 42020: ***"the use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as the following.***

- a) Where original survey work will need to be repeated because the survey data might be out of date before commencement of development.*
- b) To inform the detailed ecological requirements for later phases of developments that might occur over a long period and/or multiple phases.*
- c) Where adequate information is already available and further surveys would not make any material difference to the information provided to the decision-maker to determine the planning permission, but where further survey is required to satisfy other consent regimes, e.g. an EPS licence.*
- d) To confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased or decreased within the site.*
- e) To provide detailed baseline survey information to inform detailed post-development monitoring."*

It should be noted that all reptile species are listed in Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act) as Priority Species – Species of Principal Importance for conservation.

Nesting Birds

We welcome the offsite habitat creation to mitigate for breeding skylarks. This breeding skylark habitat creation and long-term management has to be secured via the entering into of a Section 106 agreement as the allocated area is outside the red line boundary of the site. Alternatively, as stated above, the red line boundary of the application site can be revised to include this additional habitat area.

Great crested newts

For great crested newt matters please refer to the Newt Officer's comments.

Invasive Species

A Schedule 9 listed species in the Wildlife and Countryside Act 1981 (*as amended*) giant hogweed was recorded at various locations just outside the application site boundary to the west. Ideally, the eradication of this species should be carried out and addressed in the Construction Environmental Management Plan to be secured via a condition to any approval granted.

Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) should be produced to take each notable habitat and protected and notable species into consideration and address the eradication of invasive species.

The CEMP should include the following details in accordance with the British Standard on Biodiversity BS 42020:2013:

Proposed Ecological Impacts

- Details of what biodiversity features could be impacted (in that phase) and what development activities could be potentially damaging.

Timetables

- A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible.
- The nature of the pre-commencement ecological checks / surveys required and details of the results of these surveys once they have been undertaken (for our approval).

Avoidance and Mitigation Measures

- Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition).
- Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts. We expect to see details of type, location and means of installation and maintenance FOR EACH PHASE.
- Specifically state the agreed buffer zones relevant to each phase. For example a minimum buffer of 5m around all on-site hedgerows and ditches has been agreed, but this will need to be increased in some phases to protect other biodiversity features (e.g. where badger setts and mature trees are present).
- Details of inspections to ensure wildlife (e.g. badgers and brown hares) do not become trapped in excavations or machinery.

On-site Personnel & Training

- The role and responsibility of the on-site Ecological Clerk of Works (ECOW) in each phase should be clearly stated including which works require supervision by the ECOW in relation to the current timetable for that phase.
- Evidence that an ECOW has been appointed for each phase and has an appropriate level of experience.
- Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP.
- Details of any awareness training of on-site non-ecological personnel such as tool box talks provided by the ECOW.
- Who will be responsible for erection and maintenance of on-site fencing, protective barriers and warning signs.
- Who is responsible for compliance with regulations, legal consents, planning conditions, environmental procedures and contractual agreements and the issuing of periodic reports on success and compliance. These periodic reports should feedback into the CEMP for the subsequent phase and ensure the results of this regular review are effectively communicated to on-site staff.

4 - 60

Monitoring, Compliance, Contingency and Emergency Measures

- Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.).
- Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk).
- Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements.
- Details of biosecurity protocols / method statements to prevent spread of non-native species between sites.
- Temporary management of existing wildlife features during construction / implementation.
- Ensure copies of all ecological reports relevant to sites works, relevant planning conditions and any protected species licences are kept in the site office and are available to refer to at any time.

Landscape and Ecological Management Plan

To reduce the impacts of the development, as well as incorporating opportunities for wildlife (such as bat and bird boxes, hibernacula/log piles, and insect boxes) and delivering biodiversity net gain, I would recommend that a Landscape and Ecological Management Plan (LEMP) for the site is produced and secured via a condition to any approval granted.

The LEMP should be produced in line with the British Standard on Biodiversity BS 42020:2013 and also include the details regarding biodiversity net gain delivery, including the Biodiversity Gain Plan and long-term monitoring measures and publication of results and actions.

Artificial Lighting

Bats may be impacted on by artificial lighting as a result of the proposed development. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018).

Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and part-night lighting.

I would recommend that a lighting design strategy for light-sensitive biodiversity is secured via a condition to any approval granted.

An illuminance plan/contour plots should be provided which show the extent of light spill and its intensity (minimum and maximum lux values throughout the site). Models should include light from all luminaires and each should be set to the maximum output anticipated to be used in normal operation on site.

Legislation, Policy and Guidance

Biodiversity Net Gain

Paragraph 118a of the National Planning Policy Framework (NPPF) states: *“Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside”*

Paragraph 170d of the requires that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”.*

Paragraph 175d of the NPPF states that: *“When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

Conditions

Updated Reptile Survey

No development shall commence until further reptile survey in line with ‘Froglife Advice Sheet 10 - Reptile Survey: An introduction to planning, conducting and interpreting surveys for snake and lizard conservation’, and a schedule of mitigation measures and monitoring checks, as deemed appropriate, have been completed in consultation with a suitably qualified reptile worker and submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and Natural Environment and Rural Communities Act 2006 (NERC Act) and to protect species of conservation importance.

Construction Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard habitats during construction and ensure the survival of protected and notable species that otherwise may be affected from the proposed works.

Securing On-site Biodiversity Net Gains

Landscape and Habitat Management Plan (LEMP)

No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features (bat boxes, bird boxes, insect boxes, hibernacula/log piles) to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Methods for data gathering and analysis.*
- i) Ongoing monitoring and remedial measures.*
- j) Review, and where appropriate, publication of results and outcomes.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure appropriate protection and enhancement of biodiversity and to provide a reliable process for implementation and aftercare.

N.B. Additional condition to be attached to any approval granted if the construction of development is phased:

Phased Biodiversity Net Gain Plan

No development shall take place (including demolition, ground works, vegetation clearance) for each phase of development unless and until the Biodiversity Gain Plan (BGP) demonstrating that Biodiversity Net Gain will be achieved for each phase has been submitted to and approved in writing by the local planning authority. The BNG plan shall include the following:

- *information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,*
- *the pre-development biodiversity value of the onsite habitat,*
- *the post-development biodiversity value of the onsite habitat,*
- *a biodiversity metric and existing and proposed habitat plans,*
- *any biodiversity credits purchased for the development, and*
- *such other matters than may be relevant.*

Reason: To ensure the development achieves Biodiversity Net Gain in accordance with NPPF.

Lighting design strategy for light-sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- k) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- l) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.

Ministry of Defence

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on the 19/12/2022.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. The applicant has submitted further amendments to an outline application for proposed erection of a Motorway Service Area facilities building, fuel filling station,

electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces.

The application site occupies the statutory safeguarding zone surrounding RAF Northolt. In particular, the height, and birdstrike safeguarding zones surrounding RAF Northolt and is approximately 10.5KM from the centre of the airfield.

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal. The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed above and in the emailed documentation titled Consultation on amendments: PL/22/1411/OA - Land Between Junctions 16 and 17 Of The M25 Near Chalfont St Peter Buckinghamshire dated 19/12/2022.

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

Minerals and Waste

Thank you for consulting on this application with regards to the Minerals Safeguarding Area.

As the applications falls within the safeguarding area it is required through Policy 1: Safeguarding Mineral Resources of the Buckinghamshire Minerals and Waste Local Plan (MWLP) to 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.

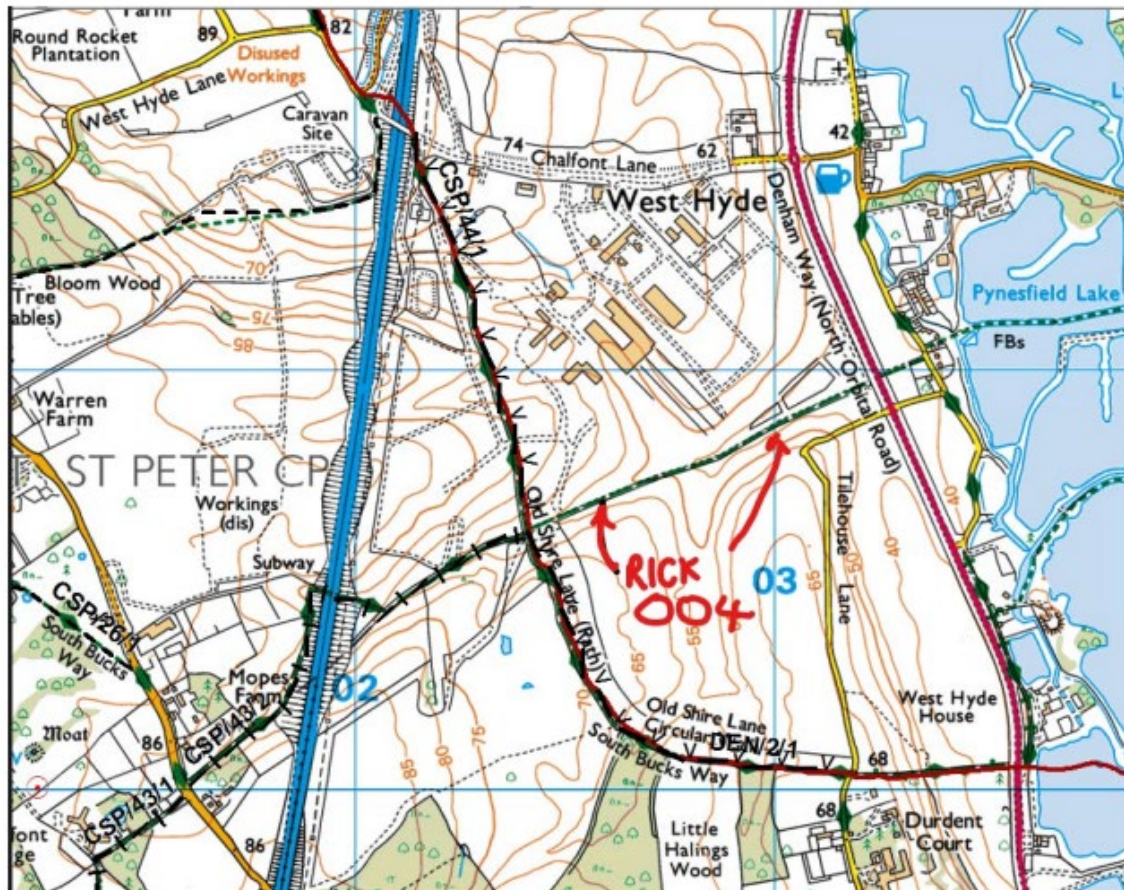
Through the information provided in the Mineral Resource Assessment (March 2022) and the Supplementary Geological Report (January 2023) the applicant has demonstrated that there is unlikely to be any mineral of value or have potential value within the application area. The information provided satisfies Policy 1: Safeguarding Mineral Resources of the MWLP.

The inclusion and consideration of Policy 10 Waste Prevention and Minimisation in New Development is welcomed. We would support the inclusion of conditions 19 and 25 of the proposed conditions set out in Appendix 1 of the Planning Statement (April 2022) ref PLANNING STATEMENT BIR.5351_PLANNINGSTATEMENT_FINAL140422

Buckinghamshire Strategic Access Officer

Background

The Buckinghamshire and Hertfordshire rights of way network is illustrated in Plan 1. The Buckinghamshire network is shown bold black, while the Hertfordshire network can be picked up on the Ordnance Survey base map [green dashed lines].



Plan 1

Old Shire Lane [CSP/44/1] passes generally north-west to south-east, situated immediately east of the development. Its status as Restricted Byway allows access for walkers, cyclists, horse riders and carriage drivers. Hertfordshire Bridleway RICKMANSWORTH 004 is labelled 'RICK 004' in Plan 1.

Impact of HS2

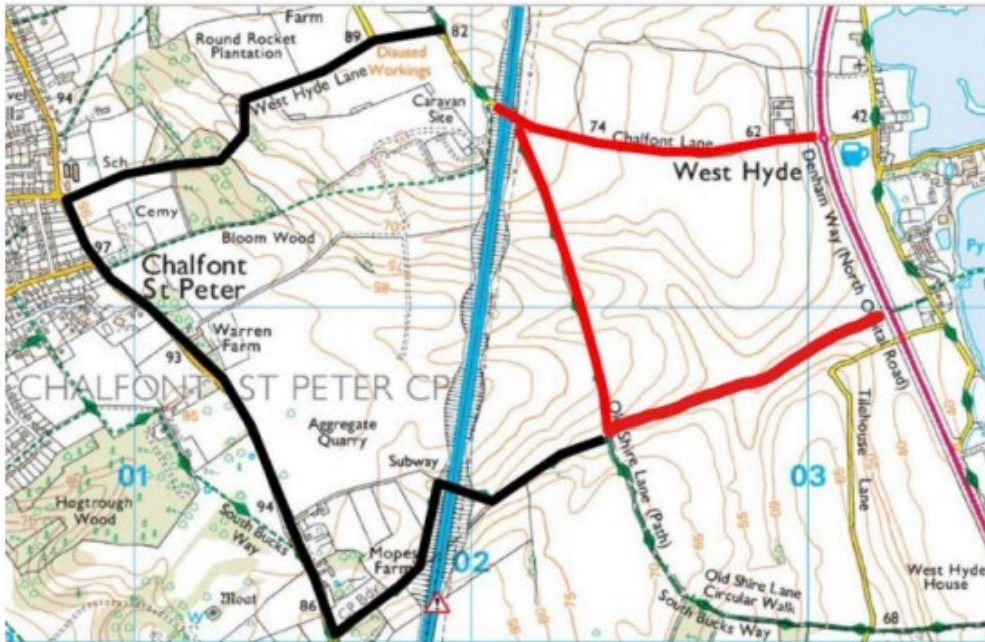
The northern half of Old Shire Lane is closed for HS2 works at least until 1st January 2025 – see sketch on Plan 2 showing the closed route in red. It's unclear if this will extend beyond 1st January 2025, though it seems likely.

It is my understanding that Chalfont Lane will be reinstated without a footway or street lighting, although both facilities currently exist for the sole benefit of HS2 construction employees.

Detailed design for Chalfont Lane is unavailable, but perhaps as a guide, it may be similar to the reinstated Tilehouse Lane [4m wide carriageway with 5.5m passing places] given the similar landscape context. That said, an HS2 maintenance depot is situated off Chalfont Lane, which will dictate the carriageway width. As far as the Schedule 17 application goes for the Western Valley Slopes, Chalfont Lane is outside of the application boundary and no changes appear to be proposed

as part of HS2's access strategy. We will have to await for HS2's Schedule 4 HS2 Act application to Hertfordshire County Council for the final design.

My understanding is that the northern half Old Shire Lane, particularly the area adjacent to the HS2 tunnel portal, which is currently subsumed into their construction site, is returned to its original alignment [or very close to it] following completion of construction.



Plan 2 - Existing HS2 temporary closure of rights of way and Chalfont Lane – indicated red; black = alternative route for non-motorised users




Hertfordshire RICKMANSWORTH 004 passes from the A412 to Old Shire Lane, then through the M25 underpass towards Chalfont St Peter as Bridleway CSP/43/2. The Hertfordshire section is closed for HS2 works as shown red above.

Bridleway RICKMANSWORTH 004 is diverted to cross HS2 via a realigned Tilehouse Lane.

To provide some perspective to the above descriptions, the final layout for rights of way is shown below. This was granted TCPA planning approval under Schedule 17 HS2 Act 2017 on 3rd June 2021. Please see HS2's 'Colne Valley Western Slopes Right of Way' plan; firstly, in full [Extract 1], then split in northern and southern halves [Extract 2 and 3], with my annotation of the MSA site.

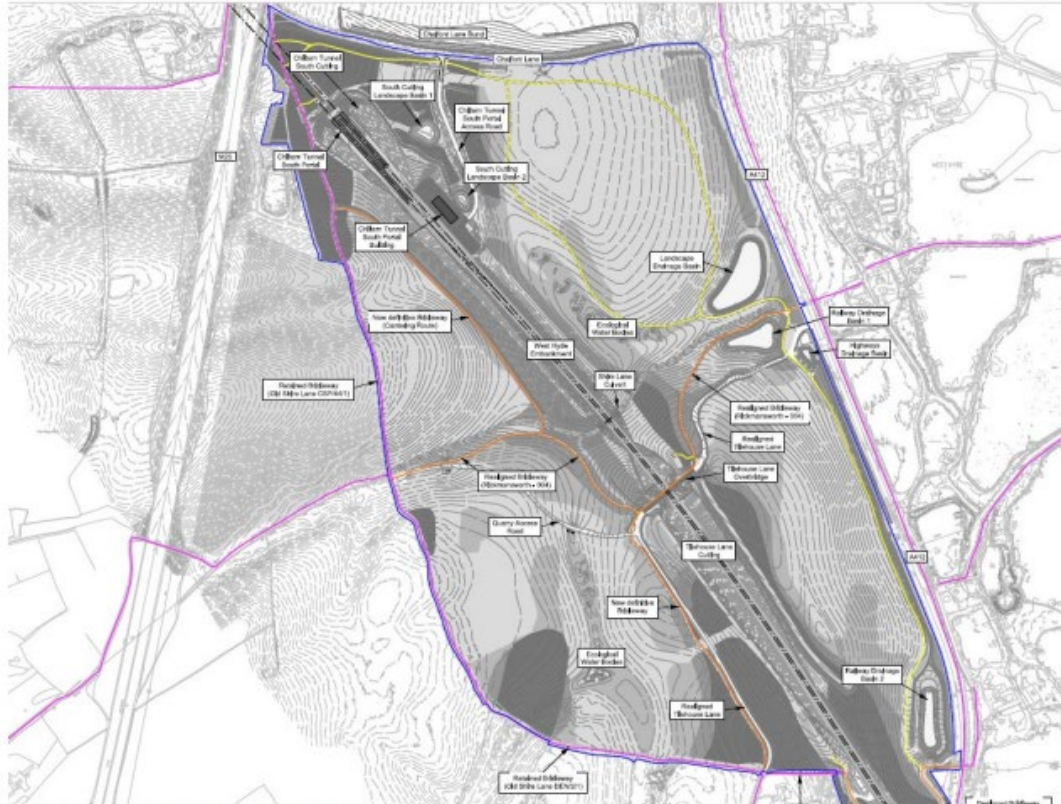
The plan key is copied below. I suspect the yellow annotation means permissive rather than 'passive' walking routes, located within what's known as the 'Western Valley Slopes' public open space, which includes formal public viewing areas of HS2.

Public Rights of Way

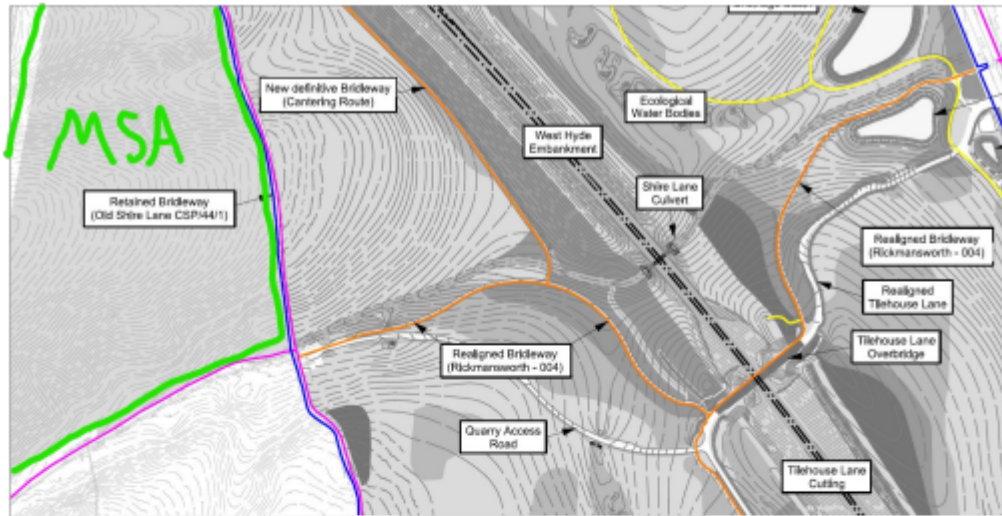
-  PRow Wider network and not affected by HS2
-  Passive Walking Routes delivered by HS2
-  PRow Maintained / Realigned by HS2

Other

-  Application Boundary

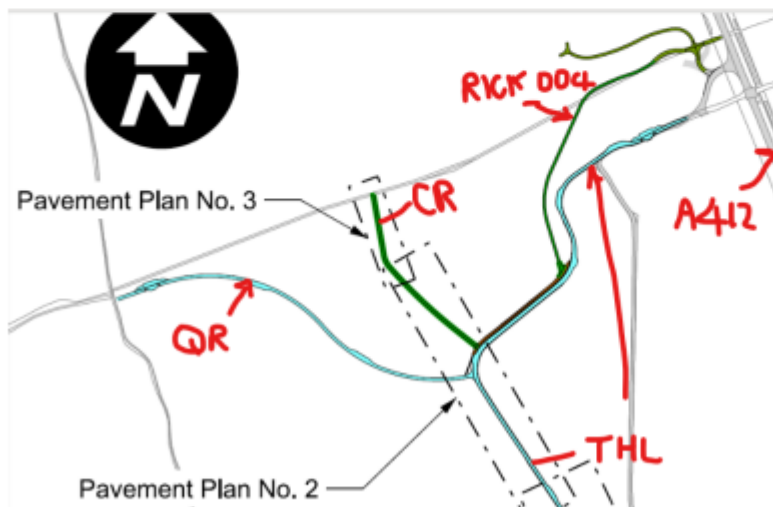


Extract 1 - HS2 Rights of Way plan

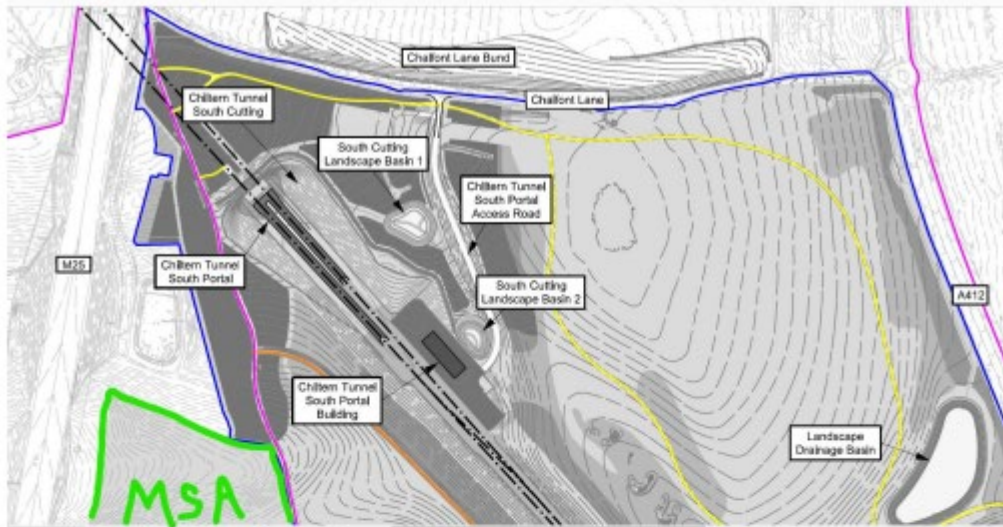


Extract 2 - HS2 Rights of Way plan

***NOTE 1:** in the context of Extract 2 it seems users of RICKMANSWORTH 004 will utilise the bitumen quarry road [4m wide carriageway with 7m wide passing places] while this remains in place [see Extract 2A below] and not the segregated [orange] route as Extract 2 illustrates. Presumably, the orange route for RICKMANSWORTH 004 replaces the quarry access road once the quarry is restored.*



Extract 2A - HS2 inset to detailed design plans for Tilehouse Lane and RICKMANSWORTH BRIDLEWAY 004: where QR = Quarry Road; THL = Tilehouse Lane; CR = link to 'Cantering Route'; green = grass; and turquoise = bitumen [my annotations].



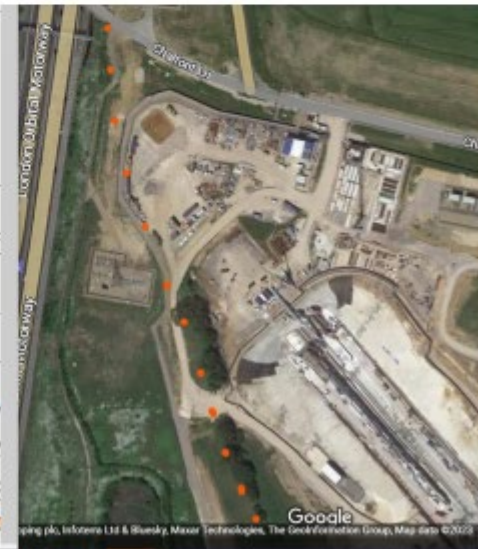
Extract 3 - HS2 Rights of Way plan

To note, HS2 haven't applied for consent under Schedule 4 of the HS2 Act 2017 [highway works] to divert or resurface any rights of way in this area of Buckinghamshire.

Nevertheless, my assumption would be that Old Shire Lane Restricted Byway CSP/44/1 would be returned to its original alignment [or very close to it] and the surface to its original condition, that is, a stone and grass track around 4m wide between hedges. You'll note in Plan 3 and Plan 4 below, HS2 are currently working on the northern footprint of CSP/44/1.



Plan 3



Plan 4

It's also worth noting Old Shire Lane has an entry in the Historic Environment Record - late Saxon and/or Roman Road - so I anticipate any surfacing works to be 'no-dig' [TBC].

The information to which I have been provided by Hertfordshire County Council indicates Bridleway RICKMANSWORTH 004 is returned to grass. A 'quarry access road' is marked 4m wide, as a bitumen-surfaced private access road and it is my understanding this is removed following quarry restoration, sometime post-2032. The Schedule 17 illustrated alignment of RICKMANSWORTH 004 to Old Shire

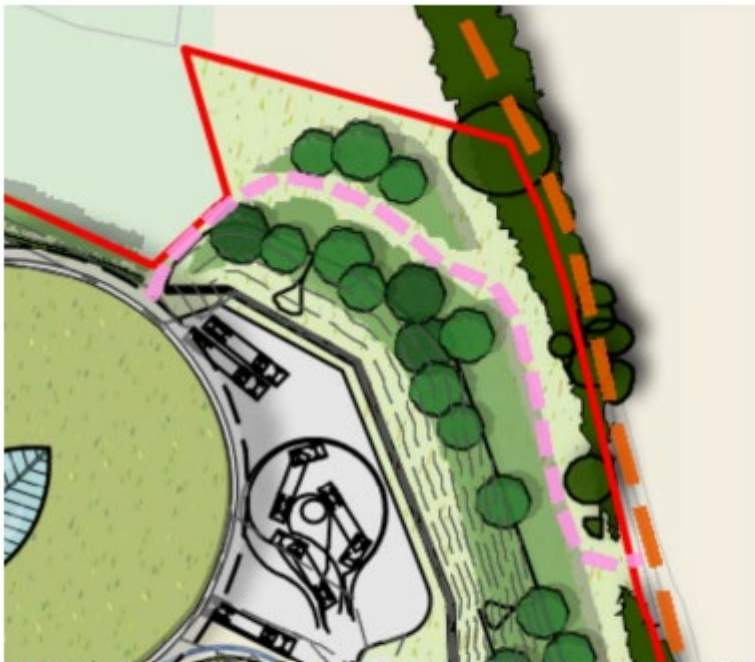
Lane is separate from the quarry access road and also grass [see my Note 1 above]. A detailed Schedule 4 plan [under the HS2 Act 2017] is unavailable.

The MSA application

There are no recorded rights of way directly impacted by the development. Therefore, no diversions are necessary.

The MSA development connects only with the strategic vehicular highway network, therefore any walking or cycling to the development must be via the local highway network and rights of way via Old Shire Lane, Chalfont Lane or Tilehouse Lane.

There is a proposed staff link to the site via Old Shire Lane, as shown on Extract 4.



Extract 4 – from Illustrative Landscape Masterplan [indicative staff link to Old Shire Lane shown pink]

Walking

Due to the relative remoteness of the site from residential areas, uptake could be relatively limited. However, the North Orbital Road is served by bus route 724 and there may be options to walk along RICKMANSWORTH BRIDLEWAY 004 and Old Shire Lane when both are reinstated by HS2.

Further, I have requested Hertfordshire County Council consider an additional yellow pedestrian route [see Extract 3] connecting HS2's permissive pedestrian network to the Chalfont Lane / A412 roundabout, thus facilitating easy access for Maple Cross residents to HS2's public open space and therefore an off-road link to the MSA from the Route 724 bus stops at the Chalfont Lane / A412 roundabout. This route could serve as a summer or fair-weather walking option to the site for employees from this direction.

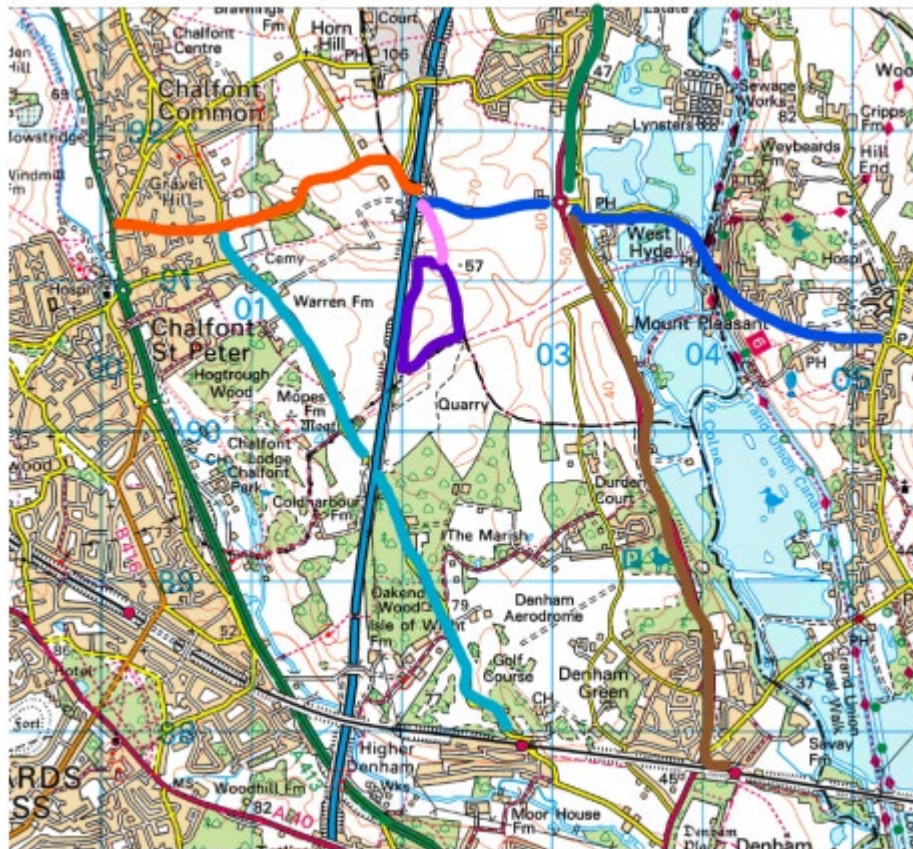
Cycling

Cycling would be a feasible option for employees, either from the north using Chalfont Lane and Old Shire Lane, or from the south using the part completed cycleway along the North Orbital Road A412. I trust sufficient [secure] employee cycle parking spaces will be provided, though can't see these on any plans.

