



Report to Strategic Sites Planning Committee

Application Number:	PL/19/2260/OA
Proposal:	Outline Application, accompanied by an Environmental Statement, 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, 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.
Site Location:	Land Between Junctions 16 and 17 of the M25, Near Chalfont St Peter, Buckinghamshire
Applicant:	Extra MSA Group
Case Officer:	Gary Murphy
Ward(s) affected:	Chalfont St Peter
Parish-Town Council:	Chalfont St Peter Parish Council
Date valid application received:	12 July 2019
Statutory determination date:	30 September 2020
Recommendation:	Had Buckinghamshire Council as LPA still been the decision maker, the recommendation would have been that Members resolve to grant planning permission for the proposed development subject to: referral to the Secretary of State to consider whether to call-in the planning application on Green Belt grounds; and, the recommended planning conditions and the completion of an agreement under s106 of the Town and Country Planning Act (as amended) in relation to the Planning Obligations, broadly in accordance with the details set out in the main body of the report.

Summary & Recommendation had Buckinghamshire Council been the decision maker / Reason for Planning Committee Consideration

The Planning Application

- 1.1 Outline planning permission is sought for the construction of a Motorway Service Area ('MSA') with all matters reserved with the exception of access from the M25. The MSA is proposed on part of the land known as 'Warren Farm' in Chalfont St. Peter.
- 1.2 The development comprises 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. In addition, the applicant has put forward an area of land referred to as 'Community Lands' which is proposed to be an area outside of the application site that will be subject to landscape enhancements and opportunities for improved recreation and leisure activity.

Councillor Call-in

- 1.3 Former Councillor Gladwin had called-in the application should it be recommended for approval.

Non-determination Appeal

- 1.4 This application was submitted to the former Chiltern District Council. During the course of its consideration it has been the subject of amendments, clarifications, further information and discussions with stakeholders. In March 2021, the applicant decided to appeal the application on the grounds of non-determination. Therefore, the LPA is no longer the decision maker but is required to consider the application as if it had still retained this right. The application is brought before Members in order to inform the appeal proceedings. The Public Inquiry is scheduled to open in August 2021, with the evidence the LPA intends to rely on being available in the latter half of July 2021.

Planning Issues

Green Belt harm

- 1.5 The proposed MSA development would constitute inappropriate development in the Green Belt and will result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals will lead to a conflict with three out of the five purposes of including land in the Green Belt. The proposal would not accord with policy GB2 of the Local Plan. The harm to the Green Belt is substantial and this impact is afforded substantial weight.

- 1.6 As a result, it is necessary to establish whether there are any 'Very Special Circumstances' ('VSC'). The National Planning Policy Framework ('NPPF') states at paragraph 144 that VSC will not exist unless of 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 further below.

Other harm

- 1.7 Special regard has been given to the desirability of preserving the setting of nearby listed buildings and the conclusion is that the proposal would result in 'less than substantial harm' at the lower end of the scale to the significance of the setting of these listed buildings, to which great weight is given under paragraph 193 of the NPPF. This has been weighed against the public benefits of the scheme and it is concluded that these would outweigh the harm caused to the setting of the nearby designated heritage assets as a result of the proposal.
- 1.8 In addition to the heritage harm, there would be harm to the character of the landscape and visual impacts; with mitigation there would be a significant negative impact, which attracts significant weight. Regard has been paid to the Colne Valley Regional Park in this assessment. The development would result in loss of BMV agricultural land which would be afforded limited to moderate negative weight.
- 1.9 There would be harm arising from the loss of the veteran tree, however this would be mitigated by the compensatory tree planting and biodiversity net gain, so as to attract neutral weight. As set out in this report there are public benefits that outweigh the harm resulting from the loss of the tree and as such this complies with paragraph 175 of NPPF.

Benefits

- 1.10 The need for an MSA in this location would address a 44-mile gap in provision along the M25 motorway, between Cobham and South Mimms. This proposal will deliver significant benefits in terms of safety and welfare of drivers (and passengers) travelling through this section of the M25. The proposed MSA in this location would accord with MSA spacing requirements, as set out in Government Circular 02/2013. It is considered that very significant weight should be attached to addressing this need. Alternative land and sites for MSA provision have been considered as a material consideration. It is acknowledged that each location will cater for different levels of traffic flow passed the site and will meet the spatial distances between MSAs differently, to address the need. The Warren Farm site is considered to be deliverable from a highway perspective and taking all other factors into account, it is considered that the proposal will have more certainty over the delivery to meet the need.

- 1.11 The proposed development would 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 which is afforded significant weight. A net gain in biodiversity is demonstrated to be achievable, and this attracts moderate weight in the planning balance.
- 1.12 The opportunity for the Community Land (c.42 hectares) to come forward as an enhanced landscape with formal public access and improvements to the Public Right of Way network will also improve accessibility to the countryside for a range of users and will help to develop improved accessibility to the wider Colne Valley Regional Park. In combination, these benefits are afforded limited weight.
- 1.13 The advice of Highways England is that the proposals do not raise a 'severe' impact on the Strategic Road Network - having regard to paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Regard is also had to the advice of Buckinghamshire Highway Authority which is responsible for the local road network, it also raises no severe impacts. Overall neutral weight can be attributed to the highway safety and impact matters in the planning balance, with some positive benefits resulting from the provision of HGV parking which is afforded limited positive weight.

Other matters

- 1.14 The proposal complies with other development plan policies and 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 (except as identified in this report), meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment (with the exception of biodiversity net gain and landscape), archaeology, well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, minerals and residential amenities. These matters do not represent benefits to the wider area but demonstrate an absence of harm to which neutral weight is attributed
- 1.15 A wide range of Planning Obligations have been agreed as part of a draft s106 agreement, these will deliver economic, social and environmental benefits, as well as mitigation and compensation to meet policy requirements. The draft s106 agreement should be secured in the event of planning permission being granted following the appeal. The development is liable to pay a Community Infrastructure Levy ('CIL').

Planning Balance

- 1.16 The Green Belt balance has set out all of the harms on one side and all of the benefits and other material considerations on the other side of the balance and it is

concluded that all of the harms are clearly outweighed by all of the benefits. 'Very Special Circumstances' do exist in this case.

- 1.17 Whilst the proposal would conflict with the development plan, there are significant material considerations that weigh in favour of the proposal.

Recommendation

Recommendation - Had Buckinghamshire Council as LPA still been the decision maker, the recommendation would have been that Members resolve to grant planning permission for the proposed development subject to: referral to the Secretary of State to consider whether to call-in the planning application on Green Belt grounds; and, the recommended planning conditions and subject to the completion of an agreement under s106 of the Town and Country Planning Act (as amended) in relation to the Planning Obligations, broadly in accordance with the details set out in the main body of the report.

2 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 59.52 hectares of mostly agricultural land and is divided into two unequally sized parcels of land which are separated by the M25. The motorway runs in a north-south direction through the site. The smaller of the two parcels of land is located to the east of the M25, and the larger is located to the west of the M25. The western most boundary of the site is approximately 520m from settlement edge of Chalfont St Peter.
- 2.2 The site comprises medium scale arable fields divided by hedgerows and hedgerow trees. Bloom Wood and Middle Wood enclose the northernmost tip of the site and these are both classified as 'ancient woodland'. The southern boundary of the site is lined by a mature tree belt, with the eastern site boundary marked by a mature hedgerow and hedgerow trees. There are no existing buildings within the site. Within the application site are several electricity pylons and overhead power cables that are located on land to the east of the M25.
- 2.3 Land levels and topography across the site and surrounding area is undulating, forming minor chalk valleys bisected by the M25. On the western side of the M25, the parcel of land generally falls from north to south into a valley, and the land then rises up again to the south, west and east (towards the M25, which is situated at a higher level). The south-western part of the site (and wider area) was historically subject to quarrying for sand, gravel and chalk, and subsequently has been reformed with landfill, with restoration forming a relatively flat landform. These historic landfill sites have been returned to agricultural use. A permitted landfill area is also present

and located to south-west of the application site; the site has not been formally put into closure and the permit for this use remains extant.