A selection of example cycling times to the junction of Old Shire Lane and Chalfont Lane are provided below [source: Google maps] in Plan 5.

Harefield	15 minutes	BLUE
Maple Cross	7 minutes	GREEN
Denham Rail Station	16 minutes	BROWN
Chalfont St Peter	7 minutes	ORANGE
Denham Golf Club Rail Station	22 minutes	TEAL
Restricted Byway CSP/44/1	2 minutes	PINK

I mention above [in my note on Extract 2 and 2A] that it appears Bridleway RICKMANSWORTH 004 users – cyclists in particular – will benefit from using a 4m wide, bitumen-surfaced quarry access road. This encourages cycle use from the south [Tilehouse Lane] to the proposed employee access into the MSA, off Old Shire Lane, albeit the quarry access road is removed following restoration of the quarry, post-2032 I believe.

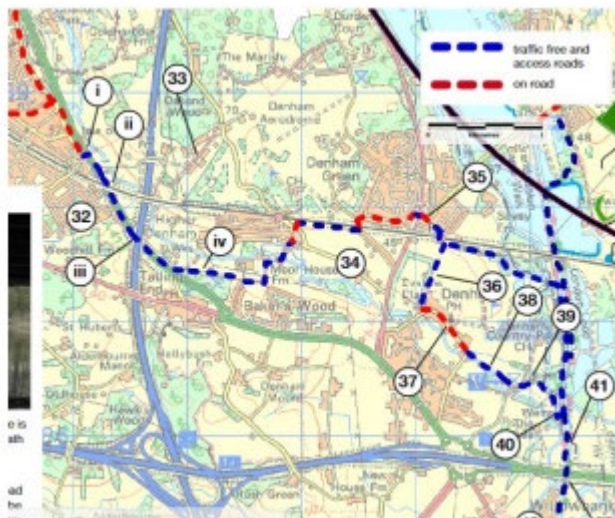


Plan 5 - Possible cycle routes to the site via Restricted Byway CSP/44/1

While the Hertfordshire section of the A412 cycleway is complete, the Buckinghamshire section is incomplete and needs additional funding. A September 2019 feasibility study costed the scheme at £842,000, which would link cyclists between Denham Station and the county boundary [i.e. the southern two thirds of the brown route shown above].

Once the A412 cycleway is provided, it will facilitate wider strategic opportunities in an easterly direction to the National Cycle Network [NCN 6 following the Grand Union Canal] and connections to the proposed Buckinghamshire Cycleway, commencing in the Colne Valley and heading north-west through the county to Brackley. Plan 6 is an extract relevant for the area.

Delivery of the A412 cycle route also meets wider Colne Valley Regional Park aims seeking to connect pedestrians and cyclists along and across the 'valley floor', through which the A412 passes between Denham and Maple Cross.



Plan 6 - proposed route of Buckinghamshire Cycleway

Some finance has been secured via the Colne Valley HS2 Additional Mitigation Fund and further savings are provided by utilising the HS2 maintenance access road as a shared cycleway, situated though land north of the former Denham Film Laboratory site and between Colne River and A412. Nevertheless, there remains a shortfall.

As the A412 cycle route will facilitate employees cycling to work from Denham, Higher Denham and Denham train station, I would recommend a contribution from this development to the cycleway improvement, outlined below in the sum of £125,000.

Turning to Old Shire Lane [Restricted Byway CSP/44/1], I would recommend surface improvements are secured by condition to facilitate convenient connections for employees cycling to work from Chalfont Lane. I would suggest 3m width flexipave, with 'KBI flexipave' being the only suitable product.

In light of the above the following is recommended.

Condition 1

Prior to the commencement of the construction, a scheme for the resurfacing of Restricted Byway CSP/44/1, between Chalfont Lane and the controlled staff link, shall be first submitted to and approved in writing by the LPA. The route shall subsequently be resurfaced with KBI Flexipave at 3m width and provided in accordance with the approved details prior to the first occupation of the MSA hereby approved.

Reason 1

To ensure safe and convenient means for employees cycling to the MSA; to provide a lasting recreational legacy for the local community and Colne Valley Regional Park; and to comply with guidance in para 100 NPPF [2021].

Draft s.106

“North Orbital Cycleway Contribution”

the sum of ONE HUNDRED & TWENTY FIVE THOUSAND POUNDS (£125,000) increased by the amount (if any) equal to the rise in the Index from the date hereof to the date the payment is due which is payable by the Developer to the Council and which will be spent on the construction of the North Orbital Cycleway

OBLIGATIONS	SUPPORT	REGULATION 122 JUSTIFICATION
A412 North Orbital Cycleway Contribution	<p>NPPF 2021 para 100, 104 (c), 110 (a) and 112 (a)</p> <p>Chiltern Core Strategy: Policy CS4 (Ensuring that Development is Sustainable); CS25 (Dealing with the impact of new Development on the Transport Networks);</p> <p>Chiltern Local Plan: GC1 (Design of Development Throughout the District); TR2 (Highways Aspects of New Development Throughout the District).</p>	<p><u>Necessary</u> Given the material levels of vehicular movements expected by staff, influenced by the nature of the development, the financial contribution towards the A412 cycleway is required to promote the use of sustainable modes of travel to and from the site.</p> <p>Contributing to strategic aims of improved cycling connectivity between Denham, Maple Cross and National Cycle Network [NCN 6].</p> <p><u>Directly related</u> Reducing the reliance on the private car for staff travelling to and from the site.</p> <p><u>Fair and reasonable</u> <u>Given</u> the size of the development and in light of targets to encourage sustainable travel.</p>

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1.0 Introduction

1.1 Brief and Scope of Review

- 1.1.1. LDA Design Consulting Ltd (LDA) is a nation-wide multidisciplinary practice of masterplanners, planners and landscape architects.
- 1.1.2. LDA was commissioned in September 2022 by the Planning, Growth & Sustainability Directorate of Buckinghamshire Council, (BC) to review a Landscape and Visual Impact Assessment (LVIA) which has been submitted in support of a Planning Application relating to the outline application for the Chiltern Chalfont Services Motorway Services Area (CCS MSA), which at the time of writing, is being considered by BC under planning reference PL/22/1411/OA (the CCS MSA Application/ the CCS MSA Development)¹. The CCS MSA Development is proposed on land located between Junctions 16 and 17 either side of the M25, Buckinghamshire, near Chalfont St. Peter (the Site) and is being promoted by Extra MSA Group Limited. The authors of the CCS MSA LVIA are Pegasus Group (Pegasus) working on behalf of the Applicant.
- 1.1.3. The LDA commissioning brief required a professional and objective technical review of the CCS MSA LVIA, in the light of current good practice (the Review). The Review, which was desk and field based, was carried out during October 2022 by two Chartered Landscape Architects with appropriate experience in landscape planning and assessment: Paul Lishman CMLI and James Truscott CMLI.
- 1.1.4. It should be noted that LDA Design provided similar services for the Colne Valley MSA (CV MSA) Application in November 2021² and prior to that, the Warren Farm MSA Application; and acted as Expert Witness at the Planning Appeal for the latter on behalf of BC.
- 1.1.5. This commission further required a high-level review of the landscape and visual mitigation proposals of the CCS MSA and also a high-level critical comparison between the CCS MSA and the CV MSA Developments from a purely landscape and visual perspective. This has been included as an Appendix to this Review.
- 1.1.6. The Review comments are based on a technical evaluation of the submitted CCS MSA LVIA; contained in Volume 1, Chapter 7 of the CCS MSA Application supporting Environmental Statement (ES), together with associated Figures 7.1-7.14³; which include an Illustrative Landscape Masterplan⁴; a Zone of Theoretical Visibility diagram (ZTV)⁵; and annotated baseline photography from 18 representative viewpoints, four night-time viewpoints and four HS2 Development Site viewpoints⁶. Following initial feedback from

LDA and BC in October 2022, some of these latter figures were updated to include improved annotation to indicate the CCS MSA Development extent / some proposed development component locations within the view; and also, four indicative wirelines and some cross-sections. These amended illustrations are reviewed below in Sections 2 and 5.

- 1.1.7. It is important to note that the CCS MSA LVIA assumes as a landscape and visual baseline scenario, the successful implementation of the immediately adjacent/ overlapping HS2 South Portal Landscape Master Plan (the HS2 Development/ Restoration Plan). In general terms this is an acceptable approach for the LVIA methodology, bearing in mind the current considerably disturbed site context. Details of the close inter-relationship between the CCS MSA Development, the HS2 Development are discussed below in Section 5.
- 1.1.8. When reviewing the LVIAs, allowance was made for the fact that at the time of the site visit in October 2022, trees were in either full or partial leaf and therefore not reflective of the worst-case scenario depicted by the LVIA visualisations and the assessment work carried out by Pegasus in March 2022. At that time, leaves would have been absent on deciduous trees (see VP2 photograph in Figure 7.8 and contrast with Plate 1 taken on the site visit at roughly at the same location).
- 1.1.9. In addition to the Application documents individually referenced in the text, the following documents were also referred to during the course of this Review:
 - Landscape Institute (LI) Guidance on reviewing LVIAs⁷;
 - LI Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)⁸; and
 - LI Guidance on Visual Representation of Development Proposals. ⁹
- 1.1.10. This Review covers the following landscape and visual amenity topics:
 - scoping, and pre-application consultation on LVIA issues;
 - method of approach with regard to the inter-relationship between the HS2 Restoration Landscape Master Plan and the CCS MSA Landscape Master Plan;
 - methodology issues including appropriateness, comprehensiveness, and compliance with guidance;
 - landscape and visual baseline descriptions;
 - clarity of presentation;
 - landscape and visual mitigation proposals;
 - LVIA assessment findings; and
 - Conclusions and recommendations.

This is followed in the Appendices by a series of Plates of site views illustrating certain issues arising in course of the review and these are referred to in the text.

1.2. LVIA Scoping and Pre-Application Consultation

- 1.2.1. Although Scoping is mentioned as part of the approach to the LVIA in para. 7.2.12, there is no specific mention in the ES of any consultation with BC as the Local Planning Authority (LPA) on landscape or visual matters at either Scoping or Pre-Application Consultation stages.
- 1.2.2. Para. 7.2.61 expands upon the reason for this; *"...as discussed in Chapter 2 of (the) ES, whilst a formal request for a Scoping Opinion (was not) undertaken specifically for the Proposed Development subject of this ES, a formal Scoping Opinion was requested in relation to a previous planning application by the same applicant. That application included for an MSA that focused the majority of built form on the western site of the M25 (application reference (PL/19/2260/OA)...the Site ... remains entirely within the redline boundary of the previous application and seeks permission for a similar, though smaller, proposal and land uses. Consequently, it is considered the previous Scoping Opinion remains relevant to this proposal and consequently the details set out in (that) scoping response have been used to inform the scope of this LVIA."*
- 1.2.3. As a result, and possibly due to tight application timescales, no CCS MSA Development-specific pre-application discussions appear to have been referenced between Pegasus and BC. Areas of the LVIA which may have benefitted from such consultation include; the overall LVIA approach and methodology; the close inter-relationship between the CCS MSA Development and the HS2 Development; the landscape / visual mitigation proposals; and the representative viewpoint selection.
- 1.2.4. Given that the application has now been submitted / validated, it is not possible to extend the pre-application consultation, however, throughout this Review further actions are identified to address the above issues.

2.0 Review of Approach and Methodology

2.1. Approach

- 2.1.1. Continuing on the topic of Scoping, the LVIA correctly identifies "...the difficulty presented by the disparity that exists in the baseline information for the published studies (which are generally several years old), the current scenario (where there is substantial and extensive disturbance to the landscape due to the construction of HS2) and the 'future baseline' (whereby mitigation and restoration proposals for HS2 will be in place."
- 2.1.2. In para. 7.2.66 it goes on to state the approach adopted in order to circumvent this issue; "...consequently, the consideration of baseline conditions for this LVIA adopts the following format:
- *Physical landscape resources are described as they are now 'on the ground' and as reflected by supporting photographic viewpoints and mapping. Additional description is then included to describe how the mitigation and restoration on completion of HS2 would influence the landscape;*
 - *For landscape character, the LVIA sets out a comprehensive review of published character studies (for relevant character types or character areas). These are supplemented by additional commentary as to how HS2 has influenced the position and how the mitigation and restoration on completion of HS2 would appear in the landscape; and*
 - *For views/visual amenity, each viewpoint included in the visual assessment includes a brief description of the current view and is supported by further narrative as to how the mitigation and restoration on completion of HS2 would appear in the view on completion. ...the subsequent assessment of impacts for the Proposed Development is based upon that 'future baseline'."*
- 2.1.3. In general terms this is an acceptable approach for the LVIA methodology, bearing in mind the current considerably disturbed site context, however, its specific application in the LVIA process sometimes lacks clarity, as will be considered further in Section 5 of this Review.
- 2.1.4. Para. 7.2.68 goes on to describe aspects scoped out of the LVIA. This includes "...effects on some landscape character areas/types whereby the scale and nature of receptor and impact are unlikely to give rise to significant effects...", however, it does not mention which of these are scoped out; nor does it explain how or why these decisions have been arrived at. Again, this will be considered further in Section 5 of this Review.

Effects on visual receptors beyond 4km from the Site, where it is judged that significant effects are unlikely to occur, are also scoped out. This is generally considered to be an appropriate Study Area; however, it is unclear as to why a 5km has subsequently been used.

Action: Review LVIA study area and clarify extents.

- 2.1.5. Also scoped out are "...effects on specific residential receptors outside of public spaces (rather than residential areas in general), whereby provide (sic.) (private) individuals do not have a 'right to a view' in law." While it is accepted that it is common practice to exclude visual effects on private, residential receptors where the proposed development is not going to give rise to any issues of residential amenity, however, it is noted GLVIA 3 states that "...it may also be appropriate to consider private viewpoints, mainly from residential properties."¹⁰ This matter could have been resolved as part of any Scoping / consultation process, however, this Review has not identified any private views that would warrant specific consideration.
- 2.1.6. Similarly, although not specifically scoped-out, there is no reference to the Colne Valley Regional Park (CVRP) within which the Site is situated. As an area of regional importance which does embody the protection and conservation of landscape and the countryside, an understanding of the CVRP may have informed the proposed landscape strategy, however, it is accepted that this is not a landscape designation and that the CVRP Landscape Character Assessment has been considered.
- 2.1.7. In respect of Viewpoints (VPs) selected for the visual assessment, common practice normally dictates the inclusion in the LVIA of a schedule / table of VPs, based upon the ZTV; confirmed on site; and sometimes agreed in advance with the LPA. Each VP would normally be identified in terms of location and grid reference; whether it was representative of receptors, or merely illustrative of a view; and – for representative viewpoints - those receptors which it is representative of.
- 2.1.8. Although VP locations are shown on the ZTV, illustrated by photography (as discussed in more detail below) and used as an aid to both visual and landscape assessment, the exact reasoning for their selection is not explained. For example, a number of VPs indicate in their photographic representation no view, or a very limited view, of the CCS MSA Development; such as VPs 6, 7,12,13 and 17; so presumably these are intended to be illustrative rather than representative. In addition, VP11 and two of the four HS2 VPs (A&D) show views that are largely obscured by foreground construction equipment or earth bunding/ stockpiling, so presumably these are again intended primarily to illustrate existing baseline conditions.
- 2.1.9. Practitioners also generally agree that photographic representations and visualisations "...have an important role to play in communicating information about the landscape and visual effects of a proposed development"¹¹ and hence constitute useful tools to assist in the assessment process. However, they are not commonly used as an assessment of the specific VPs *per se* and are instead representative of a range of receptors at, or near, that location. It is currently not apparent whether or not the LVIA has adopted an approach of assessing the effects experienced by visual receptors at specific viewpoints (reference para 7.2.41 of

- 2.2.3. The ZTV methodology is described in the CCS MSA LVIA in paras 7.2.71-7.2.73 inclusive. However, it does not appear to specify the software and the specific OS Digital Terrain Model dataset used in its generation and the assumed heights of screening woodland and built form. Clarification on these technical details would be helpful in determining the degree of accuracy and reliability of the ZTV study. It may also have been useful to have had a separate ZTV illustrating the effectiveness of screening offered by proposed mounding and tree planting (as indicated by the reduced visual envelope), stating assumed heights of these mitigation elements.

Action: *Provide further detail of the ZTV study and consider preparing additional ZTV study to illustrate effectiveness of proposed mitigation measures.*

- 2.2.4. The submitted baseline site photography is currently not produced in accordance with current good practice guidance as described in GLVIA3 and Landscape Institute Guidance Note 06/19. (TG06/19)¹². LVIA para 7.2.18 refers to the inclusion in Figure 7.8 of "...a series of representative photographs ... presented as both a series of contextual panoramic photographs with a 60° horizontal field of view (HFOV)". This is a non-standard size of photograph in terms of the guidance and is presumably to fit on an A3 page. At each VP this "baseline" photograph is "...supplemented by a full-size single (un-annotated baseline) image centred on the Site, with a 39.6° HFOV and a 27° vertical field of view (VFOV)". It is assumed that that is to 'zoom in' on the Site area, but the reason for this is not explained.

- 2.2.5. At the time of writing, the initial discussions between LDA, BC and Pegasus, have resulted in a resubmission of the baseline photographs (Figure 7.8) to include brackets indicating the extent of the "operational" area and the "red-line" area. These are helpful in assisting the reader in understanding the location of the proposed development relative to the view.

Action: *Clarify the presentation of photography and consider presenting photography in accordance with TG06/19.*

- 2.2.6. Furthermore, the CCS MSA development falls within Category A of TG06/19, i.e., "...applications accompanied by LVIA (as part of a formal EIA)". The guidance suggests that appropriate visualisation Types 2-4, i.e. 3D wireline/ model as a minimum; or photomontage / photowire (with or without scale verification). As currently submitted with the ES, visualisation Type 1, i.e., annotated baseline viewpoint photographs, falls below this recommended level of appropriateness. However, initial discussions between LDA, BC and Pegasus have taken place with a view to upgrading some key viewpoint visualisations from Type 1 to Type 3, i.e., to wirelines showing main proposed components, overlaid over baseline photographs, with annotation indicating the location of key components, and these have since been provided. They are helpful in assisting the reader in understanding the relationship between the existing and changed view, however, while the "operational" parts of the proposals are annotated, some indication of the

the LVIA); in which case this may in turn have affected overall judgement regarding visual effects.

Action: Clarify the VP selection process; whether viewpoints are representative or illustrative; and whether predicted visual effects relate solely to the specific viewpoints or more generally to a broader receptor area.

- 2.1.10. Although Public Rights of Way (PROWs) are identified on the Figures and represented by a number of VPs, there are no separate assessments of visual effects along these linear routeways from a visual receptor perspective; and similarly, there are no assessments of road routes in the study area such as the M25 and A412 Denham Way; nor the Grand Union Canal or the proposed HS2 Rail Route. It is common practice to consider whether any key routes warrant further consideration as part of the visual assessment, and again, this matter could have been resolved as part of any Scoping / consultation process.

Action: Consider if any key routes warrant further consideration as part of the LVIA; and if so, provide necessary assessment.

2.2. Methodology

- 2.2.1. The LVIA methodology and assessment criteria appear in paras. 7.2.1- 7.2.60 inclusive of the CCS MSA LVIA. Except as otherwise indicated in this Review, the methodology is considered to be generally appropriate for the scale and nature of the CCS MSA Development and in conformity with guidance contained within GLVIA3

- 2.2.2. Nevertheless, there remain a number of detailed methodological issues which would benefit from further clarification:

- In the evaluation of magnitude of the Landscape and Visual effects, it is not clear how the duration of the effects has factored into the overall judgements;
- In the evaluation of visual sensitivity (unlike for the landscape assessment) there are no value or susceptibility criteria identified, which make it unclear as to how sensitivity has been calibrated and determined; and
- In terms of consistency across the LVIA, it is common practice that the levels of significance of effect adopted would be similar across both the landscape and visual assessments. However, in Table 7.6 “Criteria for determining significance of landscape effects” there are three levels of adverse and beneficial effect and one neutral/negligible effect (seven in total) whereas in Table 7.7 “Criteria for determining significance of visual effects” there four levels of adverse and beneficial effects and two neutral/nil effects (ten in total). This inconsistency could lead to confusion when drawing together conclusions for the LVIA as a whole.

Action: Provide further detail / explanation of methodology in relation to duration of effects; evaluation of visual sensitivity; and significance criteria.

location / extent of the filling station and amenity building would have been helpful, especially in the closer VPs.

Action: Update wireframes visualisations to annotate additional features of the proposed development.

- 2.2.7. LDA/ BC also requested cross-sections (CSs) through the site, in order to effectively illustrate the relationship between the proposed development and the 'restored' HS2 site and supplement the prepared wireframes. Again, these are helpful in showing the proposed development in context and how the different elements of built form, earthwork and planting interact. It is presumed that these show trees after 15 years (although this is not stated) in which case being modelled at 11-12m is potentially too high; 7 - 8m might be more accurate.

Action: Clarify planting height presented in cross sections; and if necessary, update cross sections with revised assumed planting heights.

- 2.2.8. Finally, a number of fully rendered photomontages (in line with TG06/19 guidelines) would have been very useful to effectively illustrate the relationship between the proposed development and the 'restored' HS2 site, however, it is acknowledged the difficulties in preparing photomontages given the ongoing nature of the HS2 works.

3.1. Site and Study Area Description

- 3.1.1. The existing site and its environs are described in considerable detail under the heading “Physical Landscape Resources” at para. 7.4.9 and are illustrated by a series of baseline figures and a number of the baseline photographs in Figure 7.8. This section is sub-divided into descriptions of topography, watercourses, land use etc., along with a description of the future landscape baseline (as restored post-HS2, which is the basis for the assessment) for each element. This is helpful in documenting the differences between existing and future baseline conditions.

3.2. Landscape Baseline

- 3.2.1. The description of landscape designations, landscape character assessments and other landscape studies generally appears to be very comprehensive and well-researched. However, although it attempts to explain and interpret the pattern of often overlapping existing studies carried out by adjoining and former local authorities, the “Landscape Character” section (at para. 7.4.33) has a number of issues:

- Plate 7.2: “Summary of landscape character hierarchy for the Site” seems to show the CVRP LCA, a regional resource level assessment, as ranking just above the local site description and below the local level CD LCA; whereas logic should dictate that as a pan-county regional level of assessment, CVRP LCA should lie two rungs higher, between the top level National Character Area Assessment (NCA) and the County level Hertfordshire County Council LCA (HCC LCA).
- Figure 7.4 maps the CVRP LCA but this is not cross-referenced with the text, which would have aided the reader in understanding that this is a regional level study.
- Figure 7.5 maps three Landscape Character Assessments - Buckinghamshire Landscape Character Assessment (2011) BLCA; Hertfordshire Landscape Character Assessment and Hillingdon Landscape Assessment (2012) (HLCA) – the latter of which is not referred to in the text.
- Figure 7.5 does not map the CD LCA which *is* described in the text.

- 3.2.2. One approach may have been to focus on the more local scale adjacent assessments such as Chiltern District Council Landscape Character Assessment (CD LCA) rather than reporting on all of the overlapping LCAs.

Action: Review the hierarchy / description of landscape character areas; and ensure there is a consistency between text and mapping.

- 3.2.3. The Landscape Character section concludes by usefully summarising common landscape characteristics and landscape strategy considerations across the various LCA studies

encompassed by the study area, in Table 7.11, which helps to make sense of the overlapping studies and the various disparities identified above. This is followed in para. 7.4.85 by a summary of key aspects considered in the design of the Proposed Development and associated mitigation proposals, which clarifies how mitigation has been informed by guidance.

3.3. Visual Baseline

- 3.3.1. For comments regarding the ZTV, please see above, in para 2.2.3.
- 3.3.2. For comments regarding the selection of VPs, photographic images and visualisations, see above, in paras. 2.2.4-2.2.8 inclusive.

4.0 Review of LVIA Presentation

- 4.1.1. The LVIA text is generally well presented and logical in terms of layout and contents. As previously identified however, there are some issues identified regarding approach, methodology, ZTV and visual material as detailed in Section 2 of this Review.
- 4.1.2. The Landscape and Visual Criteria Tables and Summary Tables are again generally well laid-out and informative.
- 4.1.3. The LVIA figures all appear to be clearly presented and well laid out. However there are some issues with the content of Plate 7.2 and Figures 7.4 and 7.5, as detailed above in 3.2.1.

5.0 Review of Landscape and Visual Mitigation and Assessments

5.1. Landscape and Visual Mitigation

5.1.1. At the time of writing there are two outstanding Planning and Transport issues:

- Access to the MSA for staff and servicing is currently only from the M25. This is contrary to usual design practise for such developments.
- There is a suggestion that the amount of lorry parking allowed for in the design layout is insufficient.

5.1.2. While the LVIA is based on the 'fixed' scheme at the point of application, either, or both of, these issues have the potential to change the layout and/or increase the overall footprint of the development and could potentially alter the assessment findings.

Action: If any changes to scheme design arise during the determination process, consider how these may alter the assessment findings.

5.1.3. The illustrative Landscape Masterplan shown in Figure 7.14 and the landscape mitigation strategy in Table 7.12 show a series of mitigation proposals which have been incorporated into the design, with the intention of ameliorating potential adverse landscape and visual effects during the "operation" stage. The proposed MSA outline landscape design and landscape / visual mitigation measures seem appropriate to the site and environs and include new native woodland planting located around the perimeter of the Site for screening, tying into the existing landscape character and earth mounding along the eastern and southern perimeter of the Site, to increase the effective height of the new woodland planting when viewed from across the valley to the east around Harefield.

5.1.4. There is little indication in the LVIA (as Design and Access Statement) as to whether, or how, the site layout has been influenced in its evolution by the emerging findings of the landscape and visual assessment. Furthermore, within the site, there is a considerable easterly fall from the motorway down to the site boundary (c.30m according to the topography plan in Figure 7.3) and this is noticeable from having visited the interior the site and VPs 3,4,5, 8,9 and 10 (see also photographs in Figure 7.8) and site photographs taken close to the Site, near to VPs 9 &10 (Plates 2&3); across the valley at VP2 & VP4 on the edge of Harefield (Plates 1&4); and from within the site roughly from its highest point, looking east (Plate 5). At a result of this, the proposed planting and mounding may not fully screen the terraced components, especially at the south end of the eastern site where the slope is steepest, (namely, the petrol filling station, the lorry park and the motorway bridge and associated ramps up to it), even when the trees are fully grown. While views of the MSA – through / above proposed mounding and planting - are not necessarily unacceptable, this needs to be considered as part of the overall landscape and visual impacts arising from the scheme, and it would be useful to understand if any alternative approaches have been considered.

Action: provide text and / or diagrams illustrating how the LVIA has informed the design process and whether any alternative design / mitigation strategies have been considered.

- 5.1.5. Another more practical concern is that the roots of the retained mature oak tree in the eastern site, (pictured in Plates 2, 3 & 5) may be harmed by one of the adjacent new internal retaining walls either during construction works, or after construction due to the reduced water table.

5.2. Landscape Character Assessment

- 5.2.1. In the landscape impacts section, impacts upon physical landscape resources (i.e., "landscape fabric") are discussed first. The LVIA states in para. 7.6.27 that " ... all physical changes are limited to the area of the Site and will not have a direct impact on the wider landscape. As well as the Site in its local landscape context, the direct physical landscape impacts will directly influence the 'Maple Cross Slopes LCA' and the 'Chalfont St Peter Mixed Used Terrace LCA'.... It goes on to state that "... the majority of physical landscape impacts will occur during the construction phase. Once complete, any physical landscape impacts during operation will be limited to the establishment and growth of landscape mitigation.", which is agreed.
- 5.2.2. A detailed and competent description of likely construction impacts on landscape fabric / landscape character is then provided, clearly explaining the reasoning behind the judgements made. However, there is no reference here to the direct construction phase effects on CVRP Heronsgate / Chalfont Farmland LCA (within which the site is located); and potential indirect construction phase effects on the CVRP Rickmansworth to Uxbridge' LCA.
- 5.2.3. This is followed by a detailed and competent description of likely operational impacts on landscape character, which focuses on LCA's within the study and within which the site is located. This approach is considered appropriate with the exception of an assessment of potential indirect operational phase effects on the Rickmansworth to Uxbridge' LCA.
- Action: Provide additional assessment of the effects of the proposed development on the CVRP Heronsgate / Chalfont Farmland LCA and CVRP Rickmansworth to Uxbridge LCA.*
- 5.2.1. The MSA LVIA landscape character findings and in particular the detailed Landscape Character tables in Table 7.14 of the MSA LVIA, have been reviewed and some relatively minor differences in professional opinion are summarised in Table 1 below. Levels of magnitude or significance of effect to the right of the original LVIA findings represent the alternative opinion of LDA in each case. These differences are mainly due to professional judgement and LDA's perceived effectiveness of the mitigation proposals.

Table 1: Landscape Character Assessment Review

Site and its Local Landscape Context

	Reported: 1. Construction 2. Completion 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Low to Medium	/	Despite some different judgements, level and significance of long term effect (Minor-Moderate Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. Medium - High 2. Medium- High 3. Medium	1. High 2. / 3. /	
Significance of Effect	1. Moderate Adverse 2. Moderate Adverse 3. Minor-Moderate Adverse	1. Moderate-Major Adverse 2. / 3. /	

HLCA Maple Cross Slopes LCA

	Reported: 1. Construction; 2. Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Low to Medium	/	Site lies within LCA, so direct construction impacts. Other judgements slightly understated. Despite comments and some different judgements, level and significance of long term effect (Minor-Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. N/A 2. Low 3. Negligible-Low	1. High 2. Low-Medium 3. Low	
Significance of Effect	1. Not Significant 2. Minor-Moderate Adverse 3. Minor Adverse	1. Moderate-Major Adverse 2. / 3. /	

CLCA Chalfont St.Peter Mixed Use Terrace LCA

	Reported: 1.Construction; 2.Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium -High	/	Site lies within LCA, so direct construction impacts. Other evaluations slightly understated. Despite comments and some different judgements, level and significance of long term effect (Minor-Moderate Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. N/A 2. Low 3.Negligible-Low	1. High 2. Low-Medium 3. Low	
Significance of Effect	1.Not Significant 2. Moderate Adverse 3.Minor-Moderate Adverse	1. Moderate-Major Adverse 2. / 3. /	

CVRP Heronsgate/Chalfont Farmland LCA

	Reported: 1.Construction; 2.Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium -High	/	Site lies within LCA, so direct construction impacts. Despite comments and some different judgements, level and significance of long term effect (Minor-Moderate Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. N/A 2. Negligible-Low 3.Negligible	1. High 2. / 3. /	
Significance of Effect	1.Not Significant 2. Moderate Adverse 3.Minor-Moderate Adverse	1. Moderate-Major Adverse 2. / 3. /	

5.2.2. Notwithstanding the methodological issues raised previously and some slight differences in assessment judgements, the general landscape conclusions in terms of residual effects broadly align with those of LDA; i.e., that there will be no residual significant landscape

effects in the longer term (with the exception to this is the unassessed CVRP: Rickmansworth to Uxbridge' LCA which has the potential of indirect effects).

- 5.2.3. The LVIA also considers the landscape effects of night-time lighting associated with the CCS MSA Development. Once again, this is a competent description of likely effects arising and the general conclusions align with those of LDA. While there appears to be limited information within the application documents regarding lighting assessment / strategy, it is acknowledged there are limitations in assessing the effects of lighting at the outline stage; and it is anticipated that the effects of lighting can be mitigated through appropriate design and specification.

5.3. Visual Amenity Assessment

- 5.3.1. The CCS MSA LVIA visual assessment findings and in particular, the detailed Visual Assessment tables accompanying the panoramic baseline photographs in Figures 7.8 and 7.9 and Summary Table 7.15 of the MSA LVIA, have been reviewed and the methodological issues with the former have been discussed above in some detail in paras 2.2.4-2.2.8 inclusive.
- 5.3.2. The following are general observations on Table 7.15 and the detailed assessment tables in Figures 7.8 and 7.9:
- The tables do not state the nature of the receptors that the VP is representing;
 - The tables do not state the susceptibility to change, value and sensitivity of each viewpoint; and magnitude judgments do not identify the scale of effect, the extent, duration or reversibility of the change;
 - In some cases a 'nil' effect is recorded – i.e. there is no view of the Proposed Development – however, the corresponding description of visual change on the photopanel (Figures 7.8 and 7.9) refers to there being partial views in the longer term;
 - It is judged that the scale and overall magnitude of effects in year 15 in some cases overstates the likely effectiveness of the mitigation proposals; and
 - Effects are assessed for the HS2 viewpoints (A – D, Figure 7.9), however, these viewpoints are not represented in the tables.
- 5.3.3. Overall these issues make the visual assessment process difficult to interpret and sometimes less transparent.
- Action: Review and update the visual impact assessment to provide greater transparency and consistency of judgements.*
- 5.3.4. Key issues and any differences in professional opinion are summarised in Table 1 below. Levels of magnitude or significance of effect to the right of the original LVIA findings

represent the alternative opinion of LDA in each case. Please note, only those VPs where there is a difference in professional opinion are tabulated below.

Table 2: Visual Effects

VP 2; Belfry Ave., W. of Harefield

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium	High	Local residents and pedestrians would potentially increase sensitivity. Significance of effects adjusted to take account of potential 'high' sensitivity but level and significance of long term effects remain not significant.
Magnitude of Impact	1. Medium 2. Low 3. Negligible	1. / 2. / 3. /	
Significance of Effect	1.Moderate Adverse 2.Minor Adverse 3.Negligible Adverse	1.Moderate-Major Adverse 2.Minor-Moderate Adverse 3.Negligible - Minor Adverse	

VP 3; PROW on Common Land, W. of Harefield

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	1. Moderate Adverse on Fig. 7.8 - likely error; agree with findings on Table 7.15 as shown i.e. Moderate-Major Adverse during construction.
Magnitude of Impact	1. Medium 2. Low-Medium 3. Low	1. / 2. / 3. /	
Significance of Effect	1.Moderate-Major Adverse 2.Moderate Adverse	1. / 2. /	

	3.Minor-Moderate Adverse	3. /	
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VP 9; Old Shire Lane, N. of Juniper Wood

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	1.Moderate Adverse on Fig. 7.8 – likely error; agree with findings on Table 7.15 as shown i.e. Major Adverse during construction.
Magnitude of Impact	1. Medium-High 2. Medium 3. Low-Medium	1. / 2. / 3. /	
Significance of Effect	1.Major Adverse 2.Moderate-Major Adverse 3.Moderate Adverse	1. / 2. / 3. /	

VP 10; Old Shire Lane, near SE boundary of site

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to proximity of viewpoint to proposed development and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. High 2. Medium 3. Low	1. / 2. / 3. /	
Significance of Effect	1.Major Adverse 2.Moderate-Major Adverse 3.Minor-Moderate Adverse	1. / 2. / 3. Moderate Adverse	

VP 11; South Bucks Way, near South boundary of site

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to proximity of viewpoint to proposed development and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. High 2. Medium 3. Low	1. / 2. / 3. /	
Significance of Effect	1.Major Adverse 2.Moderate-Major Adverse 3.Minor-Moderate Adverse	1. / 2. / 3. Moderate Adverse	

VP 14; PROW by Bloom Wood

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to visibility / sky lining of bridge structure and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. Low-Medium 2. Low 3. Negligible	1. / 2. / 3. /	
Significance of Effect	1.Moderate Adverse 2.Minor-Moderate Adverse 3.Negligible Adverse	1. / 2. / 3. Minor Adverse	

VP 15; PROW West of M25

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to visibility / sky lining of bridge structure and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. Medium 2. Low-Medium 3. Negligible-Low	1. / 2. / 3. /	
Significance of Effect	1.Moderate-Major Adverse 2. Moderate Adverse 3.Minor Adverse	1. / 2. / 3. Minor-Moderate Adverse	

VP 18; PROW by Maple Cross

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	In accordance with the stated methodology, 'nil' effect assumes no development is visible, however, the description of effect refers to partial views of upper extents of built form. As such, there is inconsistency between the description and judgment. LDA consider there to some long term effects, however, these remain not significant.
Magnitude of Impact	1. Negligible-Low 2. Negligible 3. Nil	1.Low 2. Negligible-Low 3. Negligible	
Significance of Effect	1.Minor Adverse 2.Negligible-Minor Adverse 3.Nil	1. / 2. / 3. Negligible	

VP A; HS2 Site, Chalfont Lane

	Reported on Fig. 7.9: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium	/	In accordance with the stated methodology, 'Nil' effect assumes no development is visible, however, the description of effect refers to partial views of upper extents of built form. As such, there is inconsistency between the description and judgment. LDA consider there to some long term effect, however, it is difficult to review the assessment judgements given nature of view / extent of HS2 construction works in the foreground. Overall, long term effects are likely to be not significant.
Magnitude of Impact	1. Low-Medium 2. Negligible 3. Nil	1. / 2. / 3. /	
Significance of Effect	1.Minor-Moderate Adverse 2.Negligible Adverse 3.Nil	1. / 2. / 3. /	

VP B; HS2 Site, Old Shire Lane, near Chalfont Lane

	Reported on Fig. 7.9: 1.Construction; 2.Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	In accordance with the stated methodology, 'Nil' effect assumes no development is visible, however, the description of effect refers to partial views of upper extents of built form. As such, there is inconsistency between the description and judgment.
Magnitude of Impact	1. Medium-High 2. Negligible-Low 3. Nil	1. / 2. Medium 3. Low	
Significance of Effect	1.Major Adverse 2.Minor Adverse	1. / 2. Moderate-Major	

	3.Nil	3. Minor-Moderate	LDA consider the operational effects to be understated; partly due to proximity of viewpoint to proposed development and effectiveness of screening at year 15.
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- 5.3.5. In the light of the above observations and differences of professional opinion, it is considered that for a number of the viewpoints, notably those closest to the site, the effects have been understated in the visual assessment. As suggested above, it is considered that this difference in outcome is partly due to inconsistencies within the approach and methodology as detailed above in Sections 2 and 3; and because the longer-term effectiveness of the mitigation screening has been over-estimated within the LVIA.
- 5.3.6. Despite the re-evaluation of some visual effects, LDA have concluded that there would remain no significant visual effects in the longer term (i.e. no long term visual effects are judged to be 'moderate to major' or 'major') based on the viewpoints selected for use within the LVIA, and not withstanding earlier comments about viewpoint selection and consideration of potential effects on key routes.
- 5.3.7. An appraisal of the visual effects of lighting has also been carried in the LVIA. As with the landscape assessment, while there appears to be limited information within the application documents regarding lighting assessment / strategy, it is acknowledged there are limitations in assessing the effects of lighting at the outline stage; and it is anticipated that the effects of lighting can be mitigated through appropriate design and specification. The general conclusions align with those of LDA, and it is agreed that from the two closest Night-time VPs (N3 & N4), the MSA would indeed be seen immediately beside or across from the bright motorway lighting, reducing its potential effect / unlikely to be significant; and from further away (N1 & N2), effects are unlikely to be significant due to distance. s."

6.0 Conclusions & Key Findings

6.1 Introduction

- 6.1.1. LDA was commissioned by BC to review a LVIA which has been submitted in support of a Planning Application relating to the outline application for the Chiltern Chalfont Services Motorway Services Area (CCS MSA), proposed on land located either side of the M25, near Chalfont St. Peter, promoted by Extra MSA Group Limited.
- 6.1.2. There is no specific mention in the ES of any consultation with BC as the Local Planning Authority on landscape of visual matters at either Scoping or Pre-Application Consultation stages. As a result, the LVIA has not benefitted from the opportunity to discuss key aspects of the approach to assessment.
- 6.1.3. Given that the application has now been submitted / validated, it is not possible to extend the pre-application consultation, however, throughout this Review further actions are identified to address potential issues.

6.2 Approach

- 6.2.1. The assessment of effects for the Proposed Development is based upon the 'future baseline' once the HS2 Development has been fully restored, which is considered an acceptable approach.
- 6.2.2. The effects on some landscape character areas / types unlikely to receive significant effects have been scoped out; however, the LVIA does not mention which of these are scoped out; nor does it explain how or why these decisions have been arrived at. Effects on visual receptors beyond 4km from the Site, where it is judged that significant effects are unlikely to occur, are also scoped out; but it is unclear why a Study Area of 5km has therefore been selected for the LVIA.
- 6.2.3. Also scoped-out are effects upon the Green Belt and the CVRP within which the Site is located. Whilst it is agreed that these are not primarily landscape designations, nevertheless it would have been helpful to have had some commentary on the effect of the proposed development on their landscape and visual aspects.
- 6.2.4. In respect of Viewpoints (VPs) selected for the visual assessment, the justification for viewpoint selection is not always clear; and whether they are 'representative' of a range of receptors; and whether judgements made relate to effects experienced by visual receptors solely at specific viewpoints.
- 6.2.5. Although Public Rights of Way (PROWs) are identified on the Figures and represented by several VPs, there is no consideration of whether any key routes – such as footpaths, roads and rail - warrant further consideration as part of the visual assessment.

Key Actions

- *Review LVIA study area and clarify extents.*
- *Clarify the VP selection process; whether viewpoints are representative or illustrative; and whether predicted visual effects relate solely to the specific viewpoints or more generally to a broader receptor area.*
- *Consider if any key routes warrant further consideration as part of the LVIA; and if so, provide necessary assessment.*

6.3. Methodology

- 6.3.1. The LVIA methodology and assessment are informed by guidance contained within GLVIA3 and is generally appropriate for the scale and nature of the CCS MSA Development. Nevertheless, there remain number of detailed methodological issues which would benefit from further clarification, namely around assessment criteria and ZTV study.
- 6.3.2. The existing visual material is not currently produced in accordance with current good practice guidance as described in GLVIA3 and Landscape Institute Guidance Note 06/19.¹³, however, the baseline photographs have since been updated to show the extent of the “operational” area and the “red-line” area.
- 6.3.3. Wirelines / cross sections have also since been produced and this material is helpful in assisting the reader in understanding the changes to the landscape and visual environment. However, the wireframes may have benefited from additional annotations showing the approximate location of new features visible; and the heights of the proposed planting in the cross sections is potentially too high.
- 6.3.4. Fully rendered photomontages (in line with TG06/19 guidelines) would also have been very useful given the nature and scale of development, however, it is acknowledged the difficulties in preparing photomontages given the ongoing nature of the HS2 works.

Key Actions

- *Provide further detail / explanation of methodology in relation to duration of effects; evaluation of visual sensitivity; and significance criteria.*
- *Provide further detail of the ZTV study and consider preparing additional ZTV study to illustrate effectiveness of proposed mitigation measures.*
- *Clarify the presentation of photography and consider presenting photography in accordance with TG06/19.*
- *Update wireframes visualisations to annotate additional features of the proposed development.*
- *Clarify planting height presented in cross sections; and if necessary, update cross sections with revised assumed planting heights.*

¹³Landscape Institute (2019), Visual Representation of Development Proposals Technical Guidance Note 06/19

6.4. Landscape and Visual Baseline Descriptions

- 6.4.1. The description of landscape designations, landscape character assessments and other landscape studies generally appears to be very comprehensive and well-researched. However, there are some inconsistencies in explaining / interpreting the pattern of often overlapping existing studies.
- 6.4.2. The description of the visual baseline is well documented, however, there remains issues of clarification around the study area; ZTV study; viewpoint selection / use; and associated visual material.

Key Actions

- *Review the hierarchy / description of landscape character areas; and ensure there is a consistency between text and mapping.*

6.5. Review of LVIA Presentation

The LVIA text, summary tables and figures is generally well presented and logical in terms of layout and contents.

6.6. Landscape and Visual Mitigation

- 6.6.1. While the LVIA is based on the 'fixed' scheme at the point of application, it is understood that there are issues regarding access to the MSA for staff and servicing; and amount of lorry parking that could potentially change the layout and alter the assessment findings.
- 6.6.2. The proposed MSA outline landscape design and landscape / visual mitigation measures seem appropriate. This includes new native woodland planting located around the perimeter of the Site for screening, tying into the existing landscape character and earth mounding along the eastern and southern perimeter of the Site, to increase the effective height of the new woodland planting.
- 6.6.3. There is little indication in the LVIA (and the Design and Access Statement) as to whether, or how, the site layout has been influenced in its evolution by the emerging findings of the landscape and visual assessment. In addition, it is judged that the proposed planting and mounding will not fully screen elements at the south-eastern end of the Site. While views of the MSA – through / above proposed mounding and planting - are not necessarily unacceptable, this needs to be considered as part of the overall landscape and visual impacts arising from the scheme, and it would be useful to understand if any alternative approaches have been considered.

Key Actions

- *If any changes to scheme design arise during the determination process, consider how these may alter the assessment findings.*
- *Provide text and / or diagrams illustrating how the LVIA has informed the design process and whether any alternative design / mitigation strategies have been considered.*

6.7. Landscape Character Assessment

- 6.7.1. Notwithstanding some identified methodological issues and details of the landscape baseline, the general landscape assessment judgements broadly align with those of LDA.
- 6.7.2. The exception to this is the unassessed direct construction phase effects on CVRP Heronsgate / Chalfont Farmland LCA (within which the site is located); and potential indirect construction phase / operational effects on the CVRP Rickmansworth to Uxbridge LCA.
- 6.7.3. The LVIA also considers the landscape effects of night-time lighting. While there appears to be limited information within the application documents regarding lighting assessment / strategy, the general conclusions align with those of LDA and it is anticipated that the effects of lighting can be appropriately mitigated.

Key Actions

- *Provide additional assessment of the effects of the proposed development on the CVRP Heronsgate / Chalfont Farmland LCA and CVRP Rickmansworth to Uxbridge LCA.*

6.8. Visual Amenity Assessment

- 6.8.1. The visual assessment findings and in particular the detailed Visual Assessment tables accompanying the panoramic baseline photographs in Figures 7.8 and 7.9 and Summary Table 7.15 of the MSA LVIA, have a number of methodological / presentation issues which makes the visual assessment process difficult to interpret and sometimes less transparent.
- 6.8.2. LDA Design also consider that for a number of the viewpoints assessed, notably those closest to the site, the effects have been understated, partly due to inconsistencies within the approach and methodology; and partly because the longer-term effectiveness of the mitigation screening has been over-estimated within the LVIA.
- 6.8.3. Despite the re-evaluation of some visual effects, LDA have concluded that there would remain no significant visual effects in the longer term (i.e. no long term visual effects are judged to be 'moderate to major' or 'major') based on the viewpoints selected for use within the LVIA, and not withstanding earlier comments about viewpoint selection and consideration of potential effects on key routes.
- 6.8.4. An appraisal of the visual effects of lighting has also been carried in the LVIA, and – as with the landscape assessment – the general conclusions align with those of LDA.

Key Actions

- *Review and update the visual impact assessment to provide greater transparency and consistency of judgements.*



Plate 1: Viewpoint 2/N2; Park Lane/ Belfry Avenue Junction; looking west from roadside pavement over the hedge towards the Site



Plate 2: Near VP9, South Bucks Way/ Old Shire Lane



Plate 3: Near VP10, South Bucks Way/Old Shire Lane illustrating fall in site levels from oak tree



Plate 4: VP3, Common Land, Harefield, looking west towards site showing slope down from M25 to valley floor



Plate 5: View from Site high point by M25 looking east above proposed internal roundabout location, down towards retained mature oak tree



Plate 6: Near VP 15, PROW, looking south east over M25 towards Site; dry valley in foreground; retained oak tree on eastern site. West site (bridge, on/off ramps) proposed on ridge to right

1.0 Introduction

- 1.1.1. LDA Design Consulting Ltd (LDA) was commissioned in September 2022 by the Planning, Growth & Sustainability Directorate of Buckinghamshire Council, (BC) to review a Landscape and Visual Impact Assessment (LVIA) which has been submitted in support of a Planning Application relating to the outline application for the Chiltern Chalfont Services Motorway Services Area (CCS MSA) (reference PL/22/1411/OA)
- 1.1.2. The CCS MSA Development is proposed on land located between Junctions 16 and 17 either side of the M25, Buckinghamshire, near Chalfont St. Peter (the Site) and is being promoted by Extra MSA Group Limited. The authors of the CCS MSA LVIA are Pegasus Group (Pegasus) working on behalf of the Applicant.
- 1.1.3. The LDA 'LVIA Review' was provided to BC in November 2022 and provided to Pegasus. Pegasus have subsequently commented on the LVIA Review and provided clarifications / additional material in a 'LVIA Addendum – December 2022'.
- 1.1.4. This 'LVIA Review Addendum – January 2023' set outs the original LVIA Review recommendations; how Pegasus have responded; whether or not the original recommendation has been satisfactory addressed; and any further commentary.

2.0 Findings

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
1. Review LVIA study area and clarify why 5km extent has been used	Addressed at 7.2.75 to 7.2.76	Yes	No further comment
2. Clarify the viewpoint selection process; whether the viewpoints are representative or illustrative; and whether predicted visual effects relate solely to the specific viewpoints or more generally to a broader receptor area.	Addressed at 7.2.41 and at 7.2.80 to 7.2.81 (including reference to Appendix 7.1).	Yes	No further comment
3. Consider if any key routes warrant further consideration as part of the LVIA; and if so, provide necessary assessment.	This has been considered and concluded that no further assessment necessary, noting the need to consider potentially 'significant effects' and that where the routes of the PROW are within the ZTV these have been considered and assessed as appropriate.	Yes	Original query actually referred to all routes, not just PROW routes. However, query has been satisfactorily resolved by responses, revised text and new VP table as addressed above in Row 2.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
4. Provide further detail / explanation of methodology in relation to: - duration of effects – it is not clear of these have factored into the overall judgement; - evaluation of visual sensitivity- no value or susceptibility criteria identified which make it unclear on how sensitivity has been determined; and - significance criteria – inconsistencies between Table 7.6 and Table 7.7.	In respect of ‘duration of effects’, this is a consideration in the assessment of landscape and visual impacts and is clearly defined as one of the considerations used in professional judgements on impact and effect, as per Tables 7.4 and 7.5. In respect of visual sensitivity, addressed at 7.2.47 to 7.2.49. In respect of significance criteria, addressed in Table 7.6.	Yes	No further comment
5. Provide further detail of the ZTV study and consider preparing additional ZTV study to illustrate effectiveness of proposed mitigation measures.	Addressed at 7.2.77 to 7.2.78. No additional ZTV has been prepared. Note that Figure 7.6a includes the ‘landscape bund’ as one of the core parts of mitigation. Also note that ZTV’s remain a working tool and crude account of visible/not visible, even with mitigation, and considering not all screening is included, it would remain an	Yes	No further comment

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
	overstated account of visibility in terms of spatial extent and degree of change which requires professional judgement in terms of visual impacts effects.		
6. Clarify the presentation of photography and consider presenting photography in accordance with TG06/19.	The photography in the submitted LVIA (and Figure 7.8A) is presented correctly and in accordance with the relevant guidance (i.e. Visual Representation of Development Proposals, Technical Guidance Note 06/19, 17 September 2019) (TGN 06/19). Paragraph 4.2.2 TGN 6/19 states that: “Single images will be planar (i.e. as captured by the camera). Alternative lens types may be considered - see Appendix 1. Where single images can capture the site (e.g. 39.6° x 27°) and be presented at A3, they may be supported by two baseline panoramic images (maximum 60° HFOV) presented on an A3 sheet.	Partially	Fig.7.8a is now annotated to show the location of the development site which is very helpful, and we are satisfied that the photography is largely produced in accordance TGN 06/19 / guidance for Type 1 presentation In accordance with the guidance, it would be useful to have technical details included alongside the ‘zoomed in’ single image, however, this does not in any way effect the usefulness of this image or assessment judgements.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
	This is purely to show the location of the full-size single image frame in its context and, as such, should be noted as being 'for context only'. Wide panoramas on an A3 sheet are too small to provide a representation of the proposed development. " TGN 06/19, Table 3 restates this detail. 7.2.18 (which was in the original LVIA) is consistent with this.		
7. Update wireframes visualisations to annotate additional features of the proposed development such as the filling station and amenity building.	Addressed, refer to Appendix 7.2.	Yes	No further comment
8. Clarify planting height presented in cross sections, currently showing 11-12m which is potentially too high; and if necessary, update cross sections with revised assumed planting heights.	Addressed, refer to Appendix 7.4 Revised planting assumptions for robustness as follows: - Existing trees are drawn between 11-12m tall	Partially	8-12m is now stated as the range of heights for the proposed woodland trees. As previously stated, 7-8m high would be more appropriate for illustrating planting at Year 15, however, it is accepted that the detailed landscape design proposals – including the specification of trees – is unknown at this stage.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
	<ul style="list-style-type: none"> - Existing and proposed shrubs are drawn between 1.5-1.7m tall - Proposed woodland planting/tree groups are drawn between 8-12m tall - Standard trees are drawn between 10-12m - Existing woodland is modelled at 15m <p>This makes no change to the assessment conclusions.</p>		
9. A number of fully rendered photomontages (in line with TG06/19 guidelines) would have been very useful to effectively illustrate the relationship between the proposed development and the 'restored' HS2 site, however, it is acknowledged the difficulties in preparing photomontages	Addressed, refer to Appendix 7.3	Partially	<p>One fully rendered photomontage sequence has been provided from VP3, showing existing, year 1 and year 15. This is helpful in showing location and massing of development, and the role and effectiveness of the proposed landscape treatment.</p> <p>The photomontage provided is not quite to TG06/19 guidance. As presented at A1 size - according to Table 5 of the guidance, for a Type 4 presentation -</p>

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
given the ongoing nature of the HS2 works.			the image size should be a minimum of 820x250mm (rather than 240mm) and should have a HFoV of 90 degrees (rather than 75 degrees). We note that this guidance is also applicable to the earlier wireframes produced. However, we accept that revising the wireframes / photomontage to the correct presentational standards will not affect the usefulness of these visuals or assessment judgements. We note that the representation of the 'future' baseline landscape – post HS2 operations and restoration - is not particularly refined but we accept the difficulties and limitations in preparing visualisations in such circumstances.
10. Review the hierarchy / description of landscape character areas; and ensure there is a consistency between text and mapping. Useful for figures to be referenced within the text to aid the reader for Figure 7.4 and 7.5.	Addressed at Plate 7.2, Table 7.13, 7.1.313 and Table 7.14	Partially	Plate 2, Fig.7.5 have both been successfully amended and CVRP LCA is now mentioned and described in the text. Also, the approach to effectively scoping out potential indirect effects of the proposed development on Rickmansworth-Uxbridge LCA has now been addressed in the LVIA text and is clear. However, although shown in Fig.7.5a, HLCA is still not referred to in the text.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
			There remains some minor professional disagreement on assessment levels but the residual landscape character effects in each case are broadly agreed.
11. Note the two outstanding Planning and Transport issues relating to access and HGV parking. If any changes to scheme design arise during the determination process, consider how these may alter the assessment findings.	Addressed, see note immediately following this table. To confirm, the access changes as set out in Chapter 4 of this Addendum are minor modifications only. No change has been made to HGV parking as this is deemed sufficient.	Yes	No further comment
12. Provide text and / or diagrams illustrating how the LVIA has informed the design process and whether any alternative design / mitigation strategies have been considered.	Addressed at 7.5.20	Yes	No further comment
13. Provide additional assessment of the effects of the proposed development on the CVRP Heronsgate / Chalfont Farmland	Note that these LCAs were considered in the previous LVIA, however are further discussed at 7.4.71 and 7.4.86. In respect of the	Yes	The approach to assessing these LCAs is now understood and accepted; no further comment.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
LCA and CVRP Rickmansworth to Uxbridge LCA.	Rickmansworth to Uxbridge LCA, this was addressed in baseline but specifically no significant effects In the context of landscape effects not being significant for those LCA's in which the site is located (as broadly agreed by the LDA Review, para 5,22) and also the context of the substantial change to the R&U LCA resulting from HS2 (including its mitigation) it is highly unlikely that the R&U LCA would be subject to significant residual landscape effects as a result of the Proposed Development.		
14. Review and update the visual impact assessment to provide greater transparency and consistency of judgements. The following observations were made:	Addressed at 7.2.41, 7.2.47 to 7.2.49, Table 7.15, Figure 7.8A and Appendix 7.1	Partially	<ul style="list-style-type: none"> a) Addressed in Appendix 7.1. b) Not addressed either in Table 7.15 or Figure 7.8a, although it is acknowledged that these judgements have been taken account of in the overall assessment. c) Not addressed e.g., in Fig.7.8a VP18, Fig. 7.9, VPA – consistency is needed as to whether there are no views or partial views from

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
<ul style="list-style-type: none"> a) The tables do not state the nature of the receptors that the VP is representing. b) The tables do not state the susceptibility to change, value and sensitivity of each viewpoint; and magnitude judgments do not identify the scale of effect, the extent, duration, or reversibility of the change. c) In some cases, a 'nil' effect is recorded – i.e., there is no view of the Proposed Development – however, the corresponding description of visual change on the photo panels (Figures 7.8 and 7.9) refers to there being partial views in the longer term. d) It is judged that the scale and overall magnitude of effects 			<ul style="list-style-type: none"> certain viewpoints, and the judgement recalibrated. d) There remains some minor professional disagreement on assessment levels but the residual visual effects in each case are broadly agreed. e) Addressed in Table 7.15.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
<p>in year 15 in some cases overstates the likely effectiveness of the mitigation proposals; and</p> <p>e) Effects are assessed for the HS2 viewpoints (A – D, Figure 7.9), however, these viewpoints are not represented in the tables.</p>			

National Highways 12th May 2023

Dear Rachel,

I refer to the planning application as referenced above dated 5 April 2022 that was validated by Buckinghamshire County Council on 4 May 2022.

As you will be aware National Highways was appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such National Highways works 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.

National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the M25 and for this application the section of the M25, in both directions, between Junctions 16 and 17.

National Highways has worked with the applicant team and Buckinghamshire

County Council officers to understand the proposal for a Motorway Service Area to be delivered at this location. The application is made in Outline apart from access which is in Detail. The applicant team have been in discussion with National Highways, and their Technical Advisors, and we have been able to reach agreement on a preliminary access design. This has been subject of a Road safety Audit Stage 1 and a copy of the Audit Report and Designers Response are included with this email. No significant safety issues were identified by the Audit and the minor issues raised will all be addressed through detailed design. Before the MSA can become operational there will be a need to consider the need for Highways Act Orders and either temporary or permanent Traffic Regulation Orders.

National Highways Position

The DfT Circular 01/2022 para 74 - 112 sets out the policy position regarding MSA provision and spacing, including spacing for freight facilities at paras 79 – 112. Annex A of DfT Circular 01/2022 sets out minimum requirements for roadside facilities to be eligible for signing from the SRN.