- 2.4 To the north-east of the site is the existing Orchard's traveller site. There are also residential properties situated along West Hyde Lane and also to the north and north-east of the application site. To the west of the site are residential properties along Denham Lane. Mopes Farm is approximately 0.2km to the south-west of the site, on Denham Lane.
- 2.5 The application site shares a boundary on the eastern side of the M25 with the administrative area of Three Rivers District Council.
- 2.6 The site is located within Metropolitan Green Belt, and is situated within the Colne Valley Regional Park. The southern edge of the Chilterns Area of Outstanding Natural Beauty (AONB) is situated some 1.8km northwards of the site.
- 2.7 There are designated heritage assets within the wider vicinity of the site, but none situated within, or immediately adjacent to site. Most notably, three Grade II Listed Buildings are situated approximately 350m south-west of the application site, comprising Mopes Farm and two associated barns.
- 2.8 The High Speed Railway, HS2, is to pass the site from a north-west to south-east direction, close to its eastern boundary, and east of the M25. The planned route for HS2 indicates that the railway will cross the M25 through a bored tunnel to the north of the application site, close to Chalfont Lane. The land to the north east nearest to the application site would comprise the Chiltern Tunnels South portal, cutting track and embankment. The HS2 works are under construction and the land to the east side of the M25 is temporarily being used by HS2. A temporary north-facing access slip road from the motorway has already been put in place to facilitate HS2 construction works currently underway, this is all located outside of the application site.
- 2.9 The site is within Flood Zone 1 and the majority situated on Source Protection Zone (SPZ) 2 (Outer Zone). There is a small section within the north western corner of the site on SPZ 3 (Total Catchment). A SPZ is a defined area around groundwater abstraction sites, its' purpose is to safeguard the drinking water quality.

Development proposal:

- 2.10 The development proposal is accompanied by an Environmental Statement (ES). The ES provides an overview of the likely environmental impact of the proposals, and assesses "likely significant effects" with a summary of mitigation measures proposed and contains a methodology for assessing the significance of the environmental effects and the cumulative impact. 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
- Ground Conditions
- Agriculture and Soils
- Water Resources
- Transport and Access
- Noise and Vibration
- Air Quality.

- 2.11 An initial Addendum to the ES was submitted in December 2019. A Second Addendum to the ES was submitted in July 2020. Both of these Addendums (and relevant updates to specific chapters in the ES) are considered alongside the originally submitted ES.
- 2.12 The application seeks Outline planning permission, **with all matters reserved except for 'Means of Access'**, for the construction of a new Motorway Service Area (MSA) at the site.
- 2.13 **Access** – Detailed permission is sought for access to the site which will be in the form of a separated junction that crosses over the M25 in the form of a single overbridge loop. New on and off slip roads serving both northbound clockwise and south bound anti-clockwise directions of the M25. This will result in a single point of access to the MSA, with no connection to the local road network, once the MSA is operational. Circulation and access roads, including a roundabout within the site will provide the necessary access for visitors to the various buildings / uses and parking areas.
- 2.14 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 indicative layout, land uses and parameters for maximum scale parameters (i.e. height, width and depth) for the development. These include the following elements:
- 2.15 **Facilities / Amenity Building** – Arranged over two floors this will contain a food court, ancillary retail, business centre (with business lounge), meeting rooms, public toilets and wash facilities and staff areas. This will have an approximate gross internal area (GIA) of 7,800sqm. The submitted parameters plan sets a maximum height of 13.5m above ground level for the building envelope, and it identifies a development zone for the location of the building, which is towards the north eastern portion of the site. It is proposed to install a green roof.

- 2.16 **Fuel Filling Station** – The fuel filling station will include 18 islands in the main forecourt (36 filling positions) and 3 islands on the HGV forecourt (6 filling positions). There will also be an ancillary forecourt sales building including toilets. The building will be approximately 450sqm GIA and located to the west of the M25. Some vehicle parking spaces will be provided for this. The submitted parameters plan identifies a maximum building height of 7m and a development zone for the location of this building.
- 2.17 **Hotel** – Incorporating up to 100 beds, with an approximate GIA of 3,750sqm the hotel building will be connected to the main amenity building via a shared entrance link. The hotel will include supporting ancillary uses, servicing storage, “back of house” functions and recreational areas. Consistent with the amenity building, parameter plans submitted set a maximum height of 13.5m above ground level for the hotel building envelope and identify the location for this.
- 2.18 **Entrance link** – This will comprise a covered link over the entrance area (of 400sqm GIA) connecting the amenity building and hotel, with access to be provided to the amenity areas around the buildings.
- 2.19 **Parking facilities** –
- Up to 1030 light vehicle parking spaces (including 5% disabled spaces / up to 52 spaces);
 - Up to 200 HGV spaces;
 - Up to 18 coach spaces;
 - Up to 22 caravans / motor homes / vehicle and trailer spaces (including 1 disabled space);
 - Up to 22 motorcycle spaces;
 - Up to 1 abnormal load space; and,
 - Electric Vehicle Charging Point (EVCP) provision within the vehicle parking area, both active and passive charging points.
- 2.20 The main car parking area is divided into a northern and southern half, separated by a central landscaped spine which also acts as a sustainable drainage (‘SUDs’) feature, and runs through the centre of this part of the site. This landscape feature is intended to reflect the existing minor valley topography on the site. The HGV parking area is to be situated in the north-eastern part of the western parcel of this parking area.
- 2.21 **Open space and landscaping** – Associated open space for recreational use is provided for around the amenity and hotel buildings. There will be a children’s play area, external seating areas, picnic areas and a new lake (with viewing deck accessed from the amenity building). Walking and recreation routes for visitors are provided for within the open space surrounding the buildings, and the wider site.

- 2.22 Whilst detailed landscaping proposals are to be considered at Reserved Matter’s stage, indicative landscaping details have been submitted with the outline application to demonstrate the level of proposed native woodland planting, tree and shrub planting and proposed wildflower grasslands within the application site, and its immediate surroundings. Within an area of adjoining land, immediately to the west of the proposed development, is an area of land within the applicant’s control (referred to as the ‘Community Land’ area). As part of the landscape strategy, landscape enhancement and mitigation measures it is proposed that native hedgerows will be planted in this area to reinstate the historic field boundary patterns.
- 2.23 Improvements are proposed to existing Public Rights of Way (PRoW), with new footpath links and enhancements to existing routes identified as part of the ‘rights of way strategy’.
- 2.24 The following is a summary of land use quantum. Given the proposals are submitted in outline form, these details are shown as maximums.

Table 1.1 – Summary of land use quantum

Land Use	Land Coverage (ha)	Maximum Footprint (m2), or number of spaces	Maximum height of built form (m)
Area for facilities building including hotel and link, picnic and play area, servicing and detailed landscaping, including SuDS	2.79ha	Facilities Building: 7,800m2 Hotel: 3,750sqm Link: 400sqm	Facilities Building: 13.5m Hotel: 13.5m
Fuel Filling Station, including landscaping and SuDS	2.23ha	Shop Kiosk: 450m2	Forecourt canopies: 7m Kiosk: 6m
Landscaped Parking for all vehicles, including SuDS	6.35 ha	up to 1030 light vehicle spaces (including 5% disabled spaces); • up to 200 HGV spaces; • up to 18 coach spaces;	n/a

		<ul style="list-style-type: none"> • up to 22 caravan/motor homes/vehicle and trailer spaces (including 1 disabled space); • up to 22 motorcycle spaces; and • up to 1 abnormal load space 	
Wider Green Infrastructure, including SuDS (excluding landscaping in above parcels)	38.95 ha	n/a	n/a
Principal Access	n/a	n/a	Bridge Structure: 15m from bridge deck

2.25 The following elements would also be provided for within the site:

- Ecological / biodiversity enhancements.
- Water attenuation measures for improved surface water management and mitigation.
- Installation of acoustic fence along part of north-eastern site boundary.
- Re-location of existing pylons on the eastern side of M25.