Para 78 says: In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing between different facilities, for safety reasons, as informed by the maximum recommended distances set out above.

National Highways is supportive of a MSA facility in the North West quadrant of the M25 and in the case of the application made under reference PL/22/1411/OA recommends that conditions be attached to any permission Buckinghamshire County Council may choose to grant. These conditions should be retained as written in the accompanying NHPR within any Decision Notice that is issued subsequent to the determination of this planning application. National Highways is recommending eight conditions in total.

This is the formal response from National Highways in respect of planning application number PL/22/1411/OA and should be read in conjunction with the attached NHPR that sets out our recommended conditions. Please get in touch if you would like to discuss any aspect of this response

Council's Reference: PL/22/1411/OA

Location: M25 between Junctions 16 and 17

Proposal: Chiltern Chalfont Motorway Service Area (MSA) and associated works on land to the west of the M25 between Junctions 16 and 17 in Buckinghamshire.

National Highways Ref: 94962

Referring to the consultation on a planning application dated 5 April 2022 referenced above, on the M25 between junctions 16 and 17 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) ~~offer no objection (see reasons at Annex A);~~
- b) recommend that ten (10) conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & Reasons);
- c) ~~recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- d) ~~recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways’ formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

[The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.](mailto:PlanningSE@nationalhighways.co.uk)

Signature:	Date: 20 September 2023
Name:	Position: Spatial Planning Manager
National Highways: Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ	

Annex A National Highways’ assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway

¹ Where relevant, further information will be provided within Annex A.

authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we 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.

Highways Act Section 175B

In accordance with Section 175(b) of the Highways Act 1980 (as inserted by The Infrastructure Act 2015) National Highways consents to the formation of an access on to the M25 Motorway. This consent is valid only for application PL/22/1411/OA and to the layouts shown on drawing Offsite Highway Works General Arrangement Drawing Ref: 255375-ARP-ZZ-ZZ-DR-CH-1001.

Recommended Conditions

Condition 1

The development shall be carried out in accordance with the 'Proposed Access Junction – General Arrangement shown on Offsite Highway Works General Arrangement Drawing Ref: 255375-ARP-ZZ-ZZ-DR-CH-1001, or such other scheme of works or variation substantially to the same effect, to be approved in writing by the Local Planning Authority.

The approved scheme shall be fully completed prior to first use of the development hereby permitted.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative

Subject to detailed design, this development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highway.

Condition 2

No surface water shall be permitted to run off from the development on to the Strategic Road Network, or in to any drainage system connected to the Strategic Road Network. No new connections from any part of development may be made to any Strategic Road Network drainage systems.

Prior to the installation of any drainage, full details of any new drainage system including, its specification and location, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways).

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2.

Condition 3

No development shall commence until a Construction Environment Management Plan (CEMP) (Strategic Road Network) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but not be limited to, the following detail:

- Construction programme for the MSA;
- the proposed construction traffic routes to the site, to be identified on a plan;
- construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from by vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0930) and PM Peak (1630-1800) periods);
- an estimate of the daily construction vehicles, number and type profiled for each construction phase, identifying the peak level of vehicle movements for each day
- Cleaning of site entrances, site tracks and the adjacent public highway;
- confirmation that a formal agreement from National Highways for temporary access/egress has been obtained (if required) for the M25. Motorway;
- details of any proposed strategic road temporary traffic management measures on the M25 motorway, between Junctions 16 and 17;
- management and hours of construction work and deliveries;
- area(s) for the parking of vehicles of site operatives and visitors;
- area(s) for the loading and unloading of plant and materials;
- area(s) for the storage of plant and materials used in constructing the development ;
- siting and details of wheel washing facilities;
- the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- details of waste management arrangements;

- the storage of materials and construction waste, including waste recycling where possible;
- Details of any proposed strategic road temporary traffic management measures on the M25 motorway, between Junctions 16 and 17;
- the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- measures to avoid impacts on the non-statutory designated sites and retained habitats;
- details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- protection measures for hedgerows and grasslands;
- contact details of personnel responsible for the construction works; and
- soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use.

The approved CEMP shall be adhered to and implemented in full throughout the construction period strictly in accordance with the approved details.

Reason: This is required to be pre-commencement condition in order to ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2 in consultation with National Highways.

Condition 4

Prior to the installation of any external lighting full details of a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light:

- identify areas/features on site that are particularly sensitive for bats and their breeding and resting places, or along important routes used to access key areas of their territory;
- levels of luminance;
- timing of its provision; and
- location for installation including appropriate lighting contour plans.

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition 5

Each Reserved Matters application for the approval of landscaping for that relevant phase of the development shall include details of both hard and soft landscaping works, ecology works and an implementation programme.

The details shall include (but not be limited to the following):

- Excavations
- Number, location and type of parking spaces to be provided in accordance with the parking requirement outlined in Annex A, Table 2 of the Circular 01/2022;
- noise barriers (a fence and/or earth bund) as may be required;
- hard surfacing areas (e.g. surfacing materials) and their permeable qualities;
- planting plans including details of schedules or plants noting species, planting sizes and proposed numbers/densities;
- ecological assets/features to be retained and enhanced;
- new habitat to be created, in particular, detailed designs of any wetland features or ponds that will be created;
- ground levels: existing and future levels for all hard surfaced and landscaped areas;
- position, design, materials, height and type of all walls and/or fences or permanent boundary/screening treatment to be erected;
- infrastructure such as footpaths, lighting, car parking; and
- written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment).

All hard and soft landscaping works shall be carried out in accordance with the approved details, implementation programme and British Standard BS4428:1989 Code of Practice for General Landscape Operations and thereafter retained. Where possible, the implementation programme for all planting, seeding and turfing shall be carried out no later than first planting and seeding seasons; where planting takes place outside of planting and seeding seasons, an enhanced watering regime will be required, and this shall be specified in the detail of the landscaping works.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with adopted Local Plan saved Policies GC1, GB4, TR15 and GB30 and Core Strategy Policy CS20 and in consultation with National Highways. To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on the local road network.

Condition 6

No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.

Any planting which forms part of the approved landscaping scheme outlined in condition 5, which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the

next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with adopted Local Plan saved Policies GC1, GC4, and GB30 and Core Strategy Policy CS20.

Condition 7

At the same time as the first Reserved Matters application a Landscape Management and Maintenance Plan, including long-term design objectives, management responsibilities and maintenance schedules relating to the hard and soft landscaped areas, internal roads, parking areas and verges as detailed in Condition 7, shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Management and Maintenance Plan shall be carried out as approved thereafter for the lifetime of the development.

Reason: To ensure successful aftercare of landscaping in the interests of visual amenity in accordance with Core Strategy Policy CS20 and Local Plan Policies GC1, GC4, TR15 and GB30

Condition 8

No development shall commence (including ground works, site and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The CEMP (Biodiversity) shall include, but not be limited to, the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”, including specific reference to badger, great crested newt, breeding birds and ancient woodland;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- Responsible persons and lines of communication;
- The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they need to be present to oversee works;
- Measures for removal of invasive species within the site; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in full throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is required to be pre-commencement in the interests of improving biodiversity and to ensure the survival of protected and notable species during construction of the proposed development. Relevant Policy: Core Strategy CS24

Condition 9

No development (for avoidance of doubt this includes excavation works, and/ or landscaping works), shall commence until a geotechnical report (in accordance with Design Manual for Roads and Bridges Standard CD622) has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2; in consultation with National Highways.

Condition 10

Prior to first use of the development a Traffic Signs Agreement and Wider Network Services Signage Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The signage for the development shall be carried out in accordance with these approved details.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and informed travellers. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2; and in consultation with National Highways.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Chiltern Society

The Chiltern Society is a charitable body with around 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area, which includes the Chilterns Area of Outstanding Natural Beauty (AONB) and part of the London Green Belt.

The Chiltern Society wishes to object to these proposals due to potential negative impacts on the Green Belt and the Chilterns landscape.

The Society is aware that this is one of 3 planning applications for service areas along the western stretch of the M25. Whilst we consider that one MSA could possibly be justified on the grounds of road safety, there is clearly no justification for more than one site to be approved. All the sites are in sensitive locations in the Green Belt and very special circumstances will need to be demonstrated before any site can be approved. Of the 3 sites, the application site and the refused Kings Langley site are located within the Chiltern Society's area.

It is absolutely essential that all 3 sites are considered together so that their relative merits can be assessed and a final decision made as to whether one site should be allowed or no sites at all. We have previously requested that all 3 sites were called in by the Secretary of State for determination.

There are precedents for this from the development of the Beaconsfield Services in 2008/09, where 3 sites were considered, and the Harrogate Services Inquiry in 2021, where 2 sites were considered (Refs APP/E2734/W/20/3245778, APP/E2734/W/20/3261729).

We also note that it is recognised by most parties that there should be only one site, and this was confirmed through the previous appeal where the applicants for all 3 schemes gave evidence. An assessment of the merits of the 3 sites was made by the Inspector for the planning appeal relating to the previous application on a site nearby.

Whilst we are not in a position to make a direct comparison between the sites, we would expect your Council to be liaising internally and with the Highways Agency to ensure the best possible scheme to serve the needs of the motorway, whilst protecting the Green Belt and the local environment. The key characteristics of the Green Belt are its openness and permanence. In our view, both of these characteristics would be adversely affected by the development. In particular, the main facilities building, the fuel filling station, the new motorway bridge and the extensive car parking could have a significant impact on the Green Belt.

The Planning Statement accompanying the application seeks to address issues in relation to the Green Belt and to justify why the applicant considers that very special circumstances exist (Section 10).

The first question raised is as to whether the service station would be considered to be 'inappropriate development' in the Green Belt under paragraphs 147-150 of the National Planning Policy Framework (NPPF). The applicant states that the development would be inappropriate in the

Green Belt and a 'very special circumstances' assessment is required under paragraph 148 of the NPPF 2021.

Therefore, the applicant is required to demonstrate that the benefits of the proposal clearly outweigh the harm to the Green Belt. The key aspects of the Green Belt that need to be assessed are their openness and permanence.

We do not understand how it can be considered that the development of a facilities building and filling station, along with substantial parking areas can be considered not to impact significantly on openness. Openness should be interpreted as land free from development. As there is currently no development on site, the development must impact negatively on openness.

Also, the development would clearly conflict with the purpose of the Green Belt that relates to safeguarding the countryside from encroachment. The site is a green field that forms part of the edge of the Chilterns and is therefore of local landscape importance. The proposed development would give the site a more urban appearance. It is also located within the Colne Valley Park.

Therefore, we conclude that the development must be considered to be 'inappropriate development' and that the onus is on the applicant to demonstrate why very special circumstances exist. The harm in this case is substantial due to the current open appearance and its clear visibility from the motorway and other receptors. The landscape impacts, as identified in the Landscape and Visual Impact Chapter of the EIA, are largely negative and will need to be given considerable weight against the development. Some of the individual impacts on the site itself in terms of landscape and visual impacts were assessed as low to moderate adverse and the combined effect of these changes needs to be considered also.

The applicant has tried to argue that very special circumstances exist based on the needs of motorists and that the whole of the M25 is located within the Green Belt. Whilst these are valid arguments, they do not, in our view, clearly outweigh the harm to the Green Belt that would be caused by this development.

As mentioned above, it is essential that this application is looked at alongside the Junction 20 and Iver Heath proposals and that other potential sites are also considered.

Should the Council be minded to approve this application against our advice, we would wish the development to be an environment-led scheme, which takes full account of environmental impacts and includes a comprehensive structural landscaping scheme and habitat creation works that would lead to a net gain in biodiversity. The use of features such as green roofs, permeable surfaces and sustainable drainage systems should be a key part of the design of the development. Key views should be identified and both on-site and off-site mitigation measures incorporated to minimise the impacts. Lighting schemes would also need to be carefully designed to minimise light spillage.

To protect and enhance the biodiversity of the Chilterns, the Society has published its own Manifesto for Chilterns Wildlife to support the implementation of the Chilterns AONB Management Plan. <https://chilternsociety.org.uk/chiltern-manifesto/> The Society is actively involved in biodiversity in the Chilterns, owning and managing its own sites and working on projects to conserve and enhance biodiversity. In addition, Buckinghamshire has been selected as one of the national pilots for Nature Recovery Networks and the Biodiversity Net Gain scheme is being developed by the Government.

With this increased emphasis on nature recovery there needs to be a substantial net gain on a site such as the application site. The Illustrative Masterplan goes some way to increasing woodland and

grassland habitats, but there are more opportunities to create linkages between habitats through, for example hedgerows and tree belts of native species. Some areas, particularly adjacent to existing woodlands, could be set aside for natural regeneration rather than tree planting. There is also scope to create more biodiversity opportunities and enhance the landscape on the operational site itself, by for example, incorporating trees into the parking areas. The other significant opportunity is to link with and complement the new woodland and grassland habitats proposed as part of the restoration of the HS2 construction site.

We would expect a condition to be added to any permission to require a long-term management plan to ensure that the new habitats created are maintained and managed into the future.

In assessing the application site, it is essential to consider cumulative effects with development of the HS2 railway line. The South Portal of the Chiltern Tunnel and the associated construction sites are immediately adjacent to the application site. That development has already caused substantial disturbance to the landscape and biodiversity in this area. The visual impacts of the tunnel and the MSA are likely to be seen in the same views and to cumulatively have significant negative impact on the openness of the Green Belt and the landscape of this part of the Chilterns.

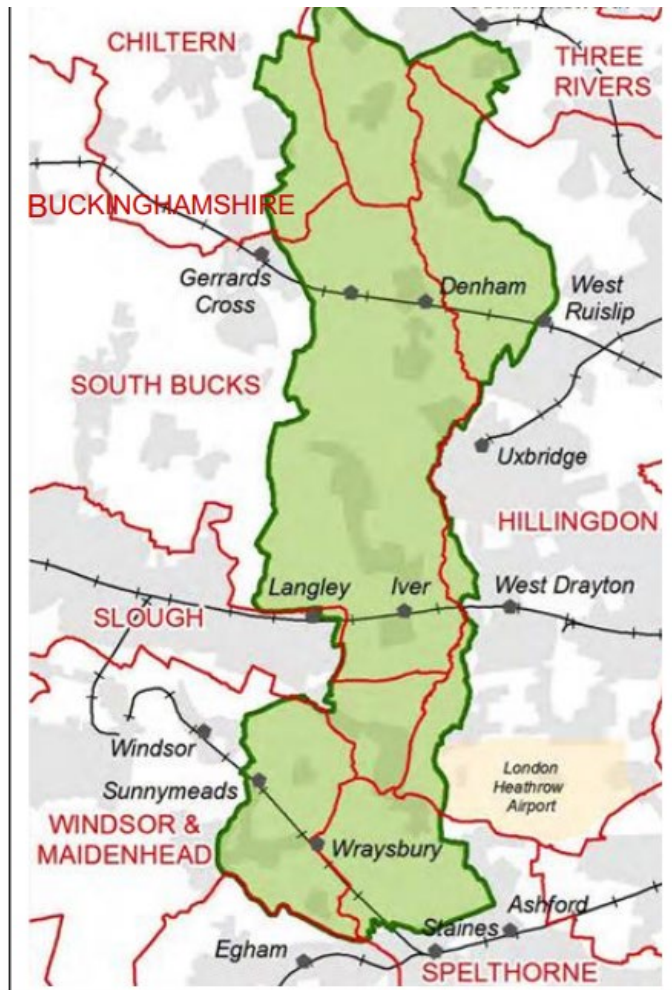
We hope you will be able to consider these representations during the application process.

Colne Valley Regional Park

**This response is from and behalf of
The Colne Valley Regional Park**

The Colne Valley Regional Park was founded in 1965 when local authorities – including Bucks County Council – showed great foresight in agreeing to work together to preserve and enhance this precious area for recreation and nature conservation.

It is supported by more than 80 member organisations including local authorities, businesses, residents’ associations, environmental charities and user groups. Groundwork South acts as the Park’s managing agent.



The Colne Valley Regional Park has six objectives:

<https://www.colnevalleypark.org.uk/whats-special/>

Landscape

The Colne Valley Regional Park (CVRP) covers eight local planning authorities. As a result, the valley is rarely, if ever, considered at a landscape scale.

The creation of a Green Infrastructure Strategy <https://www.colnevalleypark.org.uk/green-infrastructure-strategy-downloads/> for the Colne Valley Regional Park aims to bring the green and blue on the map to the forefront of planning policy and decisions, and feature the landscape of the Valley as a whole, rather than from the perspective of its various council boundaries. These boundaries are an administrative convenience – they don't exist as real barriers to people and wildlife. The Crane Valley has been added to this strategy to provide a truly landscape-scale picture of the area.

This cross-border approach is entirely consistent with Green Belt policy in the National Planning Policy Framework.

Summary of response

The whole site is within the Colne Valley Regional Park and Green Belt.

National policy states that the Government attaches great importance to Green Belts (para 137 of the NPPF). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

This application proposes large scale development (35.88 hectares) in the Green Belt separating Chalfont St Peter and Maple Cross. The site, mainly on the eastern side of the M25, is directly adjacent to HS2's construction site creating the new tunnel under the M25 currently used for stockpiling soil and other material but will ultimately revert to agriculture in the restoration scheme (Western Valley Slopes) to which the CVRP has been party to, as a founder member in the working group.

The development conflicts with National Green Belt Policy unless Very Special Circumstances are proven. The applicants suggest that their scheme is in the best location to deliver government policy on MSAs. However, it should be pointed out that other alternatives to this site have either been considered or are under current consideration.

Para 145 of the NPPF states that Local Authorities have a duty to protect and enhance the GB:

'Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

Buckinghamshire Council should therefore support the CVRP in delivering its six objectives which are consistent with this paragraph and not allow further development in the Green Belt. Where development in the Green Belt is considered necessary, substantial compensation and mitigation should be provided to benefit the Colne Valley Regional Park in perpetuity.

The CVRP **objects to this application** as no compensation and mitigation has been provided. Indeed, in a number of respects in terms of biodiversity, the landscape, loss of agricultural land and access to recreational routes, the application conflicts with our objectives and is entirely inconsistent with the aims of the Regional Park. It creates actual harm.

This site (unlike the previous proposal) is visible from across the valley and additional lighting will make it even more prominent, detrimental to both the landscape, long views and the biodiversity of the Regional Park.

As a founding member of the HS2 working group, the CVRP has been party to the restoration plan for the HS2 site by increasing recreational opportunities and enhancing rights of way, including the Old Shire Lane Circular Walk. This site is bounded by both Old Shire Lane and the South Bucks Way, a long-distance footpath. The development will create a noisy, brightly-lit environment which is not conducive to the peaceful enjoyment of the countryside. In addition, it would be surrounded by high security fencing, further urbanising its appearance and alienating the public on nearby rights of way.

Old Shire Lane has historical significance, thought to have been the boundary between the ancient Saxon Kingdoms of Mercia and Wessex, and it now forms the county boundary between Hertfordshire and Buckinghamshire. This significance has been completely ignored by the applicant.

The applicant is proposing mounds – of uncertain height – to separate rights of way users, including horses and their riders, from the MSA. This is a very crude and highly unsatisfactory solution, and a more creative approach is required.

It is also possible that litter and fly-tipping will be an issue.

In terms of BNG, the applicant proposes improving the leftover land from the development and planting trees, wildflowers and hedgerows (on the western side). We consider this inadequate, and support the Council's ecology officer in seeking improvements within the site boundary and particularly on compensatory land.

President: Rt.Hon. the Lord Randall of Uxbridge Kt.PC.

Loss of Green Belt land requires compensatory improvements to the environmental quality and accessibility of remaining GB land (para 142 of NPPF). That currently proposed is insufficient and demands a far wider scale of mitigation. The applicant should be advised by the Colne and Crane Green Infrastructure Strategy in this regard.

The CVRP does, however, welcome the reduction in size and the omission of the hotel from the previous scheme.

The proposal in its current form is therefore inappropriate, demonstrably harmful to the Green Belt, and is not justified by Very Special Circumstances.

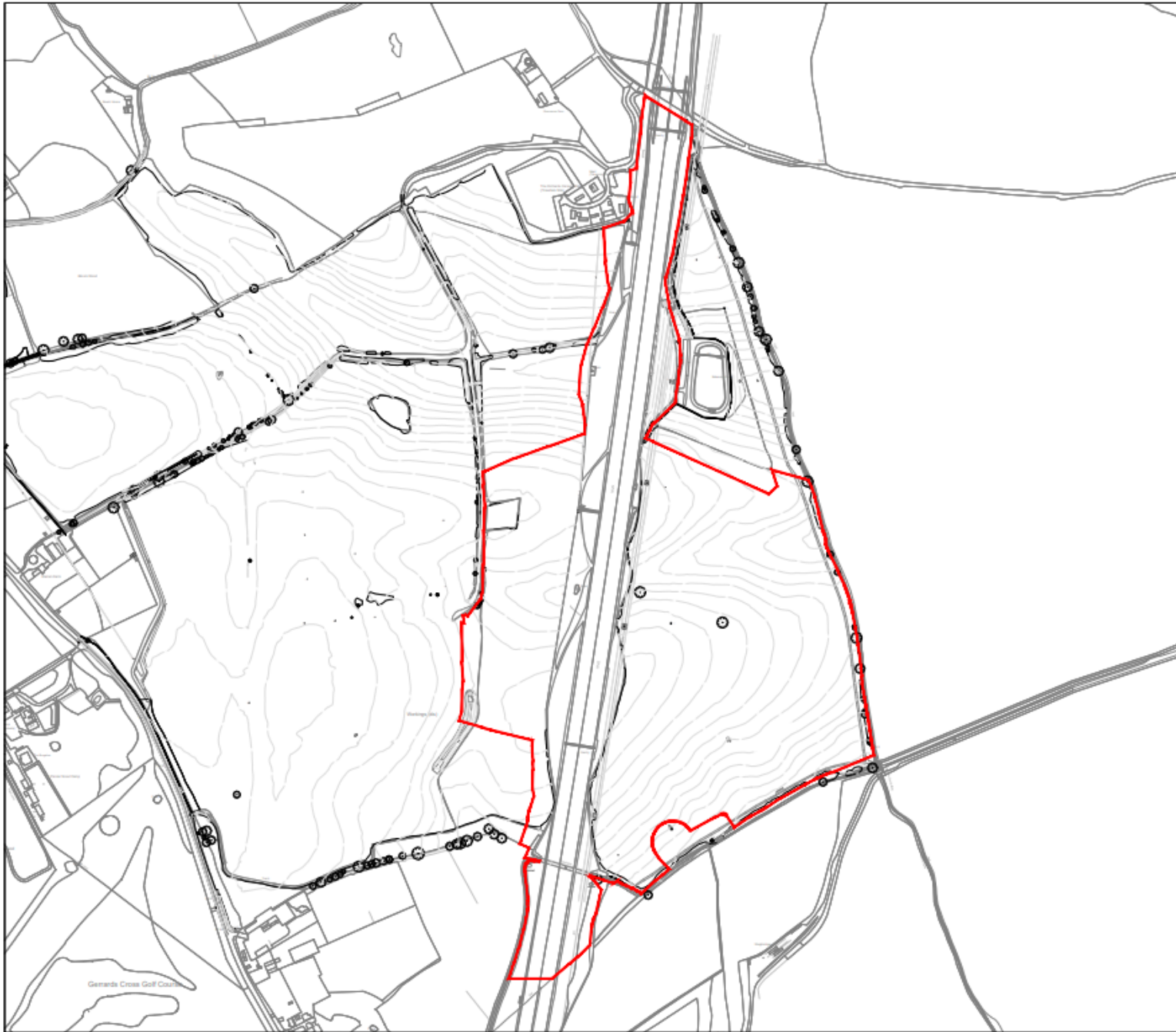
Neighbour Representations

X Objection


- Inappropriate parking on the adjoining A412 due to pedestrian access point
- Development not needed, M25 has been sufficient without an MSA in this location for 30 years
- Inappropriate development in Green Belt
- Environmental impact of development
- MSA is within 6 miles of an existing MSA
- Increase in noise, traffic and air pollution
- Colne Valley Motorway Services is less harmful
- Colne Valley Motorway Services meets need better (more gaps and traffic flows)
- Combined impact on the environment with HS2
- Development will result in loss of valuable mineral resource below the site
- Development can not be adequately drained and would give rise to an increase in flood risk elsewhere.
- Impact on M25 during construction
- It is not clear if the access arrangements are suitable to accommodate an abnormal load
- Internal access design and road layout gives rise to traffic safety concerns.
- Unsustainable access for staff
- Visual harm to eastern landscape
- Adverse impact on the Colne Valley Regional Park
- Loss of Best and Most Versatile agricultural land
- Harm to aviation safety
- Visual impact to Area of Outstanding Natural Beauty

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Appendix B- Site Location Plan



**Key
Boundaries**

 Planning application boundary - 35.866 hectares

FOR INFORMATION

F	13.04.22	Amended following comments	EC	MS
E	13.04.22	For issue	EC	MS
D	10.03.22	Amended boundary following comments	EC	MS
C	07.03.22	Amended boundary following comments	EC	MS
B	23.02.22	Amended boundary following comments	EC	MS
A	10.02.22	Area added to key	EC	MS
Rev.	Date	Comments	Drawn	Chkd

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Project
Chiltern Chalfont Services

Title
Application boundary

Project No. SF 2986	Drawing No. EAB01	Rev. F
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Scale 1:7500 @ A4	Date 09.02.22
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Drawn by EC	Checked by MS
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Appendix C- Indicative Plans

Fuel Filling Station Indicative Elevations – 1740.1/P(--)-500 Rev P1

Fuel Filling Station Indicative Plans – 1740.1/P(--)-400 Rev P1

Parameter Plan – 1740.1/P(--)-100 Rev P1

Proposed Access Junction General Arrangement – 255375 – ARP- ZZ- ZZ- DR – CH- 1001 Rev P01

Illustrative Landscape Masterplan- BIR.5351_09DD

Indicative Site Layout – 1740.1/P(--)-101 Rev P1

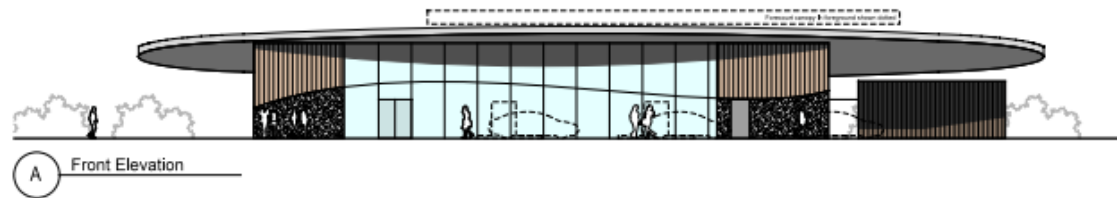
Facilities Building, Indicative Plans Proposed Ground Floor - 1740.1/P(--)-110 Rev P1

Facilities Building, Indicative Plans Roof Plan - 1740.1/P(--)-112 Rev P1

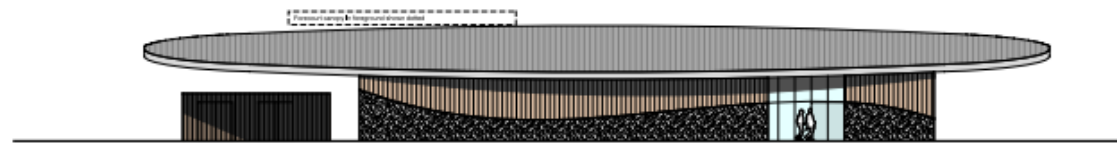
Facilities Building, Indicative Plans Proposed Mezzanine Floor - 1740.1/P(--)-111 Rev P1

Facilities Building Indicative Section - 1740.1/P(--)-300 Rev P1

Facilities Building Indicative Elevations - 1740.1/P(--)-200 Rev P1



A Front Elevation



B Rear Elevation



C Side Elevation - North



D Side Elevation - South

0 2 5 10m

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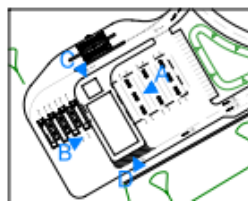


Project
Chiltern Chalfont Services
M25 J16/17

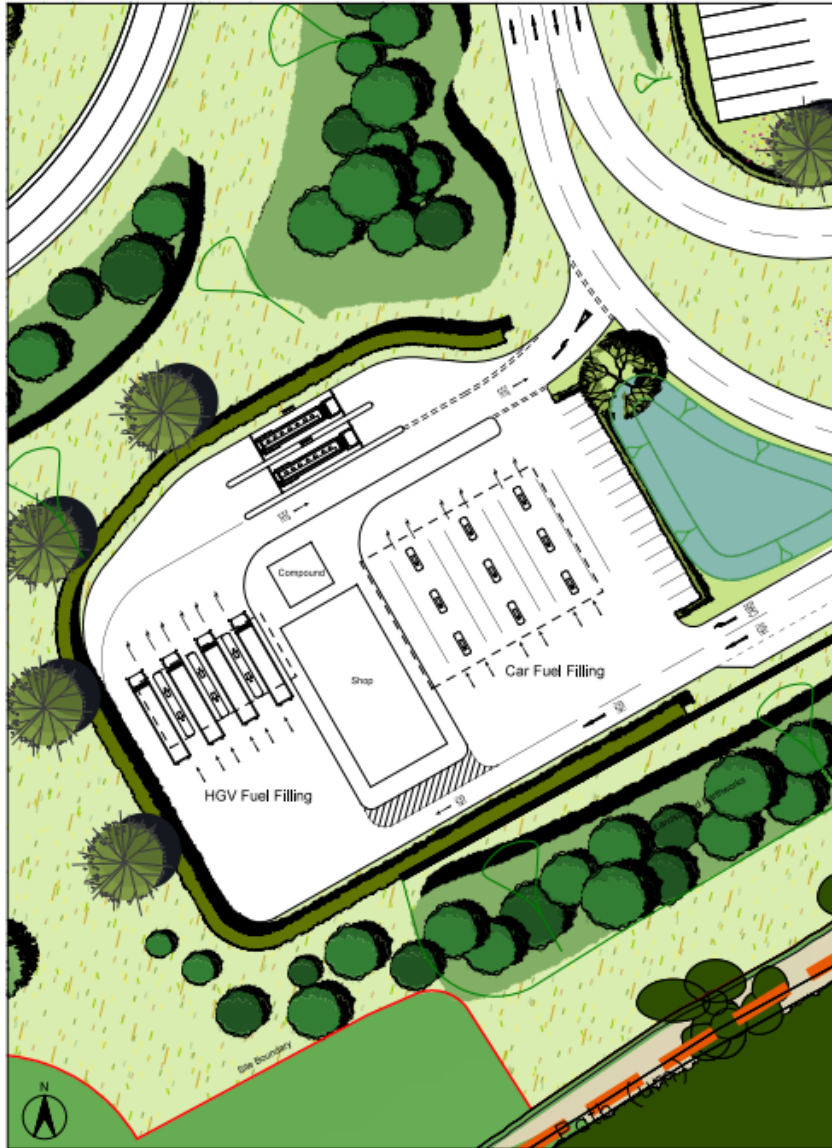
The
Fuel Filling Station
Indicative Elevations