Proposed Levels and Earthworks Strategy:

2.26 Some earthworks will be required to achieve the proposed site layout, to form the platform for the proposed development. This will be the main earthworks moving required and will involve the excavation (cut), movement and placement (fill) of material across the site. The strategy has been based upon generally achieving a balance of material movements, often referred to as a “cut and fill balance”. Achieving this balance reduces the requirements for movement of materials on or off site during early earthworks construction stages, in turn this also reduces the amount of construction traffic.

Community Engagement and Public Consultation:

2.27 The applicant undertook public consultation over the period between October 2018 and the submission of the outline planning application in June 2019. The exact

nature and the timings of this pre-application consultation is set out in detail in the submitted Consultation Report accompanying the planning application. In summary the pre-application consultation undertaken comprised of the following:

- A pre-engagement workshop held in October 2018. Invited to this were local stakeholders, District and County Council Officers, Local Members, Parish Councillors, and representatives of local groups/organisations.
- Leaflet distribution to residents, commuters and business premises in the area.
- Established a dedicated project website (www.m25westmsa.co.uk) as an information source.
- A series of public exhibitions held early 2019.
- Letters sent to local Councillors and elected representatives.
- Letters sent to local community, voluntary and third sector groups inviting them to the upcoming public exhibitions.
- Pre-application consultation with the LPA, the former County Council, HS2, SSE and other interested parties.
- Articles/adverts placed in the local press.

2.28 A total of 111 website comments were recorded (11% of visitors to the dedicated website referenced above). The public exhibitions attracted 237 visitors, with 53 written responses recorded, with a further nine from the youth event. Free post leaflet responses were low, recorded at just 1.1%.

2.29 A number of changes were made to the proposed scheme in response to comments that were received during this period. These changes are set out in the applicant's Consultation Report.

Further information submitted during the course of the consideration of application:

2.30 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 ('ES') (submitted December 2019) which updated the following matters: traffic generation (following a revised Transport Assessment that considered different traffic scenarios) and as a result of this the re-assessment of air quality and noise. Further information in relation to 'Community Land' and further information related to ecological baseline of the site following completed survey work was also included in this Addendum.
- Second Addendum to the ES (submitted July 2020) which updated the following matters: Public Right of Way Strategy; the social benefits of proposed development; updated highways information (including revised traffic modelling and updated highways drawing pack)

following Highways England engagement; updated ecology Phase 1 habitat survey; consideration in the ES of risk from major accidents / disasters (aviation safety); and minor landscape changes. Further consideration was also given to noise and air quality in response to changes made to traffic data and traffic flows, as agreed with Highways England.

- Updated Public Rights of Way Strategy.
- Revised Green Lands Strategy (now referred to as the 'Community Land Framework' – July 2020).
- Further technical detail related to off-site highway works, temporary construction traffic access, emergency vehicle access for use by Thames Valley Police.
- Security Framework document, which relates to the future management of the emergency vehicle access.
- Amended Parameters Plan, Illustrative Masterplan and other amended plans.
- Aviation safety report received from the consultancy, Cyrrus (acting for the applicant).

3.0 Relevant Planning History

- 3.1 The most relevant application is a previous one proposing a MSA at a location referred to as Warren Farm (ref: 96/08215/CM and SBD/8215/96). This was a County matter application determined by the former Buckinghamshire County Council. The former South Bucks District Council and Chiltern District Council were consulted on the proposed development located in their area (or adjoining, in the case of the former District Council). The application was called-in by the Secretary of State before the County Council determined this. A Public Inquiry was held into the proposed MSA. 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).
- 3.2 This earlier proposal was for a dual-sided MSA with buildings/facilities to be constructed on both sides of the M25. The location of this MSA was also proposed further south of the current application site.
- 3.3 In dismissing the aforementioned appeal in 1999 the Secretary of State found that the proposed development constituted inappropriate development in the Green Belt, that was harmful, and that development would detract from the openness of the Green Belt and that it would encroach into the countryside and conflict with the key aims of the Colne Valley Park. Further harm was identified to the landscape, loss of best and most versatile agricultural land, with modest ecological harm.

- 3.4 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. Planning permission was subsequently refused by the Secretary of State for the proposal at Warren Farm, a decision that was later quashed by the High Court.
- 3.5 It is important to highlight a number of important and material differences that distinguish the current application from the aforementioned previous Warren Farm MSA proposal, refused permission by the Secretary of State.
- The previous proposals were for a dual-sided MSA, and proposed more built development across a wider area within the Green Belt. In contrast, the current proposals are single sided with all MSA facilities concentrated on one side of the M25 (western side).
 - The previous proposals were located further south and sought built development on both sides of the M25. It was proposed to be developed in a location that is more exposed in the landscape, being located on higher ground and visible in long-distance views. This is in contrast to the current proposals which are located further north and sited lower down within the existing valley form on the western side of the M25.
 - The policy context has altered since the issue of a MSA at this nearby location was last considered, and since the previous Secretary of State decision in 1999, through the publication of Circular 02/2013 and the associated changes in how 'need' for roadside facilities on the strategic road network is established (which is discussed in further detail in Section 6 of this report).
 - It has been demonstrated that there is a clear need for a MSA facility on this western section of the M25. This is evidenced in the report published in 2010 by Highways Agency, titled '*Spatial Planning Review of the Strategic Road Network Service Areas*'.
 - Since the previous Secretary of State decision was made in 1999, both Beaconsfield (Junction 2, M40) and Cobham (M25) MSAs have been constructed and opened. In conjunction with the publication of Circular 02/2013, this has changed the context of MSA provision on the western section of the M25 but gaps still exist.

4.0 Summary of Representations

- 4.1 The application was subject to the relevant consultation, notification and publicity.

- 4.2 At the time of writing this report, a total of 222 individual letters of objection from third party/neighbour/local community representations/organisations and other bodies have been received. A total of 15 letters of support, and one neutral comment have also been received. Appendix A of the Committee Report provides a summary of these representations.
- 4.3 All representations received from statutory consultees, non-statutory consultees and other interested individuals, groups and organisations are also set out in Appendix A of the Committee Report.

5.0 Policy & Guidance

5.1 The key policy documents and guidance for consideration are:

5.2 The Development Plan:

- Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS3, CS4, CS5, CS15, CS20, CS22, CS24, CS25, CS26, CS28, CS29, 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, LSQ1, LB1, LB2, TR2, TR3, TR11, TR15, TR16, T2, AS1, AS2, TW3, TW6, and NC1
- Minerals and Waste Local Plan: Policies 1, 10 and 27, Appendix 3
- Chalfont St Peter Neighbourhood Plan (2016): Policy PW11.

5.3 Other key material considerations:

- National Planning Policy Framework (2019) (NPPF)
- Planning Practice Guidance (PPG)
- National Policy Statement for National Networks 2014 (NPS NN)
- National Design Guide (2019)
- Department for Transport Circular 02/2013 *"The Strategic Road Network and the Delivery of Sustainable Development"*
- Sustainable Construction and Renewable Energy SPD (2015)
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule (2020)
- National Policy Statement for the National Networks (December 2014)
- Chiltern District Council Sustainable Construction and Renewable Energy SPD (2015)
- Local Transport Plan: Buckinghamshire Local Transport Plan 4, (April 2016)
- Chiltern and South Bucks Economic Development Strategy: Chiltern District Council & South Bucks District Council (August 2017).

6.0 Need case for MSA development

- 6.1 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”.
- 6.2 National Government policy relating to the strategic road network (SRN) is contained within Department for Transport (DfT) Circular 02/2013 *‘The Strategic Road Network and the Delivery of Sustainable Development’*. This sets out Government policy with regard to the function and provision of MSAs on the motorway network. The Circular advises that a well-functioning SRN enables growth by providing safe and reliable journeys.
- 6.3 Annex B of the Circular sets out policy on the provision of standards for road facilities (including MSAs) on the SRN. MSAs exist to meet a public need on the SRN, the need being to provide facilities which support the safety and welfare of the travelling public. The Circular emphasises that MSAs perform an important road safety function by providing opportunities for the travelling public to stop and take a break. Highways England’s recommendation (set out in paragraphs B5, B6 and B7 of Annex B to Circular 02/2013) is that MSAs “perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey”, and that 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 motorway service areas may take longer than 30 minutes.
- 6.4 For this reason, Highways England 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.
- 6.5 Paragraph B8 of Circular 02/2013 states that the distances set out are considered appropriate for all parts of the SRN. In determining applications for new MSAs, 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.

- 6.6 Annex B of Circular 02/2013 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 that is eligible for signing from the SRN, 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 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;
 - Hot drinks and hot food for consumption; and,
 - Access to a cash operated telephone.
- 6.7 All proposals for roadside facilities shall be considered in the context of the NPPF also. This is consistent with the policy in Circular 02/2013, 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 107 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.
- 6.8 MSAs exist 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 west side of the M25. This matter will be addressed in more detail below.
- 6.9 The submitted need case for a MSA on the western side of the M25 motorway is based upon the policy guidance relating to the recommended maximum distance (28 miles) between MSAs, which arises directly from the need to meet the safety and welfare needs of road users, as set out in Circular 02/2013. Based upon this policy guidance, a total of 14 routes have been identified along the SRN where the distance between existing MSA facilities exceeds 28 miles, and this is where there is a gap in provision of roadside facilities. Some of the gaps are substantial; with nine gaps identified being 40 miles or greater, including two gaps of 60 miles or greater. These existing gaps in provision are evident in the following table.

Table 1.2 – Travel distance between existing MSA sites along the SRN

From	To	M40	M25	M3	M4	M4	M25	M4
		Beaconsfield	Cobham	Fleet	Heston	Reading	South Mimms	Toddington
M40 Beaconsfield		-	27	35	15	37	27	36
M25 Cobham		26	-	25	21	43	44	53
M3 Fleet		33	25	-	28	49	50	60
M4 Heston		14	21	28	-	31	32	41
M4 Reading		36	43	50	31	-	53	63
M25 South Mimms		28	44	51	32	54	-	26
M4 Toddington		37	53	60	41	63	25	1

6.10 The following table identifies the 14 routes along the SRN where it has been identified the need for a new MSA facility is greatest, this is based on the spacing requirements contained within Circular 02/2013.

Table 1.3 – 14 routes on the SRN where the need for a new MSA has been identified

Route between existing MSAs	Motorways	Distance
Reading and Toddington	M4 – M25 – M1	63 miles
Fleet and Toddington	M3 – M25 – M1	60 miles
Reading and South Mimms	M4 – M25	54 miles
Cobham and Toddington	M25 – M1	53 miles
Fleet and South Mimms	M3 – M25	51 miles
Fleet and Reading	M3 – M25 – M4	49 miles
Cobham and South Mimms	M25	44 miles
Cobham and Reading	M25 – M4	43 miles
Heston and Toddington	M4 – M25 – M1	37 miles
Beaconsfield and Reading	M40 – M25 – M4	37 miles
Beaconsfield and Toddington	M40 – M25 – M1	37 miles
Beaconsfield and Fleet	M40 – M25 – M3	35 miles
Heston and South Mimms	M4 – M25	32 miles
Heston and Reading	M4	31 miles

- 6.11 Having established that there is a need for a MSA on the western section of the SRN of the M25, the applicant identified a search area where this need could be best met. Due to the fact that out of the 14 routes identified along the SRN where the need for a new MSA is greatest, only one of these routes does not use the M25. It is considered a reasonable approach for the applicant to have concluded that a location along the M25 would provide the optimal location for a new MSA, in order to meet the identified need. The optimum area of search was identified as the section of motorway between junction 12 and junctions 20/21a, of the M25.
- 6.12 The section between junction 12 and junctions 20/21a of the M25 between existing MSAs at Cobham and South Mimms is a distance of 44 miles, and this section is not currently served by driver roadside facilities. The proposed MSA, to be sited between junctions 16 and 17 of the M25 would serve to meet the identified need in provision along this section of the M25, where the gap in MSA provision exceeds the recommended maximum spacing distance of 28 miles.
- 6.13 It should be noted that the gaps in provision identified above (Table 1.2 and Table 1.3) are based upon a maximum separation in miles between MSAs, and these 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.
- 6.14 The average traffic speeds are also a relevant consideration, as Highways England recommends, through Circular 02/2013, that the maximum distance between driver facilities on the SRN, should not typically be more than 30 minutes travelling time. The table below indicates that 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 1.4 – Travelling time in minutes between existing MSAs at different travelling speeds

		Distance	Average Traffic Speeds (mph)				
			40	50	56	60	70
Route	Reading and Toddington	63 miles	95 mins	76 mins	68 mins	63 mins	54 mins
	Fleet and Toddington	60 miles	90 mins	72 mins	64 mins	60 mins	51 mins
	Reading and South Mimms	54 miles	81 mins	65 mins	58 mins	54 mins	46 mins

	Cobham and Toddington	53 miles	80 mins	64 mins	57 mins	53 mins	45 mins
	Fleet and South Mimms	51 miles	77 mins	61 mins	55 mins	51 mins	44 mins
	Cobham and South Mimms	44 miles	66 mins	53 mins	47 mins	44 mins	38 mins
	Cobham and Reading	43 miles	65 mins	52 mins	46 mins	43 mins	37 mins
	Heston and Toddington	41 miles	62 mins	49 mins	44 mins	41 mins	35 mins

- 6.15 Highways England, in its capacity as the Highway Authority for the SRN and statutory consultee on the planning application, have confirmed that they are supportive of a MSA facility in the north west quadrant of the M25 (i.e. the west section). This position is based on Circular 02/2013, which, as previously referred to, sets out the policy position regarding MSA distancing, with the recommendation that the maximum distance between MSAs should be no more than 28 miles.
- 6.16 Relevant to the need case that is presented in relation this proposal is the National Report on the 'Spatial Planning Review of the Strategic Road Network Service Areas' (published by the Highways Agency in 2010, which was the body then responsible for the SRN). While published around 11 years ago, this report acknowledged that long separations between MSAs in the south-east region were an issue, with around a third of separations being greater than 40 miles and the majority of the gap areas identified being around the west side of the M25. Since that time, Cobham MSA which serves the M25 has been built, however it remains the case that there continues to be gaps in the SRN for MSAs. This is a point also acknowledged in the relevant Secretary of State decision made in respect of the Cobham MSA. The findings of the Highways Agency published report further evidence the identified and existing need case for a new MSA facility along the western side of the M25 which, in this case, is proposed to be situated between junctions 16 and 17 of the M25.
- 6.17 Furthermore, since the Cobham decision was made Government Policy in respect of the maximum spacing between MSAs has since reduced the recommended maximum distance from 30 miles down to 28 miles, as set out in Circular 02/2013.
- 6.18 Representations made in response to the proposal consider that the need case presented is flawed. The reason for this claim is due to the distance from the application site to an existing MSA at Beaconsfield, Junction 2 of the M40. However,

it is clear from the following that there is a need for such roadside facilities: the supporting evidence provided; the National Report referred to above; the formal consultation response from Highways England; and having regard to the aforementioned Secretary of State decision on Cobham that there has been no material change in circumstances or the provision of MSAs serving the west side of the M25 since the matter of need was last considered (for the Cobham MSA).