Drawn SRH	Checked by POC, SRH	Issue 02/03/2022
Working No. 1740.1/P(-)500	Project No. P1	
The Colman Partnership Ltd 27 Maxwell Street London WC1R 4EP Telephone: 020 7335 2046 Fax: 020 7335 2041 www.colmanarchitects.co.uk		

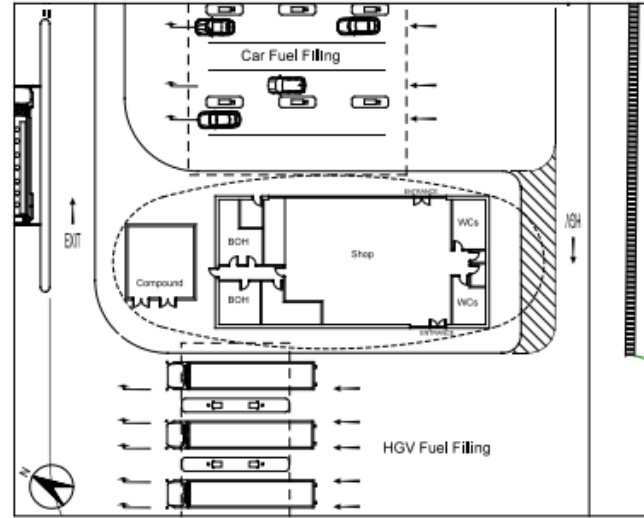
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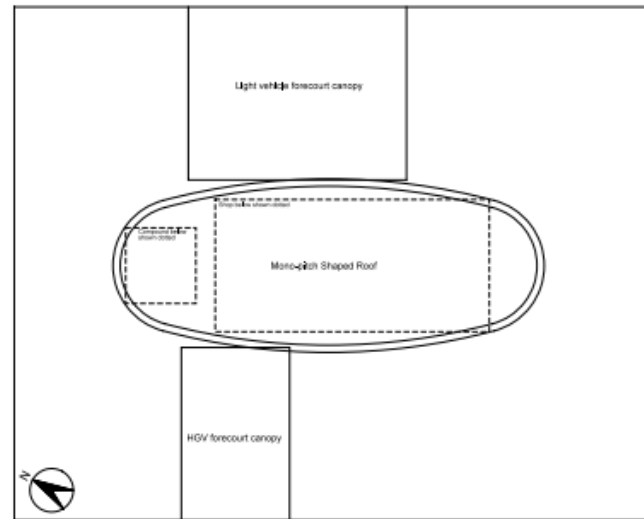
Rev	Notes	By	Date
P1	Issue for Planning Consent	SRH	07/04/22



A Fuel Filling Station General Arrangement
1:750 @ A3



B Fuel Filling Station Shop
Ground Floor Plan (1:500 @A3)



C Fuel Filling Station Shop
Roof Plan (1:500 @A3)

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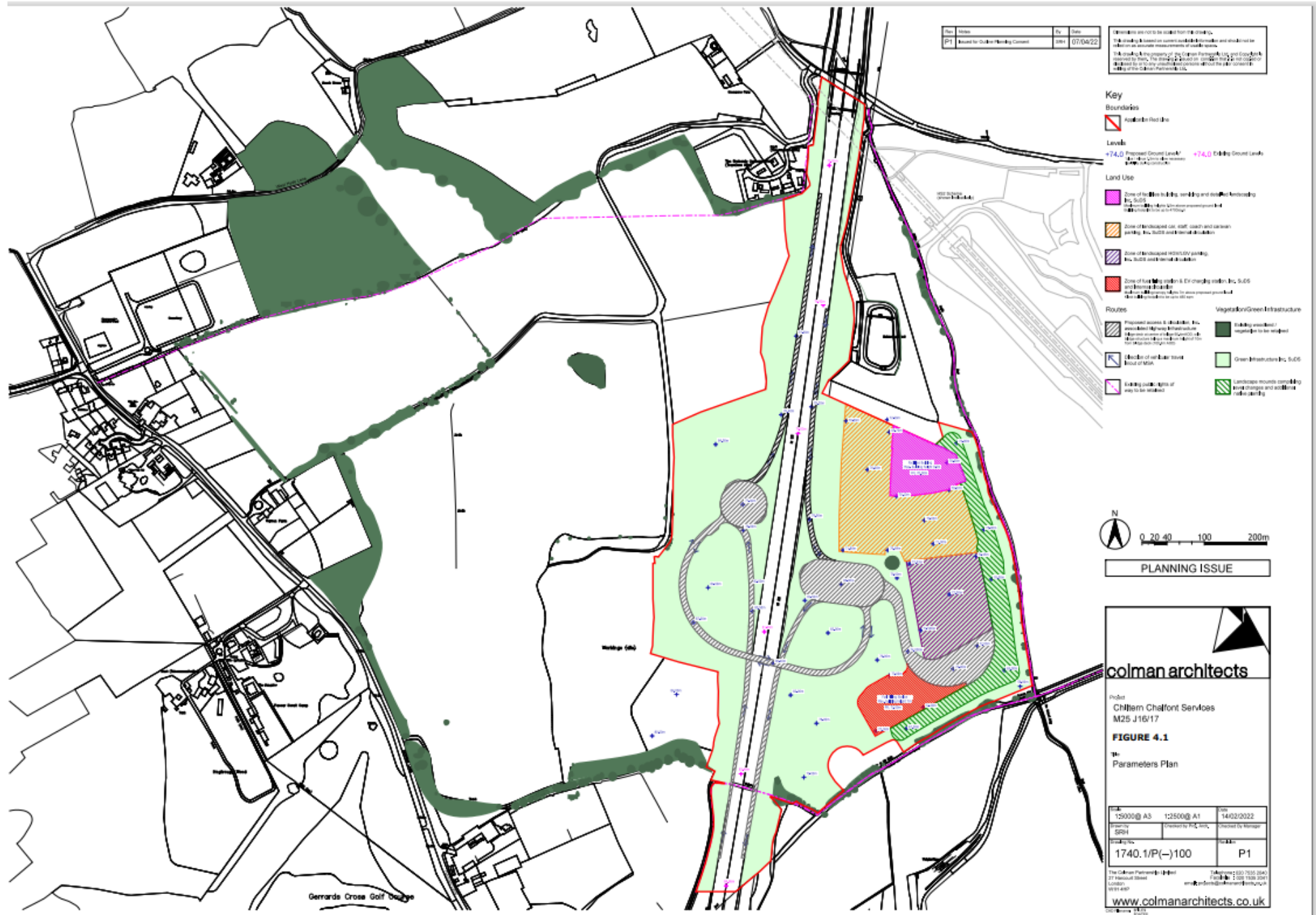
The
Fuel Filling Station
Indicative Plans

Scale 1:2500 & 1:750 @A3	Date 01/03/2022
Author SRH	Checked by PJC, AMK, SRH
Drawings 1740.1/P(-)400	Scale P1

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- KEY**
- Site boundary
 - External Offset Land
 - M25 (broad alignment)
 - Existing public right of way
 - Existing trees and shrubs to be retained
 - Existing vegetation to be retained
 - Proposed retaining wall
 - Proposed steel structure wall
 - Proposed native shrub and tree planting
 - Proposed wetland tree planting
 - Proposed native tree planting
 - Proposed ornamental tree planting
 - Proposed large native specimen tree
 - Proposed native hedgerow
 - Proposed ornamental hedgerow
 - Proposed amenity grassland (seeded grassland)
 - Proposed neutral grassland
 - Proposed wildflower grassland
 - Proposed wetland grassland
 - Proposed bulb planting
 - Proposed earthworks
 - Proposed attenuation/SUDs area
 - Proposed swales
 - Proposed ornamental planting
 - Proposed native shrub planting
 - Proposed path and landscaping
 - Proposed informal walking route
 - Proposed facilities building with green roof
 - Proposed parking and road network
 - Proposed contours

Chiltern Chalfont Services
M25 J16/17

Client: Extra MSA Group

Fig 4.2: Illustrative Landscape
Masterplan

Drawing no.: BR-5351_IP0D

Date: 1/2/2016/2022

Drawn by: LBB/SRE

Checked by: LBB/A

Scale: 1:2500 @ A3



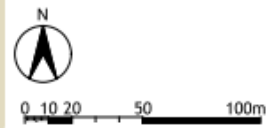


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Site Plan Key

2.	Car Parking
3.	Coach Parking
4.	Caravan Parking
5.	HGV Parking
6.	HGV Forecourt
7.	Main Forecourt
8.	Service Yard
9.	Access Junction from M25



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Project
 CH/Item Chalfont Services
 M25 J16/17

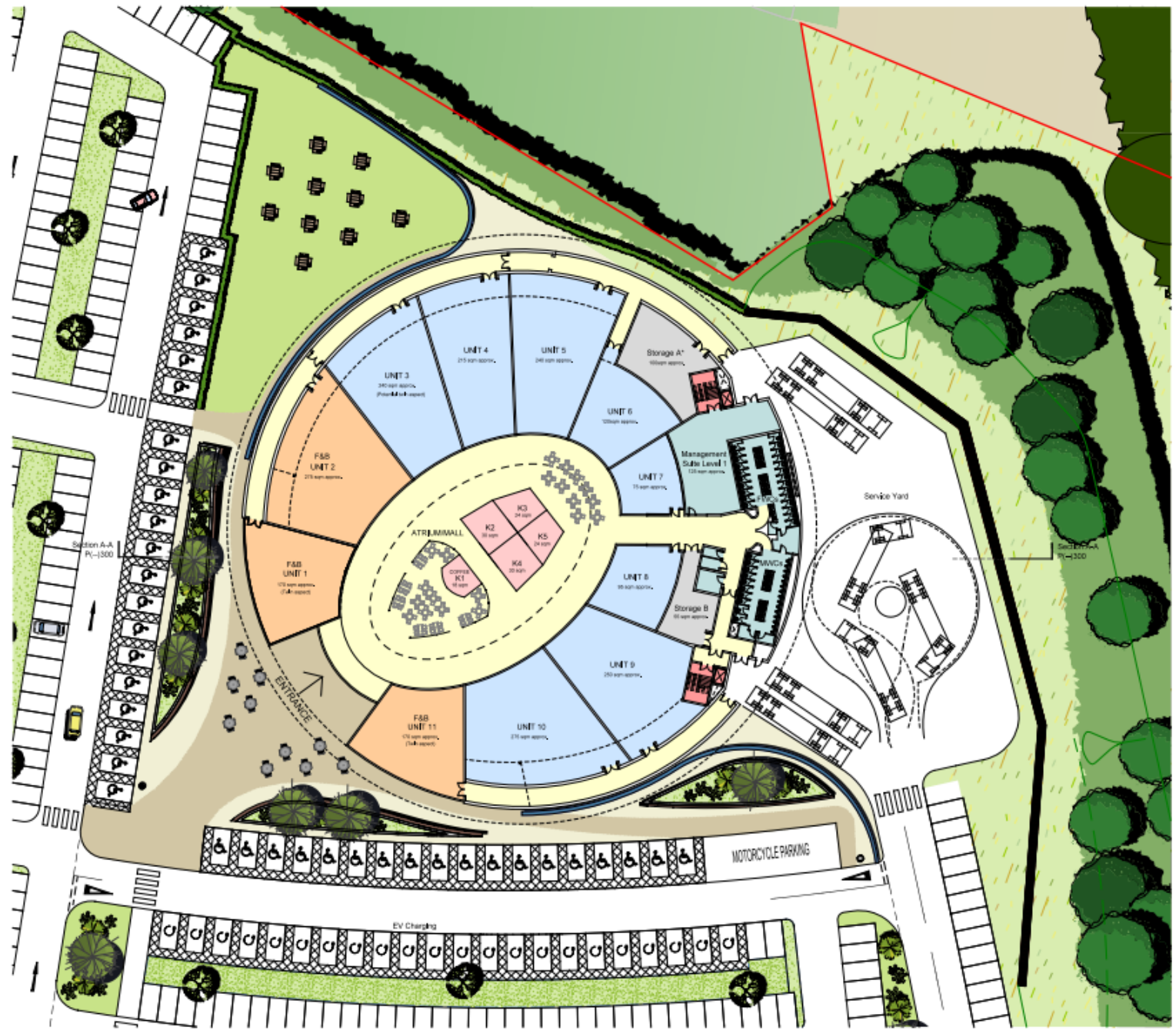
Indicative Site Layout

Scale	1:2000@ A3	1:1000@ A1	Date	14/02/2022
Drawn by	SMK	Checked by PJA, SMK	Checked by Manager	
Reference	1740.1/P(-)101	Issue	P1	

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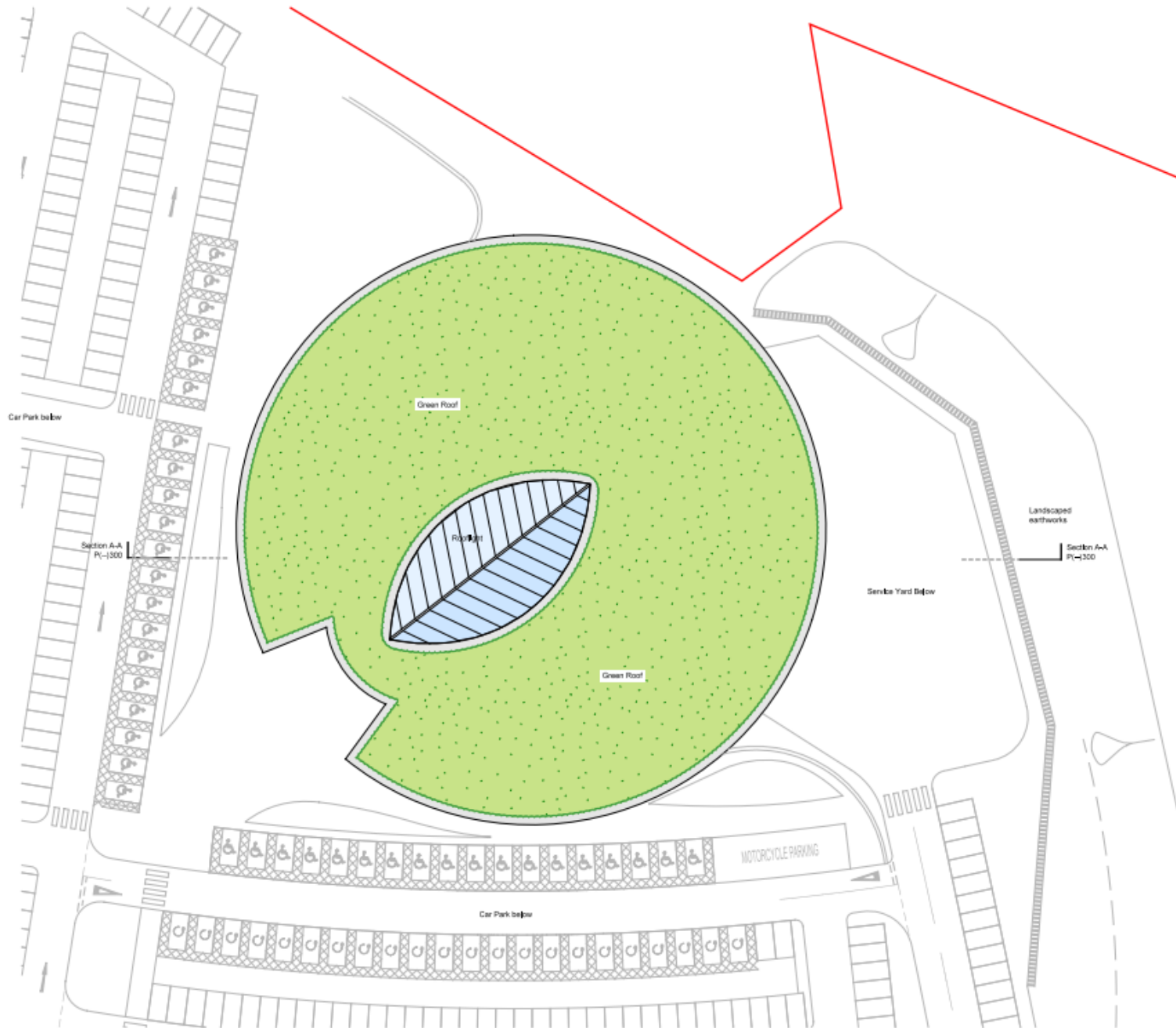
Facilities Building, Indicative Plans
 Proposed Ground Floor

1500 @ A3	1250 @ A1	28/02/2022
Project: SRH	Checked by: PJA, sm	Checked by: Manager
1740-1/P(-)110	Scale:	P1

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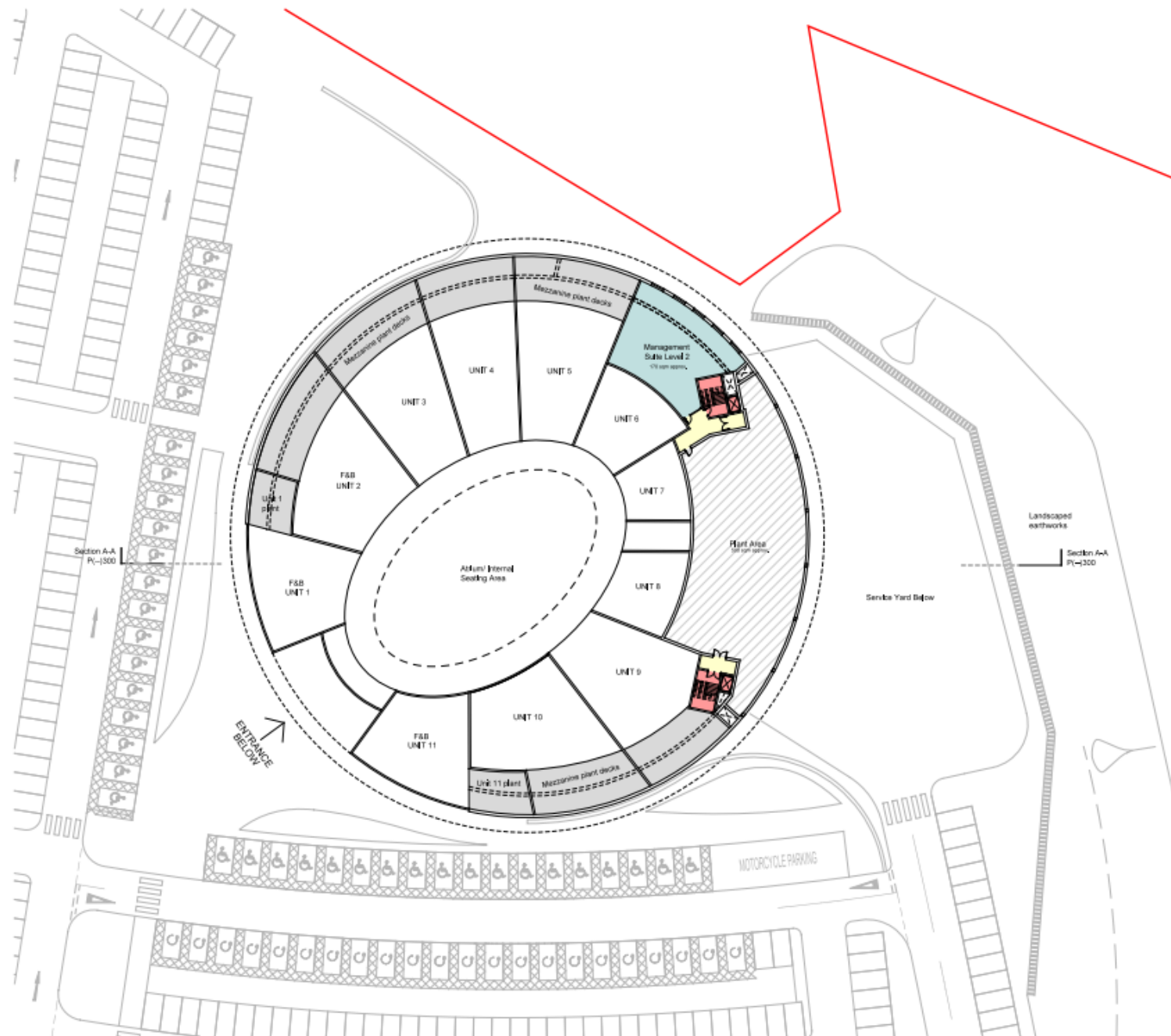
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Project
 CH/Item Chalfont Services
 M25 J16/17

**Facilities Building, Indicative Plans
 Roof Plan**

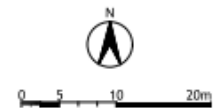
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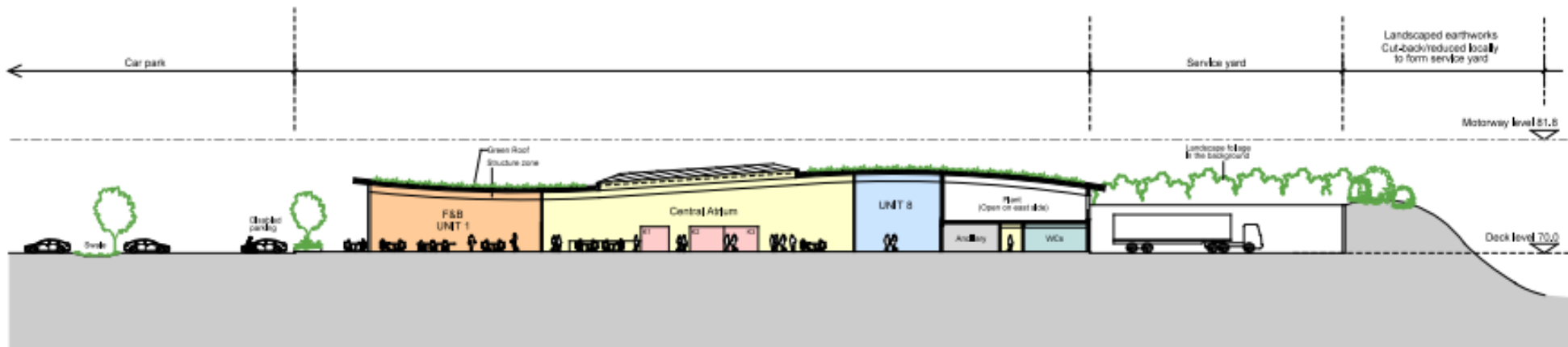
Project
**CHillem Chalfont Services
M25 J16/17**

Facilities Building, Indicative Plans
Proposed Mezzanine Floor

1200 @ A3	1200 @ A1	Date
SRH	Created by P&L, Rev.	28/03/2022
1740-1/P(-)111		P1

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SECTION A-A through Facilities Building



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Project
Chiltern Chalfont Services
 M25 J16/17

1st
Facilities Building
 Indicative Section

Scale 1:500 @ A3	1:250 @ A1	Date 25/02/2022
Drawn by SRH	Checked by POC, Arch.	Checked by Manager
Drawing No. 1740-1/P(-)300		Revision P1

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 W8 4HP

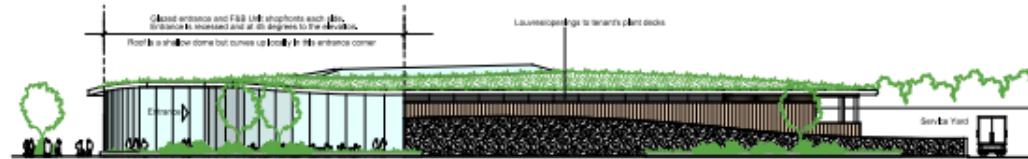
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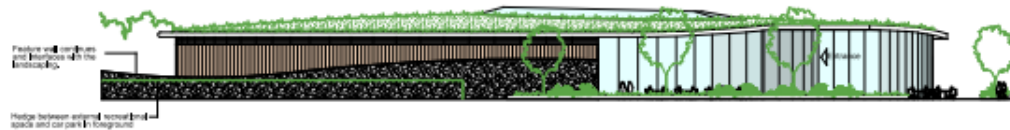
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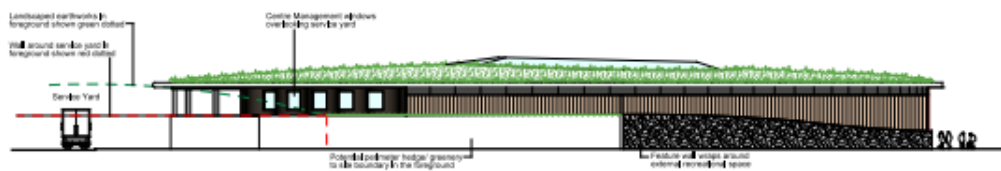
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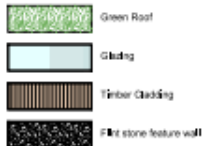
A Front Elevation - South
View from East Car Park



B Front Elevation - West
View from West Car Park



C North Elevation - West



PLANNING ISSUE

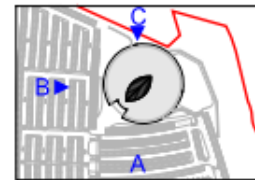


Project
Chiltem Chalfont Services
M25 J16/17

TM
Facilities Building, Indicative Elevations

1:500 @ A3	1:250 @ A1	09/09/2022
Drawn by SRH	Checked by SRH, AM, J	Checked by Manager
1740-1/P(-)200		P1
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Appendix D- Site Overlay with HS2 Restoration Plans

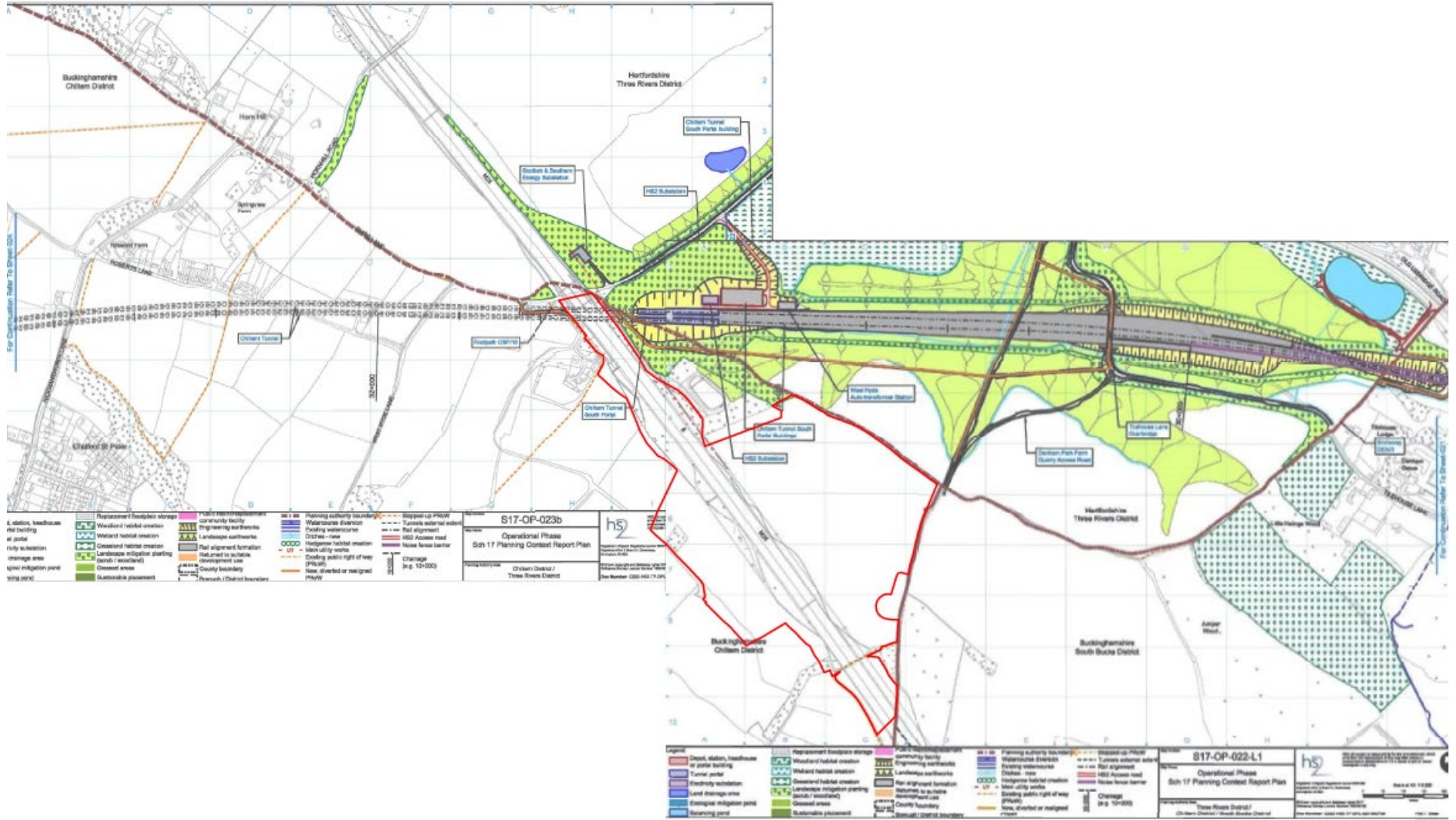
Aerial showing HS2 Construction works

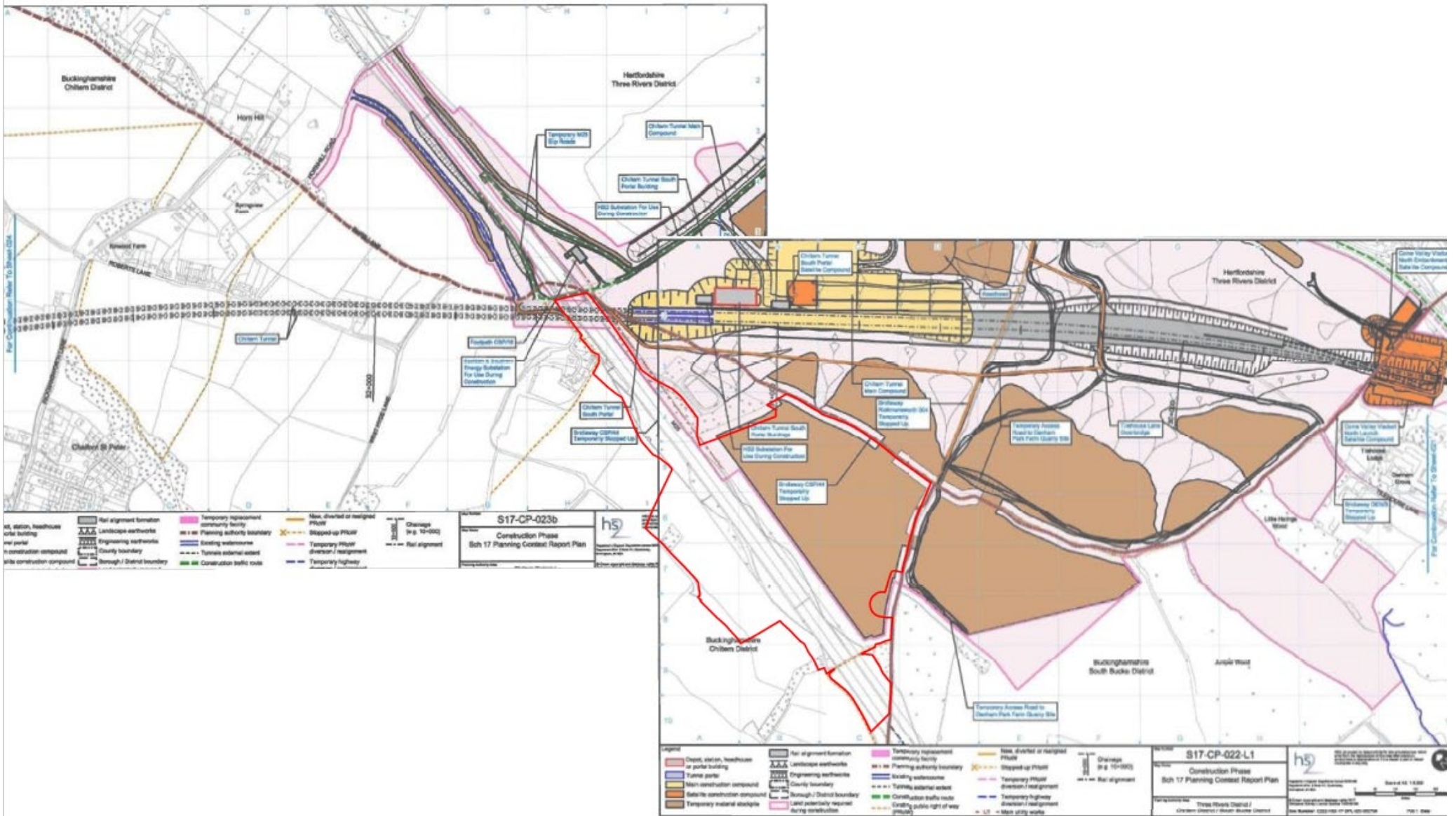
HS2 operation with site overlay

HS2 construction with site overlay

Present Aerial View









1. An aerial view of the South Portal construction site of the Chilterns Tunnel. 2. Buttresses will support the tunnel entrance roof. 3. Preparing the tunnel boring machine launch pad.