- 6.19 In conclusion, it is considered that a clear need case for the proposed MSA in this section of the M25 between Cobham and South Mimms has been demonstrated when judged against Government Policy in Circular 02/2013. This proposal would respond to the unmet need for an MSA facility to serve the west side of the M25 in the interests of the welfare and safety of drivers and their passengers of vehicles. Notably, this point has been recognised by Highways England also in their formal consultation response (November 2020). This “need” is a material consideration in favour of the application and this is afforded very significant weight.

7.0 Green Belt

Core Strategy Policies:

CS1 (Spatial Strategy)

CS3 (Amount and Distribution of Non Residential Development

Local Plan Saved Policies:

GB1 (Green Belt boundaries)

GB2 (Development in General in the Green Belt)

GB30 (Conservation and Enhancement of Rural Landscapes in parts of the Green Belt)

- 7.1 The site lies in the Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Openness, which is an essential characteristic of the Green Belt, is generally defined as the absence of built form.
- 7.2 Paragraph 134 of the NPPF sets out that Green Belt serves the following five purposes:
- (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.
- 7.3 Local Plan policy GB2 states that most development in the Green Belt is inappropriate. There is a general presumption against inappropriate development. The policy then goes onto set out categories of development (a – f) in Green Belt

that would not be considered to be inappropriate. The proposed MSA development is not referred to within any of these exceptions. It is therefore contrary to this policy.

- 7.4 The Core Strategy was adopted in November 2011. The overall spatial strategy for this Plan seeks to protect the Green Belt by focusing new development on land within existing settlements not covered by Green Belt or AONB designations, and this is reflected in policy CS1. Policy CS3 seeks to focus new commercial development in the four main centres for growth with very limited new development in rural areas. The Core Strategy does not define the categories of inappropriate development.
- 7.5 Paragraph 145 of the NPPF sets out that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”*, and goes on to list exceptions to this (a – g). The construction of the proposed MSA amenity building, hotel and fuel filling station buildings does not fall within any of the exceptions (a – g) listed in paragraph 145. The proposals are therefore inappropriate development based on this paragraph of the NPPF.
- 7.6 Paragraph 146 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. In the context of paragraph 146, the proposals are inappropriate development.
- 7.7 It is considered that policy GB2 of the Local Plan is consistent with the NPPF relating to development in the Green Belt. The level of consistency between Policy GB2 and the NPPF is sufficient to enable the saved policy to continue to be applied. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. As such moderate weight is afforded to Policy GB2. This approach in applying the Local Plan policy accords with that made in appeal decisions by Planning Inspectors on behalf of the Secretary of State.
- 7.8 By reason of being inappropriate development, the proposal is, by definition, harmful to the Green Belt. It should also be noted that it is acknowledged by the Applicant that the proposed development represents inappropriate development within the Green Belt.

Impact of the proposed development on the openness of the Green Belt

- 7.9 While 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.

- 7.10 It is well established that there are both spatial and visual aspects that are necessary to consider when considering the potential impact of a development on the openness of the Green Belt.
- 7.11 **SPATIAL DIMENSION:** In considering the impact on the openness of the Green Belt the applicant has stated the proposed area of built development (including facilities/amenity building, hotel, fuel-filling station and parking areas) accounts for approximately 11.6ha of the 59.52ha application site area. The areas of built development equate to 19% of the application site (red line) area. The remaining 47.9ha (81% of the site) that would not be built on is made up of green spaces, woodland, grassland, hedgerows and watercourses.
- 7.12 However, built development on approximately 11.6ha of currently open, undeveloped countryside in the Green Belt is not insignificant and would impact on openness. This impact would be substantial, given the quantity of development, amount of built form and the land take involved. There will therefore be harm to the spatial role of openness, as a large area of existing open land would be removed from the Green Belt, which would be a permanent loss of openness.
- 7.13 **VISUAL DIMENSION:** The site comprises visually open and undeveloped land, east of Chalfont St Peter, the eastern backdrop to the site is the M25 motorway and associated infrastructure as well as HS2 related infrastructure. The introduction of a large scale MSA facility in this location given the land take involved and with the significant built form proposed, hardstanding, areas of car parking, associated highways infrastructure (including M25 slip roads and overbridge) and structural landscaping proposed will have an impact by reducing the openness of the countryside/Green Belt in this location.
- 7.14 One of the key characteristics of Landscape Character Area 22.2, Chalfont St Peter Mixed Use Terrace LCA are the expansive areas of open, flat topography and the varying degrees of openness and enclosure within the LCA. The site lies within this LCA. Open views towards the Colne Valley Regional Park are identified as a sensitivity.
- 7.15 A number of key visual receptors have been identified in the LVIA, from these receptors visual impact resulting from a loss of openness as a result of the proposed development may be experienced. A number of agreed viewpoints were selected to represent views from the key visual receptors identified.
- 7.16 Key visual receptors where the sensitivity/susceptibility to visual change as a result of the proposed development will occur are:

- Users of public rights of way through the northern edge of the site, where the effect is judged to be major, significant (viewpoints 11a, 11b and 12 in the LVIA);
- Users of public rights of way along the eastern and southern edges of the site, where the effects are predicted to be significant (viewpoints 13 and 14 in the LVIA);
- Users of public rights of way and open access land and community at Harefield, where open distant views of the site are experienced. New built form and associated infrastructure (i.e. the overbridge) will be seen in a number of direct and open views (viewpoints 6a and 6b in the LVIA);
- Visitors to recreational areas and local viewpoint at the Old Orchard Pub, Harefield, where open distant views of the site are experienced (viewpoint 6b in the LVIA). New built form and associated infrastructure (i.e. the overbridge) will be seen in a number of direct and open views, and the level of effect predicted to be significant.

7.17 From these receptors the proposed development will result in a reduction in visually open and undeveloped land. There will be substantial visual harm to the openness to this part of the Green Belt.

7.18 The proposed mitigation strategy includes areas of new woodland planting, which will on the one hand assist in screening the proposed development, and assimilating it into the landscape, however, this structural planting, once matured will also contribute to changing the existing open and undeveloped countryside in this part of the Green Belt.

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

7.19 As referred to above, paragraph 134 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.

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 The application site does not directly adjoin the settlement edge of Chalfont St Peter. The new MSA motorway junction/access to be created on the M25 will not result in any through connection to the local road network, notably Denham Lane. The development is focussed on land near to the motorway.

7.23 Between the development as proposed on the application site and the settlement boundary of Chalfont St. Peter will be the 'Community Land' which would result in enhancements to this adjacent area of land. This Green Belt land will remain between the application site and the built up edge of Chalfont St Peter.

7.24 Denham Lane with its belt of mature trees, forms a strong existing boundary to the built edge, containing it both physically and visually. The development of an MSA east of Denham Lane, due the nature and size of development, could be perceived as contributing to some sprawl. This perception may be formed as the site is viewed from the low point of the minor valley, to the west of the M25. From this location there are views of the M25 in the foreground and beyond this the landscape to the east of the M25 is currently undergoing construction works relating to HS2. In this context there could be a perception of some sprawl.

(b) to prevent neighbouring towns from merging into one another

7.25 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 merging of settlements, noting the scale of the site and its relative location 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, that 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 will result in them being closer to one another.

(c) to assist in safeguarding the countryside from encroachment

7.26 The Chiltern Green Belt Assessment (2019) produced for the now withdrawn Local Plan for Chiltern and South Bucks states that the site makes a high contribution to safeguarding the countryside from encroachment, forming part of a tract of essentially undeveloped and open land east of Chalfont St Peter and straddling the M25. The main section of the site is open with views to the wider Colne Valley. The M25 and electricity pylons represent existing features within the landscape although these are not uncommon in countryside locations and there is limited residential development to the west and north of the application site. Undeveloped areas of

open land have a semi-rural character, with agricultural use and surrounding woodland (including some ancient woodland).

- 7.27 Due to the size of the proposed MSA development, including built footprint and all associated development, such as highways infrastructure the proposed development would result in encroachment into the countryside.

Summary of Green Belt impact:

- 7.28 The proposed MSA development is inappropriate development and will result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals will lead to a conflict with three out of the five purposes of including land in the Green Belt. This harm to the Green Belt is substantial and this impact is afforded substantial negative weight. As a result, it is necessary to establish whether there are any 'Very Special Circumstances' ('VSC'). The NPPF states at paragraph 144 that VSC will not exist unless of 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 further below in this report and the VSC will be addressed in the last section of the report entitled 'Planning Balance'.

8.0 Landscape and Visual

Core Strategy Policies:

CS1 (Spatial Strategy)

CS4 (Ensuring that Development is Sustainable)

CS20 (Design and Environmental Quality)

CS22 (Chilterns Areas of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of Development Throughout the District)

GC4 (Landscaping Throughout the District)

GB2 (Development in General in the Green Belt)

GB30 (Conservation and Enhancement of Rural Landscapes in parts of the Green Belt)

LSQ1 (Chilterns Area of Outstanding Natural Beauty)

- 8.1 Core Strategy policy CS4 seeks to ensure that development preserves and enhances nature conservation interests and important features of the natural environment, including, trees and hedgerows.
- 8.2 Saved Local Plan policy GB30 requires development proposals within the Green Belt to be "well integrated into its rural setting and conserve the scenic beauty and amenity of the landscape in the locality of the development" and where appropriate, the development should "provide for the improvement of degraded landscape within the application site".

- 8.3 Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. Paragraph 127 c) emphasises the importance of ensuring new developments are sympathetic to local character, including the landscape setting.
- 8.4 A full Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the ES, and the Landscape chapter in the ES includes an appraisal of the main landscape and visual issues.
- 8.5 A total of 14 viewpoints were selected to represent views from publicly accessible areas for key visual receptors, the impact of the proposed development was assessed from each viewpoint, and these are listed in ES Volume 1, Chapter 7 (table 7.11).

Landscape Character

- 8.6 The site is located in the National Character Area (NCA) 115 Thames Valley. The Zone of Theoretical Visibility (ZTV) indicates that the proposed development is theoretically visible from the NCA 115 Thames Valley however this provides landscape characteristics at a broader scale and more detailed regional and landscape character assessments are available which are more relevant. NCA 110 Chilterns is approximately 3km north of the site, and the judgement that has been reached in the ES that the proposed development is unlikely to give rise to significant impacts on landscape character in this NCA.
- 8.7 The site is referred to within the Colne Valley Regional Park Landscape Assessment (2017) area, and the 'Heronsgate/Chalfont Farmland' Landscape Character Area (LCA). 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.
- 8.8 In assessing the effects of development on the existing landscape it is important to recognise its existing characteristics. The application site occupies land that straddles the M25. The site extends from a low ridge adjacent to Denham Lane along the western boundary and gradually slopes to the east towards the Colne Valley. The gentle slope is interrupted by a steeply undulating dry valley. There are three existing rights of way extending through and adjacent to the site:
- Footpath CSP16/1
 - Bridleway CSP 43/2 (South Bucks Way)
 - Bridleway CSP44/1 (Old Shire Lane)
- 8.9 Views of the site are possible from each of these existing rights of way, which play an important role in connecting the wider landscape (either side of the M25). The

character of the landscape is presently affected by the presence of the M25 and overhead power lines. However, the impact of the M25 is reduced by it lying in an existing cutting along some of its length. To the west of the M25, there are areas with a relatively tranquil and natural character that have some elements typical of the Chilterns landscape such as the dry valley and ancient woodland. To the east of the M25, the landscape is more open and has been heavily affected by recent construction activity for HS2 (which will pass through a tunnel under the M25 in this location).

- 8.10 To the west of the M25, the site comprises medium-scale arable and grassland fields (the latter on restored landfill) partially enclosed by mature woodland (Bloom Wood). In contrast, to the east of the M25, there is a single large arable field bounded by Old Shire Lane to the east and the South Bucks Way to the south.
- 8.11 With the exception of two small copses and a hedgerow with mature trees that extends east-west along the base of the dry valley, there is little vegetation inside the application site. However, it lies adjacent to Bloom Wood and Middle Wood (both classified as 'ancient woodland') along the northern boundary, which gives the site a wooded backdrop.
- 8.12 The ES has factored HS2 into the assessment with projected timescales for construction linked to the completion of the HS2 project, including the mitigation measures. The LVIA concludes that the proposed development would result in significant adverse (major negative) effects on the landscape character of the site arising from change of land use, loss of vegetation and modification to topography/landform. This conclusion is broadly agreed with by Specialist consultants on LVIA matters acting for the LPA ('Specialist consultants').
- 8.13 The application is supported by an Arboricultural Assessment (Appendix 8.12 of the Environmental Statement). The proposed development would require the removal of around 50 individual trees, two small copses and c.1.7km of hedgerow. One veteran tree (T247), a mature hedgerow ash, is proposed to be removed.
- 8.14 It is considered the greatest impact to the landscape of the site would be as a result of the modifications to the distinctive topography of the site resulting in the remodelling of the site to accommodate the development. The prominent 'dry valley' feature to the west of the M25 would be levelled out to create the development platform establishing shallow sides to a single new valley form. There would also be a loss of hedgerows and existing trees running along the base of the 'dry valley', including loss of one veteran tree.
- 8.15 The illustrative masterplan indicates the proposed development seeks to compensate for loss of existing landscape features, and proposes a significant increase in the quantity of planting, including extensive woodland buffers along the northern and eastern boundaries, which would enhance connectivity to the ancient

woodland and assist with the visual containment of the site. However, the planting would not fully contain views of the development from the three footpaths crossing the site, and some long-range views from the slopes above the Colne Valley (e.g. the Old Orchard Pub at Harefield).