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Appendix E- Chalfont St Peter MSA 1 ref: PL/19/2260/OA Appeal Decision

Appeal Decision

Inquiry held between 17 August and 3 September 2021

Site visits made on 10 August and 26 October 2021

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/X0415/W/21/3272171

Land between Junctions 16 and 17 of the M25, near Chalfont St Peter

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Extra MSA Group against Buckinghamshire Council.
 - The application Ref: PL/19/2260/OA, is dated 28 June 2019.
 - The development proposed is the erection of a motorway service area with all matters reserved with the exception of access from the M25, comprising of a facilities building, fuel filling station, electric vehicle charging, up to 100-bedroom hotel, service yard, parking facilities, vehicle circulation, landscaping, woodland and amenity spaces, sustainable drainage systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and associated mitigation, infrastructure and earthworks/enabling works.
-

Decision

1. The appeal is dismissed and outline planning permission for the erection of a motorway service area (MSA) with all matters reserved with the exception of access from the M25, comprising of a facilities building, fuel filling station, electric vehicle charging, up to 100-bedroom hotel, service yard, parking facilities, vehicle circulation, landscaping, woodland and amenity spaces, sustainable drainage systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and associated mitigation, infrastructure and earthworks/enabling works is refused.

Procedural matters and background

2. The site address is taken from the application form but elsewhere the site is referred to as land at Warren Farm. In describing the appeal site in this decision, I will sometimes refer to it as Warren Farm.
3. The application was submitted to Chiltern District Council but, in April 2020, a new unitary authority, Buckinghamshire Council (BC), was formed from the County Council and the four district councils, including Chiltern. Therefore, BC is now the local planning authority.
4. The application is in outline with all matters reserved except for access from the M25. The illustrative master plan, parameters plan and landscape plans are provided to give an indication of how the site would be developed. That

said, the evidence provided at the inquiry was on the basis that a detailed scheme would follow the design principles set out in these plans. Moreover, a permission could be linked to the plans by condition. Therefore, I have based my assessment of the impacts of the development on the illustrative master plan, parameters plan and landscape plans.

5. The development falls under Schedule 2 Part 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project exceeding the thresholds and criteria in Schedule 2 of the Regulations. An Environmental Statement (ES) was submitted by the appellant together with two addendums.
6. The ES as a whole complies with the above Regulations. The information provided is sufficient to enable the environmental impact of the proposed development to be assessed. The contents of the statement, comments received on it and all other environmental information submitted in connection with the appeal, including that given orally at the inquiry, have been taken into account in arriving at this decision.
7. BC, at the meeting of the Strategic Sites Committee on 23 June 2021, resolved that, had it been in a position to determine the application, it would have been refused because of the harm to the Green Belt, landscape and visual impact, loss of the best and most versatile agricultural land (BMV), and harm to the setting of heritage assets.
8. The Council also raised a second putative reason for refusal relating to the absence of planning obligations. However, a unilateral undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (S106) dated 22 September 2021 deals with a range of obligations, namely an employment and skills strategy; a local procurement strategy; groundwater monitoring and management; the provision of a significant area of land to the west of the appeal site to be used as Community Land; a Public Rights of Way Strategy; a Underpass Improvement Strategy; a Woodland Management Strategy; Biodiversity Net Gain; Sustainable Drainage Systems (SUDs) Maintenance; a Security Framework, including for the Thames Valley Police (TVP) access; Highway Works; a Travel Plan; a North Orbital Cycleway Contribution; a Traffic Regulation Order Contribution; a Management Company for SUDs and the Community Land; and a Council Monitoring Fee. I will return to the S106 later in my decision.
9. There were three Rule 6 parties appearing at the inquiry. Bickerton's Aerodromes own Denham Airport which lies about 1km to the south of the appeal site and were solely concerned with the issue of aviation safety. Moto Hospitality Ltd (Moto) and Colne Valley Motorway Service Area Ltd (CVMSA) have put forward alternative sites for MSAs. These sites are not before me for determination but are potentially relevant as a material consideration. I visited the alternative locations.

Main issues

10. The appeal site lies in the Metropolitan Green Belt. The proposal constitutes inappropriate development in the Green Belt as set out in paragraph 149 of the National Planning Policy Framework (the Framework).

11. Taking into account the above background and other considerations raised in the evidence, the main issues are:

- the effect on Green Belt openness and purposes;
- the effect on the character and appearance of the area, including landscape and visual effects;
- the impact on the designated heritage assets at Mopes Farm, with particular reference to the effect on their setting;
- the effect on the BMV agricultural land;
- the effect on veteran trees, ancient woodland, and biodiversity more generally;
- the effect on aviation safety; and,
- whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations, so as to constitute very special circumstances.

Reasons

Green Belt openness and purposes

Openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
13. The MSA would involve a developed area of some 12 ha with significant building footprints, comprising the facilities building, the linked hotel and a filling station¹, and large areas of associated parking, access routes and other infrastructure. The appeal site is largely devoid of development, other than where it is dissected by the M25. Therefore, in terms of the spatial dimension, the proposal would cause a substantial loss of openness.
14. With regard to the visual dimension of openness, that part of the appeal site to the west of the M25 comprises a chalk valley cutting through rolling farmland. The open land extends between the M25 and Denham Lane, the latter forming the eastern extent of Chalfont St Peter. The MSA would involve a significant incursion of built form and infrastructure into this open landscape together with a marked change in landform.
15. These changes would be clearly perceived by users of the footpath which runs near to and across the northern part of the site and by the many motorists on the M25. Drivers on the M25 would have their eyes on the road ahead and would also anticipate seeing MSAs at regular intervals. That said drivers would have some appreciation of the surrounding open landscape. Moreover, passengers would be more likely to enjoy the passing open countryside preserved by Green Belt.

¹ In total over 8,000 sq m of building footprint

-
16. The area to the east of the M25 is already close to major works associated with HS2 and crossed by overhead power lines. Moreover, most of the area would remain open with swathes of meadow and woodland planting. In this context the provision of slip roads and the bridge over the M25 would have some, but not a significant, effect on the openness of this parcel of land.
 17. In terms of the wider area, the topography and wooded landscape would limit views of the main areas of built development and parking. In particular, the lie of the land would prevent views of the MSA from Denham Lane and Chalfont St Peter. That said, parts of the buildings, the bridge and slip roads would be visible from some longer distance viewpoints.
 18. But overall, there would be substantial harm caused by loss of Green Belt openness.

Purposes

19. The Green Belt purposes of a) checking the unrestricted sprawl of large built-up areas; b) preventing neighbouring towns from merging into one another; and c) assisting in safeguarding the countryside from encroachment are relevant. There is agreement between the Council and the appellant that there would be harm caused to purpose c) and I concur.
 20. In terms of purpose a), the development would not be contiguous with the large built-up area of Chalfont St Peter and Gerrards Cross. The majority of the development would be contained by the M25 and HS2 to the east, open land to the west, and existing and proposed woodland and landscaping to the north and south.
 21. There would be some perception of sprawl caused by the development in that it would be in relatively close proximity to the eastern edge of the built-up area and would be experienced as such, most notably by users of the footpath as they walked to and from the settlement. Moreover, paragraph 137 of the Framework does not qualify its reference to sprawl by associating it only with large built-up areas. However, applying the specific wording of purpose a), there would not be unrestricted sprawl of the built-up area. In this respect my findings are consistent with the Inspector who considered the proposal for an MSA on a different site at Warren Farm to the south². In the previous appeal the MSA was further away from the settlement edge but in both cases the MSA would not be contiguous with the built-up area.
 22. With regard to purpose b), there is a gap of about 2km between the edges of Chalfont St Peter and Maple Cross and a greater separation between Chalfont St Peter and Harefield. The development would span some 0.5 km at its widest point, thereby eroding a significant proportion of the gaps. In views from the edges of Maple Cross and Harefield the overbridge and slip roads would be visible. These structures would be seen with the HS2 viaduct and embankment. But such existing and proposed works would have a clear connection with a major transport corridor and not contribute to a feeling of merger. The other parts of the development would not be visible from the edge of Maple Cross. Parts of the MSA buildings would be seen in the distance
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from the edge of Harefield but with the wide Colne Valley in the foreground. It would appear that none of the development would be visible from the edge of Chalfont St Peter. An MSA in this location would not lead to a merger of settlements. As with the development considered in the 1999 decision, the development would contribute to the closing of the gap but not bridge it.

23. All in all, there would be significant harm to Green Belt purpose c) but only limited harm to purpose a) caused by some perception of sprawl and no material harm to purpose b). In arriving at these judgements, I have had regard to the Buckinghamshire Green Belt Assessment³. The assessment is helpful in providing an overview of the sensitivities of areas of Green Belt. However, the relevant parcels included in the assessment (44b and 40b), although including the appeal site, are more extensive and abut the settlements of Chalfont St Peter, Maple Cross and Denham Green. Therefore, the scores attributed to the parcels cannot be applied directly to the appeal site.

Beneficial use

24. Paragraphs 142 and 145 of the Framework refer to compensatory improvements to, and beneficial use of, Green Belts. These provisions relate primarily to plan-making and to the positive role to be played by local planning authorities. However, the provision of access, the opportunities for informal recreation, and the enhancements to landscape, visual amenity and biodiversity that would be facilitated by the community land have been put before me as considerations that should be taken into account in considering the Green Belt impact of the development.
25. The development of Green Belt land is strictly controlled by current Government policy. However, the provisions of the UU would ensure that the community land would be managed and maintained as an open area in perpetuity which gives even greater certainty that it would be protected from development.

Conclusions on Green Belt

26. Notwithstanding any Green Belt benefits arising from the community land, the development would represent inappropriate development and would lead to substantial harm to the Green Belt by reason of its effect on openness and purposes. The development would undermine the fundamental aim of Green Belt policy set out in paragraph 137 of the Framework.

Character and appearance

27. My findings on the visual dimension of Green Belt openness above are also relevant to the landscape and visual effects. The MSA itself would result in a major transformation in the landscape to the west of the M25 with a less significant change to the east. The landscape change would arise from the creation of the development platform to replace the natural contours of the chalk valley with its linear hedgerow and trees, the introduction of significant built development in the dip, and provision of the associated infrastructure in and around the building complex, including slip roads, overbridge, and lighting.

³ CD 6.9 – 6.11 – Report and Pro-forma

The comprehensive planting, including woodland planting to the perimeters, would help to soften the harshest elements of the scheme but would not mitigate the effects on the existing landscape fabric of the site to any significant degree.

28. The relevant Statement of Common Ground (SOCG)⁴ sets out the agreed landscape effects. I generally concur with the findings. The development would have major negative residual effects on the landscape fabric of the site, significantly altering the most attractive landscape components within the site. As a result, there would be significant adverse effects on a localised section of the Chalfont St Peter Mixed Use Terrace Landscape Character Area (LCA).
29. In terms of the effects on the wider landscape, these would be generally limited because of the setting down of most of the development and the resultant extent of containment by topography and existing and proposed natural and man-made features. However, there would be some adverse effects on views across the Colne Valley, an important element of the wider landscape. This would particularly be the case from the east, at the edge of Harefield, from where the prominence of the overbridge, slip roads, lighting columns, relocated pylons and associated earthworks on the skyline would be evident. Even if the bridge was to be designed as a slender structure it would still sit on the skyline. However, apart from this specific aspect, residual landscape effects on the adjacent LCAs and the Colne Valley Regional Park would not be significant.
30. The SOCG also sets out agreed visual effects with which I again concur. Because of the sensitivity of footpath users and its position overlooking the development, the visual effects from the northern footpath would be major negative. Residual visual effects from other public viewpoints would be less harmful, ranging from negligible to moderately adverse, due to the aforementioned siting, containment, and mitigation. The moderate adverse effects would arise primarily from the aforementioned highway infrastructure and their effects on views from the edge of Harefield and bridleways immediately to the south and east of the site which form, in part, a stretch of the South Bucks Way. In relation to users of Denham Lane and residential receptors in the same locality there would be no discernible visual effects. The only residential receptor adversely affected would be The Orchards Traveller Site, albeit that tree planting would limit this to a residual minor negative effect.
31. Despite the background noise of the M25, parts of the appeal site have reasonable tranquillity which currently adds to the experience for recreational users. The MSA would significantly erode the tranquillity of these parts of the appeal site for such users, albeit that the community land would have the potential to provide similar areas for quiet recreation.
32. The scheme has sought to achieve the best landscape fit for the site, in the context of a desire to provide a range of facilities and infrastructure, many of which are essential features of an MSA. The siting of much of the development within the valley would reduce its conspicuousness. In addition, the landscaping improvements to the community land would enhance its landscape

⁴ CD 2.17

and visual qualities. Moreover, it is almost inevitable that the construction of an MSA on the north-west quadrant of the M25 would have significant landscape and visual effects.

33. However, notwithstanding these factors, the particular location of the development leads to inevitable major landscape and visual effects which it is not possible to mitigate. In this case the development would result in significant harm to the character and appearance of the area, by reason of its landscape and visual effects.
34. As a result, the development would not recognise the intrinsic character and beauty of the countryside and would conflict with Policies GC1 and GB30 of the Chiltern District Local Plan (CDLP) as it would not relate well to landscape features, would not be well integrated into its rural setting and would not conserve the scenic beauty or amenity of the landscape. That said, the new landscaping would be suitable for the development proposed and, therefore, there would be compliance with Policy GC4 of the CDLP.

Designated heritage assets

35. Mopes Farm, which lies off Denham Lane to the south-west of the appeal site, contains three Grade II listed buildings - the farmhouse, a barn, and a barn with an attached cottage. There is an historical association between Mopes Farm and part of the appeal site in that they were in the same ownership during the 19th century. Some of the appeal site would have been farmed from Mopes Farm.
36. The farmhouse and associated buildings are no longer used as a farmstead. There is no farmyard or the other familiar sights, sounds and smells of a busy farm. Through conversion, refurbishment, and alteration, they now have a solely residential function. The special architectural interest of the listed buildings lies in their surviving historic fabric, antiquity, and group value. Additionally, the farmhouse displays fine craftsmanship. These attributes are best experienced from within the complex and from close by, including, in the case of the cottage and barns, from Denham Lane. From these immediate surroundings the buildings can be read together. The historic fabric and special architectural interest of the Mopes Farm complex and the close-up experience would be unaffected by the appeal scheme.
37. The appeal site forms part of the wider setting of the heritage assets. Glimpsed views of the roof of the farmhouse can be seen from parts of the appeal site. However, there is now no functional relationship between the appeal site and Mopes Farm. The wider agricultural setting has been altered by the M25 which, along with modern agricultural methods, have reshaped the field pattern. Moreover, a relatively modern industrial unit lies between the farmstead and fields in and around the appeal site. Therefore, the wider setting, including the appeal site, makes only a limited contribution to the significance of the heritage assets. In any event arable fields, pasture and meadows would be retained on the community land between the development and the listed buildings. Thus, the listed buildings would not be hemmed in by the development. The views of the farmhouse roof from the appeal site, although not significant in experiencing the heritage assets, would not be materially affected.

38. In conclusion, the proposal would have a neutral impact on the designated heritage assets at Mopes Farm, with particular reference to the effect on their setting. Therefore, there would be compliance with Policy CS4 of the Chiltern Core Strategy (CCS), insofar as it relates to the protection of the historic environment, and Policies LB1 and LB2 of the CDLP, as the historic assets and the setting of the listed buildings would not be adversely affected. The setting of the listed buildings would be preserved.

Agricultural land

39. The proposal would result in the loss of some 16.5 ha of the BMV agricultural land (Grade 2 and Grade 3a land). Of the BMV land, some 6.5 ha to the east of the M25 is currently affected by the HS2 construction compound. The intention is that, without the appeal scheme, this land would be returned to agricultural use.
40. The appellant's evidence explained that reinstatement of agricultural land after construction works does not usually lead to land of the same quality. This is due to factors such as compaction and weather conditions affecting the displaced soils, particularly during soil handling. It was suggested, based on research, that only some 20% of such land is reinstated to the same quality after construction works.
41. Of the remaining 10 ha of BMV land to the west of the M25, there are a couple of very small parcels of Grade 3a at the north-west end of the site which, in practice, would be farmed alongside land of lesser quality rather than differently. That said, there are three more significant blocks of BMV land on the western portion of the site, including the largest parcel upon which the MSA complex would be sited.
42. Based on the above evidence, although the actual loss of BMV land equates to 16.5 ha, in reality the development would result in the effective loss of a little bit less than 10 ha of BMV land.
43. Most of the appeal site is 'share-cropped' whereby the landowner and those undertaking the cropping share the value of arable crops such as wheat, barley, and oilseed rape. The cropping is currently undertaken by Whitby Farms who are based near Slough. The land lost for cropping is unlikely to be significant for the farm business as a whole.
44. Finally, in relation to this issue, the soil resource displaced by the development would be likely to be reused within the site and community land for landscaping and to encourage wildflower meadows and grasslands.
45. All in all, the loss of the BMV agricultural land leads to moderate harm. In reaching this conclusion I have had regard to the Framework which highlights the economic and other benefits of the BMV agricultural land and Policy CS4 of the CCS which expects developments to take into account the presence of the BMV land.

Veteran trees, ancient woodland, and biodiversity

46. The proposal would lead to the loss of an ash tree (T247) sited alongside the concrete track. This has been assessed as being a veteran tree. The development would also lead to the loss of some fifty other trees, three tree

groups, one area of woodland and nine hedgerows. However, the majority of the trees are classified as Category C (trees of low quality).

47. There are two areas of ancient woodland immediately to the north of the appeal site, the larger of which is known as Bloom Wood, the smaller Middle Wood. The ancient woodlands would not be directly affected by the development. However, concerns have been expressed that increased vehicle activity in the locality would lead to harmful nitrogen deposits at the ancient woodlands. Modelling, assuming a worst-case scenario in relation to car park use, traffic speeds and the location of access roads, suggests deposition levels have the potential to exceed the relevant 1% critical load on a part of the woodland nearest the MSA. This has been assessed as having a minor adverse effect. However, in reality actual deposits would be likely to be less, given the robustness of the assessment.
48. The scheme incorporates significant new woodland planting, including extensions to the existing ancient woodland in the northern segment of the site. In addition, the UU would facilitate enhancement and management of Bloom Wood and the creation of hedgerows, tree planting and meadows within the community land. These measures would have biodiversity benefits, in addition to providing landscape and visual mitigation. Overall, the development would lead to a biodiversity net gain in accordance with paragraph 174 of the Framework. The enhancement and management of Bloom Wood would offset any minor adverse impacts from nitrogen deposits.
49. Paragraph 180 of the Framework requires that development resulting in the loss of irreplaceable habitats such as veteran trees should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Putting to one side whether the exceptional reasons strand of this national policy requirement has been met, the new planting proposed, which would result in a significant increase in tree cover on the site, would constitute a suitable compensation strategy.
50. Overall, the proposal would not harm ancient woodland and biodiversity more generally. There would be compliance with Policies CS24 and CS32 of the CCS. There would be some harm caused by the loss of a veteran tree. Whether there are wholly exceptional reasons to override this loss is a matter which I will return to in my overall planning balance.

Aviation safety

51. Part of the appeal site lies beneath the flight circuit for Denham Airport. The flight circuit is constrained in size and height due to the existence of Heathrow's airspace to the south and RAF Northolt to the south-east.
52. An assessment conducted by Bickerton's Aerodromes considered the risk posed by the MSA to aircraft using the Denham circuit. The assessment concluded that there is a significant risk that forced landings can and will occur in the vicinity of the appeal site and community land and that effectively removing part of the area would increase the risk. That the majority of flights from the airport are undertaken by single engine aircraft, where engine failure can have severe consequences, and many flights are for training purposes, are considerations in assessing the risk.

53. The risk assessment concluded that the level of risk fell within the 'as low as reasonably practicable' (ALARP) category. In such instances the risk should only be tolerated where it is considered justified by the benefits and the impracticalities of reducing the risk. This assessment is the only one before the inquiry. On the basis of this assessment, the aerodrome manager objected to the application.
54. There was much discussion at the inquiry about the role that land use planning has in reducing risk, given the regulatory framework which applies to airports which is primarily enforced by the Civil Aviation Authority (CAA). However, the relevant SOCG⁵ agrees that aviation safety is a material planning consideration for the appeal and this was agreed by the appellant at the inquiry. This reflects that planning has a role in controlling the use of land in the public interest which goes beyond the regulation of aviation activity by the CAA. The role can also extend beyond the safeguarding procedures set out in Annexe 1 to the 2002 Direction⁶. This is supported by the references to aviation in the Framework, the non-regulatory role of the Airfield Advisory Team (AAT) within the CAA, and that the loss of areas for forced landings can be a material consideration in a planning decision⁷.
55. On the basis that the planning system has a role, it was reasonable for the aerodrome manager to commission the risk assessment and raise objections as a result of its conclusions, even though the area being assessed was not controlled by the aerodrome. Alternative forms of development for the appeal site and community land are very limited because it is Green Belt. Objecting to the current development proposals was a legitimate way that the aerodrome operator could mitigate the risk through the land use planning process.
56. That part of the appeal site to the west of the M25 and the adjoining community land is predominantly in arable use with large fields divided by hedgerows and tracks. The surface of the fields will vary depending on whether they are laid to crop, ploughed or fallow. However, whatever the exact condition, the combined site is one of the larger open areas for forced landings under the circuit. The area would not facilitate forced landings at take-off and landing but would provide a suitable zone on the downward leg of the circuit. This is demonstrated by the fact that a successful forced landing occurred in 2007 on the southern portion of the appeal site.
57. This is not to say that pilots predetermine that the area of the appeal site and community land would be used in the event of an emergency. However, it is good practice to alert pilots to potential areas for forced landings. Of those potential areas, the appeal site and community land is far from being the only area but is accessible from a good proportion of the circuit.
58. That said, the suitability of the area upon which the MSA itself would be built is affected by the topography of the valley and the proximity of woodland, the M25 and pylons. These features would be in the mind of a pilot during the short period when they need to make decisions about a forced landing.

⁵ CD 2.35 - SOCG on aviation issues between the appellant and Bickerton's Aerodromes

⁶ CD 10.1 - The Town and Country Planning (safeguarded aerodromes, technical sites, and military explosives storage areas) Direction 2002

⁷ See for example CD 10.17 - Appeal decision ref: APP/C2741/W/18/3223376 dated 31 October 2019

Therefore, some of the appeal site, particularly its north-east corner, would not be particularly suitable for forced landings at present.

59. That part of the appeal site to the east of the M25 has the line of pylons along its western boundary and woodland to the south. HS2 will run to the east. Parts of the site has the chalk valley running through it. Some of the area is suitable for forced landings but its utility is affected by the nearby features and its topography.
60. Of the areas that are less constrained, the majority would remain open as it would form part of the community land. A smaller field pattern, more hedgerows, and community use within this area, would have some effect on its utility for forced landings, but it would remain predominantly open and level. Some scrubland on the site of former minerals workings would be improved. Existing small obstructions, such as a metal container, would be removed. That said, the proximity of the MSA with its buildings, parking areas, road layout and human activity would be in the mind of the pilot, particularly because of the fear of undershooting on a northern approach into prevailing winds.
61. The position of the slip roads, the realignment of the pylons, and planting of woodland belts on the portion to the east of the M25 would reduce its utility. New slip roads would also create a further hazard in the belt of land immediately to the west of the M25.
62. Overall, there would be a moderate reduction in the utility of the area of land (the appeal site and community land) for forced landings when taken together and therefore some reduction in choice for a pilot. This is reflected in the AAT's conclusion 'that the development of the MSA will reduce the area available for a forced landing to a significant extent', bearing in mind that this comment did not take into account the benefits of keeping the community land open.
63. As a result, I conclude that there is likely to be some harm to aviation safety through an increased risk for aircraft pilots and any passengers. However, it is unlikely that the loss of some areas for forced landings would be of such a magnitude as to reduce the attractiveness of Denham Airport as a place to fly from. Those who take part in general aviation are unlikely to base their choice of airfield on the existence or otherwise of forced landing sites. If that were the case then the future of more constrained airfields would be under threat. Therefore, the existence of the airport would be unlikely to be prejudiced or its overall economic value in serving business, leisure, and training needs reduced, as referred to in paragraph 106 of the Framework. Moreover, the MSA would not place unreasonable restrictions on the airport. Furthermore, I do not see the increase in risk being of a magnitude which would be sufficient, in itself, to justify dismissing the appeal. But it is an issue that should be attributed some harm in the overall planning balance.

Other considerations

64. In terms of other considerations these comprise primarily the need for the MSA; economic, social, and environmental benefits; and other alternative sites for the provision of an MSA.