- 8.16 Despite the creation of a landscaped strip through the centre of the parking area to reference the existing 'valley landscape' of the site, under the proposed development the undulating landform would be extensively remodelled to create a level platform which removes the original valley feature and the character would be changed.
- 8.17 In addition, the application proposes off-site landscape and recreational enhancements within the adjacent Community Lands (this is land that is under the applicant's control), sited to the east of Denham Lane and west of the application site. The strategy of proposed enhancements in this area includes the reinstatement of historic hedgerow boundaries, establishing new areas of wildflower creation and either new permissive footpath routes or enhancements to existing public rights of way. These would be the subject of a S106 agreement.
- 8.18 Within the Colne Valley Regional Park Landscape Assessment (2017), the site lies within the 'Heronsgate/Chalfont Farmland' Landscape Character Area (LCA), which notes the landscape "provides open views to the Colne Valley and acts as a backdrop to elevated views from the east" with woodland forming the skyline. The ZTV, which is the area over which the development will be visible indicates that the proposed development may be visible from this, and other LCAs. The ZTV indicates that the proposed development is theoretically visible from the Rickmansworth to Uxbridge Wooded Farmland LCA however it is not predicted to be affected due to the distance from the Site.
- 8.19 The ES concludes that there will be direct effects as a result of construction and the development being located in the centre of this LCA over a significant area. The development will result in loss and addition of some key landscape elements as well as introduce built form into the landscape. The scale of change is therefore judged to be medium scale due to a perceptible loss of woodland, trees and open farm land, change to areas of undulating landform and the addition of new features (buildings, access roads and bridge, parking areas, lighting and woodland and hedgerow planting) an area that is noted for mosaic of woodland, hedgerows and farmland with limited settlement. The level of effect at Operation Year 1 is judged to be moderate negative, significant as this will be a small scale, long term change within a regional value LCA.
- 8.20 In terms of the Colne Valley Regional Park, the ES considers the scale of change is judged to be small as views are glimpsed and intermittent in nature, not forming a feature in direct views. The level of effect during both Operation Year 1 and Year 15

is judged to be minor negative, not significant. At Operation Year 15 the level of effect is also judged in the ES to be positive because of the established woodland planting improving the landscape setting to the settlement of Maple Cross and screening views from the public rights of way.

- 8.21 The Chiltern District Landscape Character Assessment (2011) classifies the site as lying within LCA 22.2 'Chalfont St Peter Mixed Use Terrace'. Relevant characteristics include the elevated large-scale arable landscape with expansive views contrasting with undulating landform and woodland blocks (some of which are ancient). 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. Again, the ZTV indicates that the scheme may be visible from within LCA 26.3 (Colne Valley Floodplain) however it is not predicted to be affected due to intervening vegetation located between the Site and the LCA.
- 8.22 A number of other LCAs within the 3km study area are considered, but for a range of reasons, such as the presence of intervening vegetation or built form, it is not predicted they will be affected.
- 8.23 The Chiltern Hills Area of Outstanding Natural Beauty (AONB) is located approximately 1.8km to the north, and this landscape is valued at a national level. Whilst the AONB is within the ZTV study area, the submitted LVIA has established no intervisibility between the AONB and the site, and therefore direct effects on the special qualities of the designation are not anticipated as a result of development.
- 8.24 The Chilterns Conservation Board ('the CCB') raised no objection to the proposal on the grounds of impact to the Chilterns AONB; however, they raise a number of comments, including the point made about the value of existing open land within the wider setting of the designated landscape and the contribution that this makes to the AONB. The CCB accept that there is no intervisibility between the application site and the AONB landscape, nor is it considered to fall within the setting of the AONB. The topography and woodland cover affects the level of visibility between the two and the character and setting would not be adversely affected.
- 8.25 The Specialist consultants carried out a technical review of the submitted LVIA (Volume 1, Chapter 7 of the ES), and an appraisal of the main landscape and visual issues. It is considered that the submitted LVIA is compliant with the 'Guidelines for Landscape and Visual Impact Assessment' (3rd edition, 2013), and is sufficiently robust to allow an understanding of the likely landscape and visual effects of the proposed development.
- 8.26 The LVIA identifies that significant adverse effects would occur to a localised section of this character area, with harm arising from the loss of some key landscape

elements and introduction of artificial features associated with proposed built development. No significant effects are identified for adjacent landscape character areas. There are some differences in professional judgement, however this conclusion is broadly agreed with by specialist consultants.

- 8.27 Notwithstanding existing visual and audible impacts associated with the M25, which it is acknowledged do detract from the landscape qualities, the special qualities of the Chalfont St Peter Mixed Use Terrace LCA are considered to be the pockets of rural tranquillity, distinctive topography, open quality and long views across to the Colne Valley.
- 8.28 Clearly, the proposed MSA development would expand the area of built development away from the relatively narrow and contained M25 into the adjacent rural countryside. The proposed built form and all necessary associated development and infrastructure serving the MSA would have some negative effects on the Chalfont St Peter Mixed Use Terrace LCA. These effects would impact the undeveloped rural character, distinctive topography, pockets of tranquillity and openness of the LCA.
- 8.29 The negative effects on landscape character would extend beyond the scale of the site itself, and this is due to its position within the wider Colne Valley Regional Park, and its function as a transitional landscape between the edge of the Chilterns AONB and valley floor.
- 8.30 The open nature of the site and wider landscape character is what affords the open, long views over existing arable fields, specifically towards the Colne Valley, and this is referenced in the Chiltern Landscape Assessment, 2011. The site also forms a backdrop in elevated views from the eastern slopes above Colne Valley (i.e. from Harefield).
- 8.31 Taking these factors into consideration, the proposed MSA development and ancillary highways installations would diminish the open character and partially interrupt intervisibility between the site and the upper slopes above the Colne Valley around Harefield.
- 8.32 This will have a permanent and significant adverse effect on the landscape character of the site which is significant in ES terms. However, the ES concludes that the site is well contained and the residual effect on wider landscape character will not be significant as set out in the table below:

Table 1.5 – Summary of Residual Landscape Character Effects:

Receptor	Level of Residual Effect	Significance
Landscape Fabric: The site	Major negative	Significant

Colne Valley: Rickmansworth to Uxbridge LCA	Minor negative	Not significant
22.2 Chalfont St Peter Mixed Use Terrace LCA	Minor negative and positive	Not significant
Colne Valley Regional Park	Minor negative and positive	Not significant

Visual effects

- 8.33 The submitted LVIA has identified that significant visual effects would arise during construction for users of the three public rights of way along the edges of the site. There would also be significant visual effects during construction for the nearby Orchards site, users of Tilehouse Lane and open access land and public rights of way around Harefield, especially for the locally promoted viewpoint at the Old Orchard Pub. Significant effects for these locations would remain after completion of the proposed development, albeit reduced over time by proposed structural woodland planting. These judgements are not disputed by Specialist consultants.
- 8.34 A development of this scale, in this location will inevitably result in visual effects to some degree. The Specialist consultants recognise that proposed built development (i.e. MSA amenity building, hotel, fuel filling station and parking areas) located to the west of the M25 would be situated within a topographical depression and would be relatively well screened from the north and south, by the woodland backdrop. To the west there would be no views of the development beyond Denham Lane (and existing residential properties).
- 8.35 Views of the site from the surrounding area are limited from the north, south and west by mature woodland cover. Dense vegetation along Denham Lane and Bloom Wood screens views of the site from the residential edge of Chalfont St Peter to the west. There are few views of the site beyond West Hyde Lane to the north, Mopes Farm to the south and Denham Lane to the west.
- 8.36 Longer-distance views of the site are possible from the east, especially in elevated views from above the Colne Valley around Harefield – where the site forms part of the backdrop in views towards the edge of the Chilterns.
- 8.37 The site is visible from the M25 to the east and west with some areas screened by an existing cutting to the west.
- 8.38 In terms of key residential receptors, there would be close range views of the proposed development possible from the edge of The Orchards site, adjacent to the northern site boundary. These views would become increasingly filtered and

screened as proposed woodland planting matures over time. Regard has been paid to the cumulative effect with the permissions to extend the site, which is small scale and would not change the effects.