Need

65. Annex B of Department of Transport Circular 02/2013⁸ recognises that MSAs should be provided at intervals of no more than 28 miles apart. The Circular also notes that the distances are not prescriptive as travel on congested parts of the network may take longer.
66. There are no MSAs on the western section of the M25 between South Mimms (junction with the A1) and Cobham (near the A3). Taking into account the wider motorway and strategic road network connected via the M25, including the M1, M40, M4 and M3, there are some 42 gaps between MSAs exceeding 28 miles. Some of the gaps are upwards of 50 miles. There are a few other gaps close to 28 miles on these heavily congested stretches of the motorway network, where travelling can often take considerably longer than 30 minutes, particularly during peak periods. There is a clear need for a new service area in the north-west quadrant of the M25 between the junctions with the M1 and M4.
67. In arriving at the number of gaps above or close to 28 miles in the preceding and following paragraphs, the measurements use actual distances between the centre of MSA car parks and include gaps in both directions⁹. These figures build on those used in the SOCG on need¹⁰ to provide a more comprehensive assessment. It seems logical to use the points between which drivers can commence their rest period and such an approach has been endorsed by the Secretary of State in a case where there was a dispute¹¹. This method of measurement was supported by witnesses from both CVMSA and Moto. The measured distances using car park to car park is slightly greater than if measured from off slip to off slip (as favoured by the appellant) but does not make a significant difference in terms of the number of gaps which are above 28 miles.
68. Table 3.1 indicates that the appeal proposal would fall between 30 existing gaps which are 28 miles or greater and resolve 19 of them by bringing them down to less than 28 miles. The development would include all the minimum requirements for an MSA as set out in Table B1 of Circular 02/2013. Meeting this need would have considerable road safety benefits and would represent a significant positive in the planning balance.
69. There are some elements of the scheme that are not needed to meet the minimum requirements for an MSA. This includes the 100-bed hotel, the business centre within the facilities building and the level of car and HGV parking proposed. That said, whilst not supported by a strong need case, a hotel is a common element of an MSA and provides an extra facility with some safety and welfare benefits for motorway users. Moreover, there is an acknowledged severe shortfall of HGV parking in the south-east and the proposal would go some way to meeting this need. There would be limited

⁸ The Strategic Road Network and the Delivery of Sustainable Development

⁹ ID 2.3 - Table 3.1 of the proof of evidence of Mr Roberts

¹⁰ See CD 2.2

¹¹ Conjoined decisions by Secretary of State for MSAs and truck stop on the A1(M) North Yorkshire in 2012, Refs: (A) APP/E2734/A/09/2102196, (B) APP/G2713/W/09/2108815, (C) APP/E2734/W/10/2133571, (D) APP/E2734/W/10/2133577, (E) APP/G2713/W/10/2133567

benefit from the business centre and above standard car parking. All in all, these additional elements represent a moderate benefit.

Economic, social, and environmental benefits

70. The development would involve some £160 million of investment by the appellant and partners, up to about 750 construction jobs and 340 full-time equivalent operational jobs. It is expected that some 75% of the operational jobs would be taken up by people from the Chiltern local area. The jobs would be subject to a Local Employment Strategy, incorporating local employment and training opportunities. However, the economic benefits of an MSA go beyond jobs. As Circular 02/2013 points out, 'operating an effective and efficient strategic road network makes a significant contribution to the delivery of sustainable economic growth'.
71. The provision of the community land, including publicly accessible recreational space and an improved footpath network and landscape and ecological enhancements, would represent environmental mitigation. These works, alongside management of Bloom Wood, would also give rise to some social and environmental benefits, particularly through creating access opportunities in the Colne Valley Regional Park and achieving biodiversity net gain.
72. The provision of electric charging infrastructure and sustainably constructed buildings would be expected on a development of this nature and scale to comply with national and local policy and would not represent material benefits.

Highways and accessibility

73. The MSA would be accessed by slip roads off the M25 with an emergency vehicle access off Denham Lane. National Highways (previously Highways England) and BC as local highway authority (LHA) have no objection to the access proposals, subject to conditions and the planning obligations¹². The emergency access would be capable of being made safe and suitable, with acceptable visibility splays. The Denham Lane vehicular access would not allow police and other emergency vehicles to reach the M25 as such an arrangement would be contrary to Circular 02/2013. However, TVP would be able to access a dedicated parking area which would allow them to control anti-social behaviour and criminal activity at the MSA.
74. The site is not adjacent to centres of population. The development would be predominantly accessed by private vehicle, as is inevitable for an MSA. However, there would be the possibility of locals from the Chalfont St Peter area who work at the MSA reaching the development during daylight hours by foot or cycle using the footpath/cycleway connections from Denham Lane which would be provided through obligations relating to the community land. There are also bus services in and around Chalfont St Peter, albeit not many workers would undertake a bus journey and then walk to the site. The appellant also proposes a workers' minibus service as part of the travel plan.
75. It would be unlikely that significant numbers of workers and others would park on Denham Lane and residential streets nearby to access the MSA because of

¹² See CD 2.2 & 2.34- SOCG between appellant and Highways England and appellant and BC

the distance that they would need to walk. They are more likely to drive via the M25 and then park at the MSA. However, there are provisions within the S106 to monitor parking levels on and around Denham Lane for five years. Should this give rise to issues in the future then a Traffic Regulation Order could be implemented, funded by the appellant.

Pollution

76. I have addressed the air quality impacts in terms of ecological receptors above. In relation to human health receptors, the evidence provided in the ES and summarised in the technical note produced at my request¹³, indicates that air quality impacts from traffic emissions on the residents of the Orchards Caravan Park would be negligible and not significant. Due to the separation from the edge of Chalfont St Peter, there would not be any air quality impacts on the primary school and nearby residents. The air quality affects during the construction phase from Denham Lane would be time limited and unlikely to be significant.
77. Increased noise and light spill would be inevitable consequences of the MSA. However, the evidence indicates that the effects would not be significant providing mitigation relating the construction phase (best working practices) and operational phase (screening to the Orchards Caravan Park) are implemented.

Delivery

78. The appeal scheme is deliverable from a highway perspective. Although detailed design work would be needed, including for the overbridge, and works such as relocating power lines would be necessary, no major obstacles to delivery have been put before me. It would appear that the MSA would be capable of being open around 2026/27.

Alternative sites

79. It is common ground that there is a need for one MSA in the north-west quadrant of the M25. The proposal before me gives rise to 'clear public convenience or advantage' but also 'inevitable and adverse effects or disadvantages to the public'. Case law indicates¹⁴ that, in such circumstances, it is necessary to consider whether an alternative site exists for the same project which would not have those effects or would not have them to the same extent.
80. In considering the alternative sites put forward by Moto and CVMSA, it is necessary to consider whether they are likely to cause less harm than the appeal proposal, whether they would meet the need just as well or better than Warren Farm, whether other benefits would be comparable or greater and, crucially, whether they are likely to be deliverable. I will now go onto consider the two alternative sites put forward against these matters.

¹³ See ID 4.1

¹⁴ CD 7.5 - Secretary of State for the Environment v Edwards - Court of Appeal (1993) 69 P. & C.R. 607

Moto

81. Moto's site is to the south of M25 Junction 20 between Hunton Bridge and Kings Langley. The site would be served by an access off Watford Road, the A41. As such an MSA here would be 'off-line', in other words not served by direct access off the M25 between junctions. An application for an MSA on the site was refused by Three Rivers District Council in July 2021.
82. The Moto site lies within the Green Belt. An MSA would be inappropriate development in the Green Belt. The Moto site developed area would be more compact than the appeal site and, therefore, would cause less harm to the spatial dimension of openness. However, the Moto site is highly visible on rising ground. An MSA would be prominent from many surrounding viewpoints, including the M25, the A41, the church and minor road at Hunton Bridge, the canal towpath, the footpath near Round Wood to the north east, and residential streets in Abbots Langley. Considering the spatial and visual dimensions together, the effects on Green Belt openness would be likely to be comparable with the appeal proposal.
83. The Moto site would have an adverse effect on the Green Belt purpose c). In terms of purpose a), the site is sandwiched between the major transport corridors of the M25 and the A41. Open land alongside the River Glade and canal would not be affected, providing some separation from Abbots Langley which is contiguous with the large built-up area of Watford. The Green Belt gap to the north of the M25, towards Kings Langley, would be retained. However, because of the narrowness of the river valley gap and the way the site would be viewed from surrounding urban areas and settlement edges, there would be a perception of development leading to some unrestricted sprawl from the large built-up area of Abbots Langley/Watford.
84. With regard to purpose b), there are no settlements nearby to the west. The M25 and gap to the north provides a clear barrier and separation to prevent merger with Kings Langley. The effect on the Green Belt purpose of preventing the merger of towns would be limited.
85. Overall, an MSA on the Moto site would have no clear advantages in Green Belt terms compared with the appeal proposal.
86. The site is made up ground and there are many urban influences nearby, such as road and rail corridors with their associated noise, and the built-up areas of Abbots Langley, Watford, and Kings Langley. However, the site appears as a natural landform forming part of the western valley slopes to the Gade Valley. It is likely that the amenity building and parking areas would sit towards the top of the site. The prominence of the site from viewpoints would lead to an MSA having significant adverse effects on the landscape of the Gade Valley and significant visual effects for sensitive receptors nearby. The size of the site and its topography would limit the scope for effective mitigation. Again, I do not consider that, overall, the Moto site has any material advantage over the appeal site in terms of the landscape and visual effects of an MSA.
87. In terms of other harms, based on documentation and my site visits, there would be likely to be less than substantial harm to the significance of the designated heritage assets of the nearby Church of St Paul and associated structures, North Grove Lock and Lock House on the canal, and the Hunton

Bridge Conservation Area, by reason of the effect on their settings. The level of harm would be likely to be towards the lower end of the scale.

88. With regard to the effect on trees on the site, there would be likely to be some loss through the formation of the access and the removal of the hedgerow which divides the fields and that loss might include veteran trees. In this respect there is a dispute between experts for the appellant and Moto, albeit that the latter have had the benefit of a close visual inspection of the trees referred to. From the evidence before me, I assess that the harm in relation to the veteran tree issue at the Moto site would be comparable to that at the appeal site. Any loss of veteran and other trees could be compensated for by replacement planting. Standing deadwood could be retained as part of a scheme or its loss mitigated by on or off-site measures.
89. Additional traffic on the north off slip road of the M25 would be unlikely to be of a scale that would adversely affect the adjacent North Grove Wood by reason of a deterioration in air quality as there is a buffer of the embankment and planting between the slip road and the woodland. The site appears to have limited ecological value at present and an MSA would be capable of achieving biodiversity net gain.
90. As things stand, there are unresolved highway safety and congestion concerns because of the additional traffic movements which would occur at the roundabout at Junction 20 and because of the need for a new access off the A41. These concerns resulted in four highway related reasons for refusal more than 2 years after the application was submitted. There is continuing dialogue between Moto and the highway bodies, including about improvements to Junction 20 and works on the A41. But whether the objections from National Highways and Hertfordshire County Council as LHA are capable of being resolved remains to be seen.
91. The site does not comprise the BMV land. There would be no adverse impact on aviation safety. The site is capable of being accessed by foot and cycle from nearby built-up areas. There are frequent bus services on the A41. There is the potential to improve pedestrian and cycle connections and the bus corridor. Kings Langley Railway Station is about a mile's walk from the site. Therefore, notwithstanding the related reason for refusal, the site is capable of achieving a good level of accessibility for an MSA.
92. In comparison with the appeal site, the Green Belt, landscape, and veteran tree harms are of a similar magnitude in the round, there is likely to be a greater effect on listed buildings, but advantages in terms of the BMV land, aviation safety and accessibility. Biodiversity impacts are likely to be similar. As things stand, the greatest distinction in terms of harm is the effect of the Moto site on the highway network.
93. Turning now to need, as an off-line site, Moto would not align with National Highway's preference for on-line facilities as expressed by Circular 02/2013. The reasons for the preference are set out in paragraph B14 and relate to their conduciveness for encouraging drivers to take breaks and the avoidance of increased traffic demand on existing junctions. That is not to say that off-line MSAs are ruled out, but on-line MSAs have an advantage.

94. In terms of meeting the need in other respects, the Moto site would be comparable to Warren Farm in terms of bringing a similar number of gaps down to less than 28 miles. The Moto site would also be capable of providing a hotel and some HGV parking, albeit, in terms of the latter, not at the scale of the appeal proposal.
95. In terms of other considerations, the Moto site has the potential to generate around 200 full time jobs and create biodiversity net gain which would have economic, social, and environmental benefits.
96. The Moto site would not require a new motorway junction and also does not, on the face of it, have some of the other complexities of the Warren Farm site, such as the relocation of power lines and significant soil movement. However, a scheme has been refused planning permission and, at the time of writing, there has not been an appeal or further application submitted. There are questions about the deliverability of the site given the current planning position and the unresolved highway objections. The Moto site has similar drawbacks to the appeal site in overall terms, and when taking into account the disadvantage of being an off-line site and the questions over delivery, it performs worse. Therefore, Moto would not, based on what is before me, provide a persuasive alternative site.

CVMSA

97. The CVMSA site is between Junctions 15 (M4) and 16 (M40) to the east of Iver Heath. An MSA at the site would be 'on-line'. An application for an MSA on the site is currently before BC but remains undetermined.
98. The CVMSA site lies within the Green Belt. An MSA would be inappropriate development in the Green Belt. The developed area at Iver Heath would be likely to be broadly comparable to the appeal development. Therefore, in terms of the spatial dimension of openness the harm would be similar.
99. The CVMSA site has a public footpath running close to its southern boundary and a bridleway cutting through its centre. The latter would need to be diverted around the western boundary of the MSA which would take it away from the M25 for more of its length. There are some views into the site from Bangors Road North and from Slough Road near where it crosses the M25. The site is also visible from some properties on Bangors Road North and Slough Road and from Mansfield Lodge and New Cottage to the east. An MSA would have a clear adverse impact on the visual dimension of openness when seen from these local viewpoints.
100. However, the CVMSA site is relatively well-contained from the wider Green Belt by woodland to its north-west and south and by the M25 to the east. The M25 lies in a cutting hereabouts. The landform of the site combined with landscaping mitigation would allow most of an MSA to remain well-contained. Indeed, there is the potential to bench down parts of the development into the site. The exception in terms of containment would be where slip roads and associated earthworks would be required to the M25 which would be particularly prominent from the access road serving the Iver Environmental Centre and the residential and other uses nearby.

101. The CVMSA site would have an adverse effect on the Green Belt purpose c). In terms of purpose a), Iver Heath is not a large built-up area. A gap would be retained between the eastern edge of the site and the western extremity of Uxbridge. That said, there would be some perception of sprawl caused by the development in that it would be in relatively close proximity to Uxbridge. Part of the gap on the north side of Slough Road between the site and the urban edge accommodates a large national grid substation.
102. With regard to purpose b), gaps would be retained between the site and both Iver Heath and Uxbridge. The effect on the Green Belt purpose of preventing the merger of towns would be limited.
103. Overall, an MSA on the CVMSA site would have clear advantages in Green Belt terms compared with the appeal proposal because, although broadly comparable in terms of its effect on Green Belt purposes, there would be a considerably lesser impact on Green Belt openness.
104. An MSA on the site would also lead to some landscape harm in that it would lead to significant areas of buildings, hardstandings and highways infrastructure on an area of pleasant gently undulating open grassland. The landscape fabric would also be likely to be altered with cut and fill to create development platforms. In addition, the works required to the east of the M25 would affect a pleasant stretch of the tree lined Alderbourne Brook with its flanking low-lying pasture.
105. There would be localised visual effects as described above. As the residential and recreational receptors are sensitive, there would be major adverse visual effects. These effects could be reduced to an extent by new planting but would remain major for users of the footpath and bridleway and residents and others near the Iver Environmental Centre.
106. However, the Iver Heath site can be distinguished from the appeal site because the landscape overall is not as sensitive as that at Warren Farm, the amount of change to the landscape fabric would be likely to be considerably less and the extent of visual containment by woodland and other features is greater, other than for the area to the east of the M25. Of particular note is the different relationship with users of the M25 - those passing the appeal site would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.
107. In terms of other harms, there would be likely to be less than substantial harm to the significance of nearby designated and non-designated heritage assets, including in particular White Lodge, and Mansfield Farmhouse and associated buildings, by reason of the effect on their settings. The level of harm would be likely to be towards the lower end of the scale.
108. With regard to the effect on trees on the site, there would be likely to be some loss and that loss might include veteran trees. In this respect there is a dispute between experts for the appellant and CVMSA, albeit that the latter have had the benefit of a close visual inspection of the trees referred to. From the evidence before me, I assess that the harm in relation to the veteran tree issue at the Iver Heath site would be comparable to that at the appeal site. Any loss of veteran and other trees could be compensated for by replacement

planting. There is no evidence that there would be hydrological effects on the ancient woodland to the south of the site. It is unlikely that the alder trees lining the Alderbourne comprise an ancient woodland or that the Alderbourne is a wet woodland priority habitat. That said the brook is a priority habitat but with the potential for a scheme to increase its baseline value. The CVMSA site is capable of achieving biodiversity net gain which would support the aims of the Nature Recovery Network Zone 1 within which the Iver Heath site lies.

109. The area to the east of the M25 which would be used for highway infrastructure includes land that lies within Flood Risk Zones 2 and 3. There is criticism of some of the work undertaken to support the application, including the approach to the sequential test. But focusing on the site itself rather than the application, national policy accepts that, if there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, then the sequential test is capable of being met. Moreover, the need for the development and the ability to make the development safe would mean that the exception test would be likely to be met. The works that would take place in the areas at risk of flooding would not comprise vulnerable development.
110. Mineral extraction would be required from the site to deliver an MSA and meet national and local safeguarding policies¹⁵. Given that there is a shortfall of sand and gravel in the south-east and processing sites and markets are easily accessible from the site via the motorway network, mineral extraction would be a benefit¹⁶. Whilst a separate application has been made, it is unlikely that mineral extraction would significantly delay the site coming forward, more that it would be directly linked to the MSA as enabling works. HGV movements associated with minerals would be direct onto the M25 but not significant in terms of overall traffic movements.
111. Considering the site not the scheme, there might be some sterilisation of mineral resource on the southern periphery of the site. However, given the proximity of sensitive residential uses close to these boundaries, it is unlikely that mineral extraction would, in any event, be feasible. Therefore, potential sterilisation is unlikely to be significant.
112. As things stand and based on the current application, the site has given rise to unresolved highway safety concerns primarily because of 1) departures from the standard would be needed in terms of merge/diverge arrangements and weaving lengths and 2) the proposal for a link from the A4007 for staff and emergency services. Additionally, more information is needed relating to motorway widening to 6 lanes to mitigate weaving lengths and how the 6 lanes would function with plans for a smart motorway on this stretch of the M25. Additional infrastructure would be required alongside the motorway, possibly including new engineering structures. National Highways has not objected but has asked that the application is not determined (other than a refusal) until such time as concerns have been resolved. In addition, BC as LHA has asked for more information about potential shift patterns to assess impacts on the junctions of Bangors Road North with the A412 and A4007.

¹⁵ See paragraph 210 of the Framework

¹⁶ See paragraph 211 of the Framework

113. However, the above issues do not suggest to me that the MSA location is incapable of being served by a satisfactory access. There is likely to be a solution to accessing the site off the M25 but more time is needed. In this respect it is worth noting that the CVMSA application was not submitted until December 2020, some 6 months after the appeal proposal. A period of more than 12 months from submission to determination would not be unusual for a development of this scale and type.
114. The site does not comprise the BMV land. There would be no adverse impact on aviation safety. The site is capable of being accessed by foot and cycle from nearby built-up areas provided a link is allowed, similar to that included with the appeal proposal. There are daytime bus services on the A4007. Uxbridge Tube Station is about 1½ miles to the east. There are proposals to link the tube station to the site with a shuttle bus service for staff. Therefore, the site is capable of achieving a good level of accessibility for an MSA.
115. In comparison with the appeal site, the Green Belt and landscape harms would be significantly less. Veteran tree harms are likely to be of a similar magnitude. The eastern part of the Iver Heath site lies within high-risk flood zones. There is likely to be a greater effect on listed buildings, but advantages in terms of the BMV land, aviation safety, accessibility, and potentially minerals. Biodiversity impacts are likely to be similar. Unlike the appeal scheme, highway issues remain outstanding but would appear to be capable of being resolved.
116. Turning now to need, as an on-line site, Iver Heath would align with National Highway's preference for on-line facilities. In terms of meeting the need in other respects, the CVMSA site would be better placed than Warren Farm in that it would fall between 32 of the gaps which are around 28 miles or greater and would resolve 20 of them. It would also reduce the gap between Beaconsfield MSA on the M40 and Cobham MSA, measured at 27 miles, to 20 or 7 miles depending on the direction of travel. This is a very busy section of the motorway network where the journey is likely to be greater than 30 minutes driving time, more often than not. In this respect the site would serve those using the M40 combined with the western section of the M25, including the often-congested section between the M40 and M4. Traffic flows indicate that the CVMSA site would serve more motorway users. National Highways has made specific reference to an MSA being located on this stretch. The site would also be capable of providing a hotel and some HGV parking albeit, in terms of the latter, probably not at the scale of the appeal proposal.
117. In terms of other considerations, the CVMSA site has the potential to generate around 300 full time jobs, create biodiversity net gain and facilitate mineral extraction which would have economic, social, and environmental benefits.
118. There is no certainty that the site would be delivered given that some matters, most notably those relating to highways, remain unresolved. However, there have not been any objections from statutory bodies. There do not appear to be any insurmountable obstacles¹⁷. The site is being promoted by one of the major players in the market. There is a reasonable prospect that an MSA can be delivered in the next few years. Indeed, if outline permission were to be

¹⁷ Referred to as 'showstoppers' at the inquiry

given in 2022, delivery in 2026/27 would be realistic which would represent similar timescales to those projected for the appeal site.

119. The decision on the CVMSA site is for someone else, including deciding whether the very special circumstances test is passed. I can only make a judgement on the comparative merits. However, based on what is before me, the CVMSA site would provide similar benefits but with appreciably less harm. Therefore, the feasible alternative of the CVMSA site is a weighty other consideration.

Section 106 obligations

120. The Section 106 obligations seek to reduce the impact of the development in respect of Green Belt, landscape, biodiversity, highways, and accessibility, including through the provision of the community land. The community land also has the potential to reduce the risks to aviation safety.
121. Concerns have been expressed that some of the obligations that give rise to benefits go beyond the legal and policy tests set out in paragraph 57 of the Framework. However, it seems to me that the obligations are primarily seeking to mitigate the harm that would arise from the development. They are, on the face of it, necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, for the purposes of this decision, I have taken the obligations into account in arriving at my decision.
122. Similarly, I have assumed that there would be no issues in relation to the enforceability of some of the obligations and indeed some of the suggested conditions in connection with the access from Denham Lane. I consider that this is a reasonable assumption to make based on the evidence about the ownership and use of the sliver of land adjacent to Denham Lane.

Planning balance and conclusions

123. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be 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.
124. Any MSA in the north-west quadrant of the M25 would be highly likely to be on Green Belt land and would cause substantial harm to the Green Belt.
125. In this case there is substantial harm to the Green Belt, significant harm to the character and appearance of the area, moderate harm caused by loss of the BMV agricultural land and limited harm caused to aviation safety. Conditions and the S106 would not be capable of mitigating the harm to an acceptable level. Although there would be some harm caused by the loss of a veteran tree, taken on its own, the need for the MSA and the other benefits comprise wholly exceptional reasons to override the loss of a veteran tree.
126. The issues of heritage assets, highway safety and accessibility, and pollution are neutral considerations in the planning balance.

127. There is a very good chance that, if I grant planning permission, the appeal scheme would be delivered and would meet the need for an MSA on this part of the M25. It would provide investment and jobs, and achieve social and environmental benefits through, in particular, the provision of the community land. These economic, social, and environmental benefits, taken together, are substantial.
128. However, meeting the need is the most important benefit. The other economic, social, and environmental benefits from Iver Heath are capable of being similar to the appeal scheme, given the availability of more than 35 ha of additional land for off-site enhancement. The harm to the Green Belt and the landscape would be considerably less. There would be no impact on the BMV land and aviation safety. The other potential harms to veteran trees and heritage assets are unlikely to be matters that prevent an MSA coming forward at the Iver Heath site, notwithstanding the great weight that should be given to the conservation of designated heritage assets, including their setting. This is in the context of considering the public benefits which would (1) outweigh the less than substantial harm to the significance of designated heritage assets and (2) represent exceptional reasons for allowing the loss of any veteran trees. Flood risk issues would seem to be surmountable.
129. There is a reasonable prospect that the Iver Heath site could be delivered in that there do not appear to be any insurmountable obstacles. The CVMSA site may be lagging behind the appeal scheme in terms of resolving some technical issues. But, to my mind, it is worth giving a site, which is likely to be considerably less harmful to the Green Belt, the opportunity to run its course. This is in the context of the Government's imperative of protecting the Green Belt. On the assumption that planning permission is granted in the next 12 months or so, delays to delivery would not be significant in the greater scheme of things.
130. For the appeal site, the substantial harm to the Green Belt by reason of inappropriateness and effects on openness and purposes, together with the significant harm to the character and appearance of the area, the moderate harm caused by the loss of the BMV agricultural land, and the limited harm caused by the loss of a veteran tree and to aviation safety, would not be clearly outweighed by other considerations to constitute very special circumstances.
131. In coming to the above conclusions, I am mindful that, in principle, the need for an MSA in the north-west quadrant of the M25 is a benefit that should be attributed substantial weight, and along with other benefits, is capable of outweighing even a substantial amount of Green Belt and other harm. However, there is a reasonable likelihood that these benefits can be achieved in a less harmful way by an alternative site. Therefore, the weight that I give to the benefits of the appeal scheme is moderated.
132. In addition, I have attributed substantial weight to the harm to the Green Belt in accordance with paragraph 148 of the Framework. In doing there has to be a gradation of harms depending on the scale and particular location of development. In this case, due to the size of the MSA and its particular impacts, the harm is pushing towards the top of the scale of substantial harm.
133. In balancing harm against benefits, I note the significant differences between the appellants and Bickerton's Aerodromes on a range of matters related to

aviation safety. There are also some uncertainties as to the utility of the community land and parts of the appeal site for safe landings post development. That said, even if I had concluded that there would be no material harm to aviation safety (and therefore in this respect the appeal site would be on a par with Iver Heath), it would not have altered my overall conclusions.

134. There would be conflict with Policy CS1 of the CCS and Policies GB2, GB30 and T2 of the CDLP. These are the most important policies for determining the appeal as they seek to protect the Green Belt. There would also be conflict with Policy GC1 of the CDLP. Whilst there would be compliance with other development plan policies relating to specific considerations such as landscaping, heritage assets and biodiversity, there would be conflict with the development plan overall.
135. Policy GB2 is not fully consistent with the Framework in that, although it sets out the categories of development that are inappropriate, these do not correspond entirely with those in the Framework. Moreover, there is no reference in the policy itself to very special circumstances. That said the explanation to the policy set out the very special circumstances test. For these reasons I give moderate weight, rather than full weight to Policy GB2. As Policy GB30 is engaged only where development would be acceptable in accordance with Policy GB2 and refers to conserving landscape rather than recognising its character and beauty, I also give only moderate weight to this policy. Policy T2 also makes no reference to very special circumstances and should also attract only moderate weight.
136. On the basis that the most important policies for determining the application are out-of-date, paragraph 11 d) of the Framework applies. However, the policies of the Framework relating to Green Belts provide a clear reason for refusing the development proposed. Material considerations do not indicate that the application should be determined other than in accordance with the development plan.
137. For the above reasons the appeal should be dismissed and planning permission refused.

Mark Dakyns

INSPECTOR

Attached

Annex A – Appearances

Annex B – Inquiry Documents

Appendix F - Alternative Sites

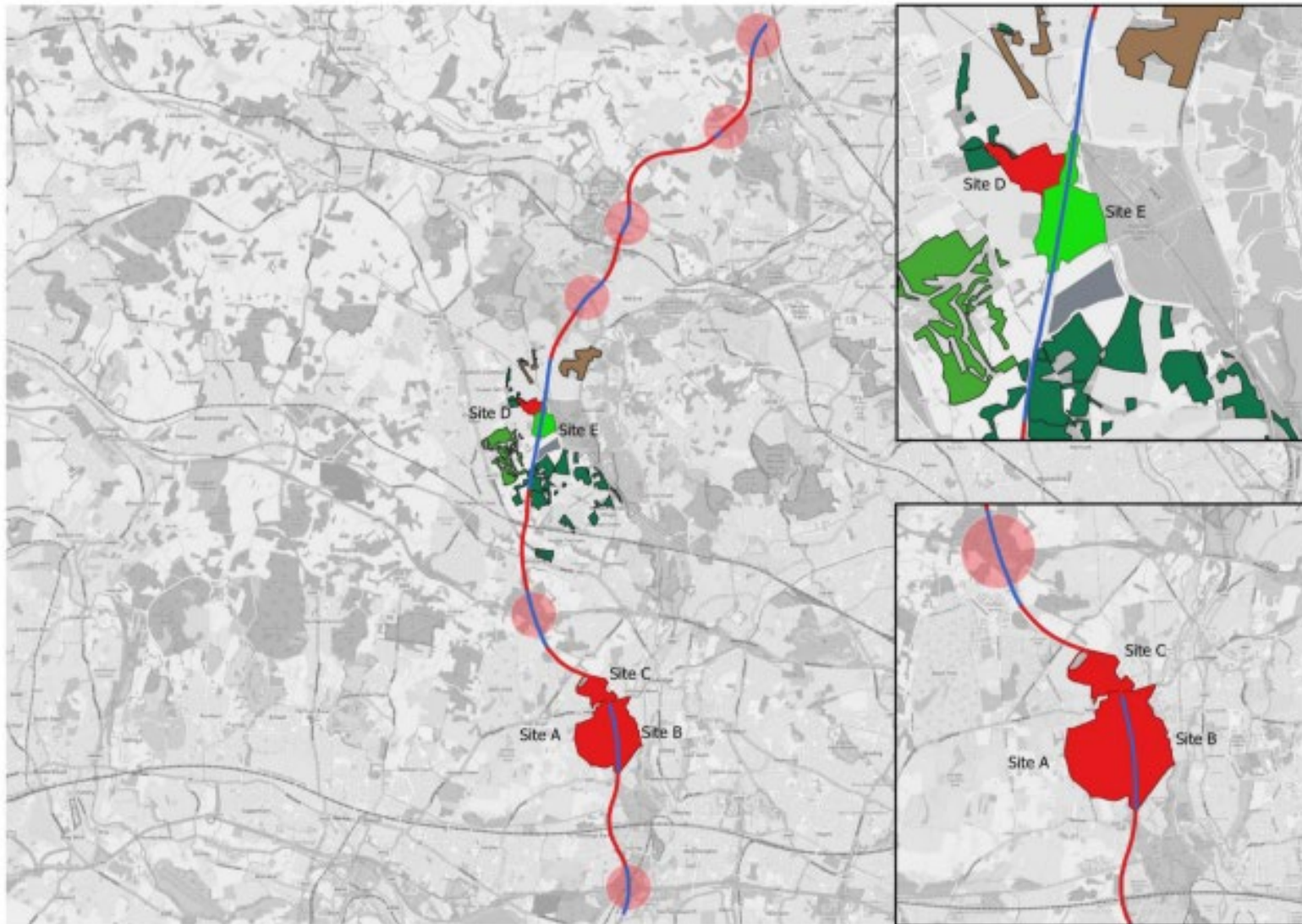
Site A – Land between Junctions 15 and 16 (west of M25 – Elk Meadows/Bangors Park Farm)

Site B – Land between Junctions 15 and 16 (east of M25 – Palmers Moor Farm)

Site C – Land between Junctions 15 and 16 (west of M25 - North of Slough Road – “CVMSA”)

Site D – Land between Junctions 16 and 17 (west of M25 – Warren Farm- “Chalfont St Peter 1”)

Site E – Land between Junctions 16 and 17 (east of M25 – Land adjacent to HS2- “Chalfont St Peter 2”)



Legend

- Non-compliant weaving distances
- M25 Junction 15-20
- Existing Quarry
- Existing Development
- Woodland
- Ancient Woodland
- Site A - Land between Junctions 15 and 16 (west of M25 - Elk Meadows, Bangor Park Farm)
- Site B - Land between Junctions 15 and 16 (east of M25 - Palmers Moor Farm)
- Site C - Land between Junctions 15 and 16 (west of M25 - North of Slough Road - CVMSA)
- Site D - Land between Junction 16 and 17 (west of the M25 - Warren Farm)
- Site E - Land between Junctions 16 and 17 (east of M25 - Land adjacent to HS2)
- Offline site - not policy preferred location

FIGURE 1
Alternative Sites Plan

DRWG No: **RevE**
Date: 07/10/2022
Scale: 1:195000 @ A4



Appendix G – Draft List of Conditions (without prejudice)

Reserved Matters Timeframe

1. Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be agreed.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

Reserved Matters

2. Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

- ☐ Layout
- ☐ Scale
- ☐ Appearance
- ☐ Landscaping

Reason: Because the application is in outline (with all matters reserved except access) and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

Reserved Matters Detailed Accordance

3. The details of the reserved matters submitted pursuant to this permission shall be carried out in substantial accordance with the Parameter Plan – 1740.1/P(--) 100 Rev P1, Design Principles April 2022 accompanying the outline planning application and be consistent with the Design and Access Statement April 2022, and the ground levels and heights and internal floorspaces of the proposed buildings shall not exceed those specified. The quantum of landscaping to be provided, including existing areas for retention, new area of planting, central landscape spine and any associated green infrastructure shall be in general accordance with the Illustrative Landscape Masterplan BIR.5351_09 Rev EE and Landscape and Visual Mitigation Strategy BIR5351_054.

Reason: To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high quality design is achieved in accordance with Core Strategy Policies CS20 and CS21 and Local Plan Policy GC1.

Approved Access Plan

4. The development shall be carried out in accordance with the 'Proposed Access Junction – General Arrangement shown on Offsite Highway Works General Arrangement Drawing Ref: 255375-ARP-ZZ-ZZ-DR-CH-1001, or such other scheme of works or variation substantially to the same effect, to be approved in writing by the Local Planning Authority.

The approved scheme shall be fully completed prior to first use of the development hereby permitted.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative

Subject to detailed design, this development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highway.

Phasing Plan

5. At the same time as submitting the first Reserved Matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall indicate the sequence and approximate timescales of the development phases and the provision of highway and drainage infrastructure.

The development shall proceed in accordance with the Phasing Plan. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase as defined on the phasing plan approved pursuant to this condition.

Reason: In order to understanding the phased delivery of the scheme in-line with required infrastructure provision, for the avoidance of doubt in accordance with good planning in accordance with Policy CS31 of the Chilterns Core Strategy.

Finish Levels

6. Each Reserved Matters application for the approval of appearance for that relevant phase of the development shall include details of the finished floor levels of the

buildings and finished site levels in relation to existing ground levels within that phase of the development. Thereafter the development shall be implemented and retained in accordance with these approved details.

Reason: To ensure that construction is carried out at suitable levels in the interests of the character and appearance of the area. Relevant Policies: Core Strategy CS20 and Local Plan GC1.

Landscaping Details

7. Each Reserved Matters application for the approval of landscaping for that relevant phase of the development shall include details of both hard and soft landscaping works, ecology works and an implementation programme.

The details shall include (but not be limited to the following):

- Excavations
- Number, location and type of parking spaces to be provided in accordance with the parking requirement outlined in Annex A, Table 2 of the Circular 01/2022;
- noise barriers (a fence and/or earth bund) as may be required;
- hard surfacing areas (e.g. surfacing materials) and their permeable qualities;
- planting plans including details of schedules or plants noting species, planting sizes and proposed numbers/densities;
- ecological assets/features to be retained and enhanced;
- new habitat to be created, in particular, detailed designs of any wetland features or ponds that will be created;
- ground levels: existing and future levels for all hard surfaced and landscaped areas;
- position, design, materials, height and type of all walls and/or fences or permanent boundary/screening treatment to be erected;
- infrastructure such as footpaths, lighting, car parking; and
- written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment).

All hard and soft landscaping works shall be carried out in accordance with the approved details, implementation programme and British Standard BS4428:1989 Code of Practice for General Landscape Operations and thereafter retained. Where possible, the implementation programme for all planting, seeding and turfing shall be carried out no later than first planting and seeding seasons; where planting takes place outside of planting and seeding seasons, an enhanced watering regime will be required, and this shall be specified in the detail of the landscaping works.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with adopted Local Plan saved Policies GC1, GB4, TR15 and GB30 and Core Strategy Policy CS20 and in consultation with National Highways. To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through

traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on the local road network.

Landscape Replacement

8. No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.

Any planting which forms part of the approved landscaping scheme outlined in condition 7, which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with adopted Local Plan saved Policies GC1, GC4, and GB30 and Core Strategy Policy CS20.

Landscape Management Plan

9. At the same time as the first Reserved Matters application a Landscape Management and Maintenance Plan, including long-term design objectives, management responsibilities and maintenance schedules relating to the hard and soft landscaped areas, internal roads, parking areas and verges as detailed in Condition 8, shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Management and Maintenance Plan shall be carried out as approved thereafter for the lifetime of the development.

Reason: To ensure successful aftercare of landscaping in the interests of visual amenity in accordance with Core Strategy Policy CS20 and Local Plan Policies GC1, GC4, TR15 and GB30.

Electric Vehicle Charging

10. At the same time as submitting the Reserved Matters application for approval of layout for that relevant phase of the development a scheme for maximising Electric Vehicle Charging (EVC) provision that will update the original provision of EVC shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of EVC must deliver a minimum 20 active spaces and up to a minimum 100 passive spaces to meet future demand, and/or, depending on changing future demands and advances in technology, any details for the provision for any alternative fuels for vehicles (including hydrogen fuelling).

Such details shall include a Management Plan providing the location of all active and passive spaces and/or alternative fuels provision on site along with the specification of charging provision and/or alternative fuels provision.

The works shall be carried out in accordance with the approved details and implemented prior to first use of the development with confirmation that the active charging points and/or provision for alternative fuels are operational shall be submitted to the Local Planning Authority. The EVC apparatus shall thereafter be retained and maintained in an operative state in perpetuity in accordance with the approved details.

Reason: In the interests of promoting sustainable travel opportunities. Relevant Policy: Core Strategy CS4.

Energy and Sustainability Statement

11. Each Reserved Matters application for approval of appearance for that relevant phase of the development shall include an Energy and Sustainability Statement.

The Energy and Sustainability Statement shall include full details of the decentralised, renewable or low-carbon technologies that are to be integrated into the development and shall demonstrate how they will meet at least 10% of the energy demand on site. It shall include details of:

- The baseline CO₂ emissions;
- The reduction in CO₂ emissions achieved from low carbon or renewable sources;
- U-values, thermal bridging, g-values and air tightness specifications of the development; and
- Measures to increase water efficiency and maximise savings.

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure the development is sustainable and to comply with the requirements Policies CS4 and CS5 of the Core Strategy.

Fire Safety Strategy

12. At the same time as submitting the first Reserved Matters Application a Fire Safety Strategy that considers the risk of delayed response times by the Emergency Services shall be submitted to and approved in writing by the Local Planning Authority.

The Fire Safety Strategy should include a form of automatic suppression to the facilities and fuel fuelling station buildings to address the risk of delayed response times.

The approved Fire Strategy must be operated at all times in perpetuity of the development.

Reason: To minimise the risk from fire to the development and ensure necessary infrastructure is in place in accordance with Policy CS26 of the Core Strategy.

Green Roof Detail

13. No development shall commence a detailed specification for the green roof on the Facilities Building broadly consistent with the Design & Access Statement has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of its installation, including substrate base, planting, drainage and a Management and Maintenance Plan setting out a regime for future maintenance including the details of the responsible party for carrying out this Plan.

The green roof shall be carried out in accordance with the approved details, retained and be maintained in perpetuity thereafter.

Reason: This condition is required to be pre-commencement to ensure the Green Roof is practically design and delivered to ensure a sustainable development. Relevant Policies: Core Strategy CS20 and Local Plan GC1.

Archaeological Evaluation

14. No development shall commence until an archaeological evaluation in form of trial trenching in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is required to be pre-commencement as it seeks to secure appropriate investigation before development begins in the interests of preserving archaeological remains. Relevant Policy: Local Plan AS1, AS2

Archaeological Programme of work

15. Where archaeological remains are recorded by the evaluation required in condition 14 and are worthy of recording, no development shall commence, until the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is required to be pre-commencement as it seeks to secure appropriate investigation, recording, publication and archiving of archaeological results before development begins. In the interests of preserving archaeological remains. Relevant Policies: Local Plan AS1, AS2.

Contamination Preliminary risk assessment

16. No development (including for the avoidance of doubt any works of demolition) shall commence until a preliminary risk assessment which identifies all previous uses,

potential contaminants associated with those uses, a conceptual model of that part of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination of that part of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: This conditions is required to be pre-commencement to ensure that risks from potential land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; in accordance with Policy GC9 of the Local Plan and Policy CS4 of the Core Strategy.

Contamination Scheme of Investigation

17. If the assessment at Condition 16 shows a material risk, an investigation scheme based on Phase 1 Geoenvironmental Desk Study prepared by Wardell Armstrong (Report ref. LD10372 dated 12th April 2022), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site shall be submitted to and approved in writing by the Local Planning Authority.

This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

Reason: To ensure that risks from potential land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; in accordance with Policy GC9 of the Local Plan and Policy CS4 of the Core Strategy.

Contamination Options Appraisal and Remediation Plan

18. If the investigation carried out under Condition 16 shows a material risk, an options appraisal and remediation plan giving full details of the remediation measures required and how they are to be undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from potential land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; in accordance with Policy GC9 of the Local Plan and Policy CS4 of the Core Strategy.

Contamination Verification Plan

19. If a remediation scheme is required under Condition 16 a verification plan providing details of the data that will be collected in order to demonstrate that the works set

out in Condition 18 are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from potential land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; in accordance with Policy GC9 of the Local Plan and Policy CS4 of the Core Strategy.

Verification Report

20. Prior to the first use of the any part of the development hereby permitted a verification report that demonstrates the effectiveness of the remediation carried out in respect of that part pursuant to condition 19 shall be prepared together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils and submitted to the Local Planning Authority for approval in writing. The monitoring and maintenance programme shall be implemented in accordance with these details.

The verification report shall be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; in accordance with Policy GC9 of the Local Plan and Policy CS4 of the Core Strategy.

Unexpected Contamination

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16 and 17 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18 and 19, which is subject to the approval in writing of the Local Planning Authority.

The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors; in accordance with Policy GC9 of the Local Plan and Policy CS4 of the Core Strategy.

Long-term monitoring of Contamination

22. No development shall commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority.

Reports as specified in the approved monitoring and maintenance plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

The Development shall be carried out in accordance with these approved details.

Reason: This condition is required to be pre-commencement to ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. To prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area. Relevant Policies: Core Strategy CS4 and Local Plan GC9.

Underground tanks/substance containers

23. No development shall commence until a scheme to install any underground tanks/substance containers for drainage has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include the full structural details of the installation, including details of:

- excavation, the tanks, tank surround including bunding of 110% capacity, associated pipework; and
- monitoring system including a leak detection system and methodology that provides immediate notification to Affinity Water.

The scheme shall be fully implemented and subsequently retained and maintained for that relevant phase.

Reason: This is required to be pre-commencement in order to ensure that the underground storage tanks do not harm the water environment. Relevant Policies: Core Strategy CS4 and Local Plan GC9.

Affinity Water Excavations

24. No development involving deep excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall commence until the following detail has been submitted to and approved in writing by the Local Planning Authority:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth;

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity; and

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: This is required to be pre-commencement in order to prevent contamination of water supply during construction of the proposed development, in accordance with Policies: Core Strategy CS4 and Local Plan GC9.

Informative: The developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Decommission of investigative boreholes

25. No development shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason This condition is required to be pre-commencement to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies during construction of the development. Relevant Policies: Core Strategy CS4 and Local Plan GC9.

Drainage Scheme

26. No development shall commence until details of the Drainage Scheme confirming the use of an oil/water interceptor has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: This condition is required to be pre-commencement in order to provide confirmation that an oil/water interceptor will be used to prevent oil and hydrocarbons from particular areas of the development being discharged into surface water and/or groundwater to satisfy Affinity Water. Relevant Policies: Core Strategy CS4 and Local Plan GC9.

Surface Water Drainage Scheme

27. No development shall commence until a surface water drainage scheme for the site, based on the approved Flood Risk Assessment Flood Risk Assessment (ref. 0010 Rev.V1.2, November 2022, Wardell Armstrong) has been submitted to and approved in writing by the Local Planning Authority

The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include the following details:

- Demonstration that water quality, ecological and amenity benefits have been considered;
- Ground investigations including: 1. Infiltration in accordance with BRE365 in the locations of the proposed infiltration devices and 2. Groundwater level monitoring over the winter period;
- SuDS components as shown on drawing no. RAM-XX-XX-SK-C-0013 (Rev. P04, Ramboll) and in line with the design parameters set within 2.1 of the Drainage Strategy (ref. 1620005217 Rev. 2.0, 14.04.2022, Wardell Armstrong);
- Assessment of the feasibility for including permeable paving within the parking areas and reasonable justification provided for any exclusion;
- Full construction details of all SuDS components;
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components;
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site; and
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-commencement condition is to ensure that a sustainable drainage strategy has been agreed prior to construction to ensure that there is a

satisfactory solution to managing flood risk; in accordance with Policies CS4 and CS26 of the Core Strategy and Policy GC10 of the Local Plan.

Surface Water Run-Off

28. No surface water shall be permitted to run off from the development on to the Strategic Road Network, or in to any drainage system connected to the Strategic Road Network. No new connections from any part of development may be made to any Strategic Road Network drainage systems.

Prior to the installation of any drainage, full details of any new drainage system including, its specification and location, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways).

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2.

Remedial Strategy and Remediation Management Plan

29. No development shall commence until a Remedial Strategy and Remediation Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Remedial Strategy and Remediation Management Plan shall include details to ensure HS2 mineral deposits and site excavations are not re-used in the build of the proposed MSA development hereby permitted.

The construction of the proposed development shall be carried out in accordance with these approved details.

Reason: This condition is required to be pre-commencement in order to ensure that contamination of site waste does not result during the construction of the proposed development in line with Policies: Core Strategy CS4 and Local Plan GC9.

Concurrent construction with HS2

30. No development shall commence until a detailed Design and Construction Method Statement(s) has been submitted to and approved in writing by the Local Planning Authority.

The Design and Construction Method Statement(s) shall include arrangements to secure that, during any period when concurrent construction is taking place both on the

development hereby permitted and on HS2, the construction of the HS2 works are not impeded.

Construction work shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is required to be pre-commencement to ensure the traffic and movement impacts are managed and monitored to ensure the works do not prejudice the construction of HS2, and vice versa. Relevant Policies: CS25 and CS26 of the Core Strategy and TR2 of the Local Plan.

Construction Environmental Management Plan (Strategic Road Network)

31. No development shall commence until a Construction Environment Management Plan (CEMP) (Strategic Road Network) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but not be limited to, the following detail:

- Construction programme for the MSA;
- the proposed construction traffic routes to the site, to be identified on a plan;
- construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from by vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0930) and PM Peak (1630-1800) periods);
- an estimate of the daily construction vehicles, number and type profiled for each construction phase, identifying the peak level of vehicle movements for each day
- Cleaning of site entrances, site tracks and the adjacent public highway;
- confirmation that a formal agreement from National Highways for temporary access/egress has been obtained (if required) for the M25. Motorway;
- details of any proposed strategic road temporary traffic management measures on the M25 motorway, between Junctions 16 and 17;
- management and hours of construction work and deliveries;
- area(s) for the parking of vehicles of site operatives and visitors;
- area(s) for the loading and unloading of plant and materials;
- area(s) for the storage of plant and materials used in constructing the development ;

- siting and details of wheel washing facilities;
- the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- details of waste management arrangements;
- the storage of materials and construction waste, including waste recycling where possible;
- Details of any proposed strategic road temporary traffic management measures on the M25 motorway, between Junctions 16 and 17;
- the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- measures to avoid impacts on the non-statutory designated sites and retained habitats;
- details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- protection measures for hedgerows and grasslands;
- contact details of personnel responsible for the construction works; and
- soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use.

The approved CEMP shall be adhered to and implemented in full throughout the construction period strictly in accordance with the approved details.

Reason: This is required to be pre-commencement condition in order to ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2 in consultation with National Highways.

Geotechnical Report

32. No development (for avoidance of doubt this includes excavation works, and/ or landscaping works), shall commence until a geotechnical report (in accordance with Design Manual for Roads and Bridges Standard CD622) has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2; in consultation with National Highways.

Signage Strategy

33. Prior to first use of the development a Traffic Signs Agreement and Wider Network Services Signage Strategy shall have been submitted to and approved in writing by the Local Planning Authority.

The signage for the development shall be carried out in accordance with these approved details.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and informed travellers. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2; and in consultation with National Highways.

Lighting Strategy

34. Prior to the installation of any external lighting full details of a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority.

The lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light:

- identify areas/features on site that are particularly sensitive for bats and their breeding and resting places, or along important routes used to access key areas of their territory;
- levels of luminance;
- timing of its provision; and
- location for installation including appropriate lighting contour plans.

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To satisfy the reasonable requirements of road safety and minimise ecology harm, in accordance with Policy TR2 of the Local Plan and CS24, CS25 and CS26 of the Core Strategy.

Great Crested Newts

35. No works shall commence until a precautionary working method statement which outlines details of reasonable avoidance measures for great crested newts has been submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in accordance with the approved measures.

Reason: This condition is required to be pre-commencement in order to ensure the survival of species protected by legislation and notable species that may otherwise be affected by the construction of the proposed development in accordance with Core Strategy Policy CS24.

Construction Environmental Management Plan (CEMP)

36. No development shall commence (including ground works, site and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include, but not be limited to, the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”, including specific reference to badger, great crested newt, breeding birds and ancient woodland;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- Responsible persons and lines of communication;
- The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they need to be present to oversee works;
- Measures for removal of invasive species within the site; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in full throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is required to be pre-commencement in the interests of improving biodiversity and to ensure the survival of protected and notable species during

construction of the proposed development. Relevant Policy: Core Strategy CS24 and in consultation with National Highways.

Updated Reptile Survey

37. No development shall commence until a further reptile survey has been submitted and approved in writing by the Local Planning Authority.

The reptile survey shall be carried out in line with 'Froglife Advice Sheet 10 -Reptile Survey: 'An introduction to planning, conducting and interpreting surveys for snake and lizard conservation' and undertaken by a suitably qualified reptile worker.'

The reptile survey shall include a schedule of mitigation measures and monitoring checks.

The measures outlined in the reptile survey shall be implemented in full prior to commence of works and maintained thereafter.

Reason: This is required to be pre-commencement to ensure appropriate protection of reptilian species of conservation importance from the proposed development in accordance with CS24 of the Core Strategy.

Landscape and Habitat Management Plan (LEMP)

38. No development shall commence (including demolition, ground works, vegetation clearance) until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority.

The content of the LEMP shall include the following.

- Description and evaluation of features (bat boxes, bird boxes, insect boxes, hibernacula/log piles) to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule and implementation programme (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan;
- Methods for data gathering and analysis;
- Ongoing monitoring and remedial measures;
- Review, and where appropriate, publication of results and outcomes; and
- Set out where the results from monitoring show that conservation aims and objectives of the LEMP are not being met how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be carried out in accordance with these approved details and retained thereafter.

Reason: This is required to be pre-commencement to ensure appropriate protection and enhancement of biodiversity during construction of the proposed development and to provide a reliable process for implementation and aftercare; in the interests of improving biodiversity in accordance Core Strategy Policy 24.

Biodiversity Gain Plan (BGP)

39. No development shall commence (including demolition, ground works, vegetation clearance) until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

The Biodiversity Gain Plan shall include the following:

- Information about the steps taken, or to be taken, to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- A biodiversity metric which includes:
 - the pre-development biodiversity value of the onsite habitat;
 - the post-development biodiversity value of the onsite habitat; and
 - (if used) the offsite land (Biodiversity Gain Sites) baseline and post development biodiversity values;
- Reference to the survey reports and/or habitat management plans which have informed the biodiversity metric calculations; and
- Any biodiversity credits purchased for the development.

Reason: Required to be pre-commencement to ensure net-gain is delivered as part of the proposed development in accordance with Buckinghamshire Biodiversity SPG 2022.

Bird Hazard Management Plan

40. No development shall commence until a Bird Hazard Management Plan for the development has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: Require to be pre-commencement in order to reduce the potential for bird strikes as a result of the design of the proposed development in accordance with Civil Aviation Authority advice and the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas direction 2002.

Heathrow Airport Maximum Height

41. No building or structure of the development hereby permitted shall exceed 138m above ordnance datum (AOD).

Reason: Development over this height could have the potential to impact Instrument Flight Procedures (IFP's) surrounding Heathrow Airport and endanger aircraft movements and the safe operation of the aerodrome and the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas direction 2002).

Noise Restriction

42. No development shall commence until a detailed written scheme to mitigate impacts of noise associated with plant, vehicles and other noise sources associated with the operation of the Motorway Service Area has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in strict accordance with the approved scheme.

Reason: This condition is required to be pre-commencement as it affects the design and construction of the proposed development in the interests of amenity. Relevant Policy: Local Plan GC3 and GC7 and CS4 of the Core Strategy.

Further Noise Assessment

43. Prior to the installation of any fixed plant a further BS:4142:2104 assessment shall be submitted to and approved in writing by the Local Planning Authority.

All fixed plant items associated with the mechanical and electrical services systems shall be designed and implemented so that, as far as reasonably practicable, cumulative plant noise emissions from the development are at least 5dBA below the typical background sound level at residential receptors during the operational period (using the impact assessment method contained in standard BS4142:2104).

The fixed plant details shall be carried out as approved and retained thereafter in a good working order.

Reason: In the interests of residential amenity. Relevant Policy: Local Plan GC3 and GC7 and CS4 of the Core Strategy.

Mineral Recovery Plan

44. No development shall commence until a Mineral Recovery Plan which assesses the areas of construction where minerals would be potentially recoverable, such as groundworks, SUDS and landscaping areas, has been submitted to and approved in writing by the Local Planning Authority.

The Mineral Recovery Plan should consider the extent to which any minerals available on site would meet the specifications required for construction of the development and record the tonnages of recovered usable minerals where possible.

The Mineral Recovery Plan shall be adhered to for the duration of construction works on site.

Reason: This condition is required to be pre-commencement to ensure any useable mineral resource on site is recovered and used in construction of the proposed development; in accordance with Policy 1 of the Buckinghamshire Minerals and Waste Local Plan.

Site Waste Management Plan

45. No development shall commence until a Site Waste Management Plan for the construction and operational phases of development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented fully in accordance with the approved Plan.

Reason: This is required to be pre-commencement as it relates to the construction phase of the proposed development, in the interests of sustainable development. Relevant Policy: Core Strategy CS4 and CS5.

Security Framework

46. No development shall commence, until an updated Security Framework has been submitted to and approved in writing by the Local Planning Authority.

The Security Framework will detail the measures that will be implemented in perpetuity.

Reason: This is required to be pre-commencement in order to ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2.

UXO survey

47. No development shall commence until an unexploded ordnance survey has been submitted to and approved in writing by the Local Planning Authority.

In the event that any unexploded ordnance is found, detailed remediation measures shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall thereafter be carried out in accordance with the approved details.

Reason: This condition is required to be pre-commencement in the interests of removing hazardous explosives from the site prior to any vibration-taking place in

accordance with Saved Policy GC9 of the Local Plan and Policy CS4 of the Core Strategy.

Travel Plan

48. Prior to first use of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall be in general accordance the 'Buckinghamshire County Council Travel Plan Good Practice Guidance' and the Framework Travel Plan dated 5th April 2022.

The approved Travel Plan shall be implemented upon first occupation of the development and subject to review as per details to be set out within the approved Travel Plan.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to reduce the need for future employees to travel by private car to the Motorway Service Area. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2.

Car Park and Servicing Management Plan

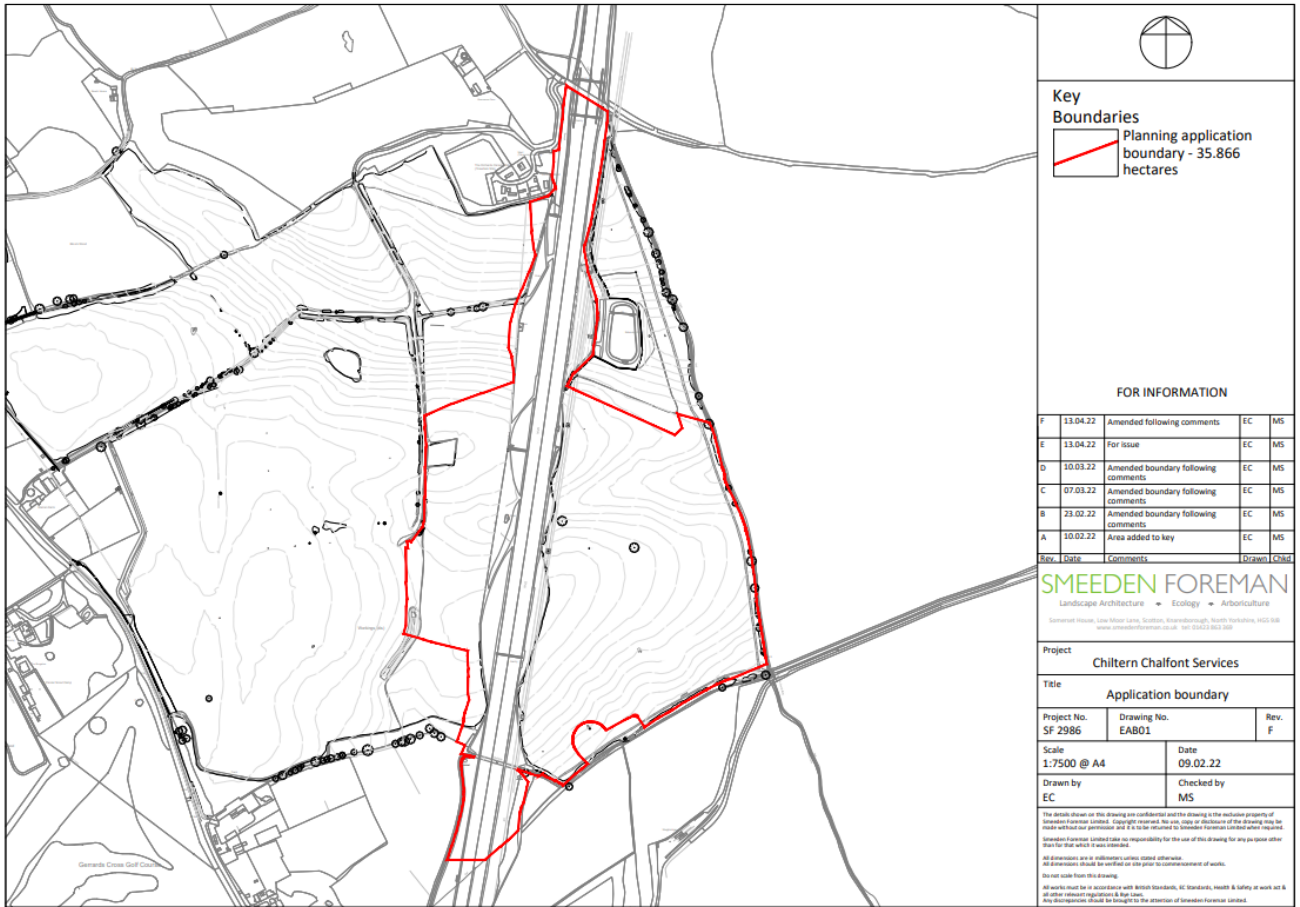
49. Prior to first use of the development, a Car Park and Servicing Management Plan (including timescales and servicing arrangements for the Fuel Filling Station) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in perpetuity thereafter in accordance with the approved details.


Reason: To ensure the free and safe use of the highway in accordance with policies CS25, CS26 of the Core Strategy and Policy TR3 of the Local Plan.

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Appendix H- Chalfont St Peter MSAs Red Outline Comparisons

Chalfont St Peter 2 MSA PL/22/1411/OA



Key
Boundaries
 Planning application boundary - 35.866 hectares

FOR INFORMATION

F	13.04.22	Amended following comments	EC	MS
F	13.04.22	For issue	EC	MS
D	10.03.22	Amended boundary following comments	EC	MS
C	07.03.22	Amended boundary following comments	EC	MS
B	23.02.22	Amended boundary following comments	EC	MS
A	10.02.22	Area added to key	EC	MS
Rev.	Date	Comments	Drawn	Check

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Project Chiltern Chalfont Services
Title Application boundary
Project No. SF 2986 **Drawing No.** EAB01 **Rev.** F
Scale 1:7500 @ A4 **Date** 09.02.22
Drawn by EC **Checked by** MS

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Chalfont St Peter MSA 1 ref: PL/19/2260/OA





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Appendix I – Location of off-site habitat enhancement