- 8.39 Footpaths: Major negative visual effects would be apparent from footpath CSP16/1 (between Bloom Wood and the M25), where there would be close-range views of the proposed facilities building and the large expanse of hardstanding for parking. Long-range views from the northern footpath across the M25 towards the Colne Valley would be interrupted.
- 8.40 To the east of the M25 the proposed highways infrastructure would have a greater visual impact than the built development itself, which is due to the sloping nature of the land and the relatively open character on the eastern side.
- 8.41 Close-range views of the proposed development would be experienced from the public bridleways along the eastern boundary (Old Shire Lane) and southern boundary (South Bucks Way), leading to major negative effects during construction and before maturation of the proposed planting. The proposed highways infrastructure would be a dominant feature from these view points.
- 8.42 To the east of the M25, there would be views of the proposed development from the edge of Maple Cross. Longer-range views (2-3km distance) would be available from higher ground on the opposite side of the Colne Valley and open access land and public rights of way around Harefield. From the locally promoted viewpoint across the Colne Valley at the Old Orchard Pub, Harefield (viewpoint 6b in the LVIA), there would be views of the proposed fuel filling station, raised earthworks, overbridge and access road with lighting columns. Moderate negative and significant effects are predicted.
- 8.43 The existing M25 is clearly visible in views from the east, however its visual impact is reduced by being enclosed within a cutting along the majority of its length in this location. In contrast, the proposed highways infrastructure to serve the proposed MSA - including access roads, lighting columns, earthworks and overbridge - would rise above the level of the existing motorway and appear more prominent. The highways infrastructure to serve the development would still be visible above proposed woodland even at Year 15 after planting (illustrated by Figure 7.16.2 in the LVIA).

Table 1.6 – Summary of Residual Visual Effects:

Receptor	Level of Effect	Significance
Users of the public rights of way between Chalfont Common and Maple Cross	Minor negative and positive	Not significant

Users of public rights of way on the edge of Maple Cross and community at Maple Cross	Minor negative and positive	Not significant
Users of public rights of way and open access land and community at Harefield	Moderate negative and positive	Significant
Visitors to recreational areas and local viewpoint at the Old Orchard Pub, Harefield.	Moderate negative and positive	Significant
Users of public rights of way at South Harefield	Negligible	Not significant
Users of public rights of way at Old Shire Lane and travellers on Tilehouse Lane	Minor negative and positive	Not significant
Users of public rights of way through the northern edge of the site	Minor negative and positive	Significant
Local community at the Orchards Site	Minor positive	Not significant
Users of public rights of way along the eastern and southern edges of the site	Moderate positive	Significant

- 8.44 In summary, there would be moderate significant adverse visual effects to the Orchards traveller site, due to its close proximity, which would be reduced over time and the residual effect by year 15 will no longer be significant due to the established woodland planting along the northern edge of the site.
- 8.45 There would moderate significant adverse visual effects to users of the three public rights of way along the northern, southern and eastern edges of the site, and slopes above the Colne Valley around Harefield, during construction, and operation year 1, and the residual effects by year 15 the effects will remain significant negative, with some positive changes to these views as a result of established woodland planting.

Night time visual effects:

- 8.46 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.
- 8.47 Paragraph 180 (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.
- 8.48 A Lighting Assessment is provided in support of the application, this forms part of Chapter 7 of the ES (Landscape and Visual), but is also a consideration within Chapter 8 of the ES (Ecology). An addendum to the Assessment was also provided (November 2019).
- 8.49 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.
- 8.50 Potential landscape effects on the landscape fabric of the site attributed to the installation of lighting have been identified during construction and operation phases.
- 8.51 Potential landscape effects on Landscape Character Areas (LCA) have been identified during construction and operation phases. This includes LCA Colne Valley: Rickmansworth to Uxbridge LCA, as well as 22.2 Chalfont St Peter Mixed Use Terrace Area LCA. The addition of lighting to these LCAs is not entirely fitting to this landscape character. Additionally, direct effects as a result of lighting during both the construction and operation phases are identified for the Colne Valley Regional Park. The change to the landscape is judged to be small scale and geographically this will relate to a small extent of the wider Regional Park.
- 8.52 Potential visual effects on a number of visual receptors, attributed (in part) to lighting associated with the proposed development are identified, including users of public rights of way and from viewpoints identified in the LVIA.
- 8.53 The significance of these effects (which in part can be attributed to lighting) on landscape fabric, landscape character and potential visual effects will be reduced over time, and by operation year 15, as a direct result of proposed landscape mitigation becoming established. This mitigation will include new woodland planting,

and will result in some positive effects. Notwithstanding this, significant visual effects would remain for some key receptors.

- 8.54 It is considered that proposed lighting columns in combination with highways infrastructure, large-scale earthworks, overbridge, and access roads would form locally dominant features in views from the nearby bridleways. Lighting columns would be visible from certain agreed viewpoints.
- 8.55 Lighting columns serving the proposed development would be above the height of the M25, and as such would appear more prominent. This will result in some additional clutter and would still be visible above proposed woodland mitigation even at year 15 after planting.
- 8.56 A technical note was subsequently submitted to aid the assessment of night time views. Within this note judgement has been reached concerning the predicted scale of change and level of overall effect that may arise from artificial light emitted during construction and operation phases. These effects vary depending on location, and include minor negative effects, not significant effects, major significant effects and moderate significant effects (both negative and positive). Whilst these judgements are broadly agreed it is difficult to agree that any form of artificial light can be characterised as resulting in a 'positive' effect – even taking into account the influence of woodland becoming established at year 15 after planting.
- 8.57 The proposed woodland planting would largely filter the majority of light, but there would inevitably be some reflected light visible above the canopy, especially from more distant and elevated locations such as The Old Orchard Pub at Harefield (Viewpoint 6b). From here, the scheme would be seen against a predominantly dark backdrop (albeit behind lighting columns along the M25, which are strongly downlit). The majority of lighting from the main facilities site and parking areas would not be directly visible in views from east of the M25, but there would be some reflected glow and illumination from proposed highways infrastructure.
- 8.58 Low level lighting columns proposed as a security measure along part of the length of the proposed multi-user route between Denham Lane and the site will be confined to a short length of this route (within the application site only, not on adjacent land). This is illustrated on the Community Land Indicative Proposed Mitigation and Enhancement Masterplan and reflected in the updated Public Rights of Way Strategy (April 2020). Given the small area that this lighting will be confined to, the low level nature of the lighting columns and the fact the backdrop to this will be the wider MSA site, this is not considered to give rise to significant effects on the landscape or to ecological conditions. This is a detailed matter that can be controlled through imposition of condition in any event.
- 8.59 Subject to the imposition of conditions and s106 obligations requiring full details of proposed external lighting and other relevant frameworks/strategies, it is considered

external lighting of the operational development of the MSA would have a negligible effect in terms of potential impact from obtrusive light on sensitive receptors and location.

Conclusion on landscape character and visual effects

- 8.60 The proposed development, which includes embedded mitigation, would result in significant adverse effects to the landscape fabric of the site, and landscape character of the Chalfont St Peter Mixed Use Terrace area, during construction.
- 8.61 During operation year 1 there will be significant effects on the character of the landscape, which will reduce over time in terms of the wider landscape character. By operation year 15 it is judged there will be a significant effect on the landscape fabric of the site.
- 8.62 There would be moderate significant adverse visual effects to the Orchards traveller site, due to their close proximity. By operation year 15 the visual effects on the local community at the Orchards Traveller site will no longer be significant due to the established woodland planting along the northern edge of the site.
- 8.63 There would be moderate significant adverse visual effects to users of the three public rights of way along the northern, southern and eastern edges of the site, and slopes above the Colne Valley around Harefield, during construction, and operation year 1. However, by year 15 the effects will remain significant as well as a negative, as there will be some positive changes to these views as a result of established woodland planting.
- 8.64 Overall the impact on landscape character and visual effects of the development are afforded significant negative weight in the balance.

9.0 Agricultural land

Core Strategy Policies:

CS4 (Ensuring that Development is Sustainable)

- 9.1 The NPPF, at paragraph 170 b) notes the benefits of protecting the best and most versatile agricultural land (BMV). The footnote to paragraph 171 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”. In assessing the effects of the development on agricultural land it is necessary to have given consideration to the Agricultural Land Classification (ALC), devised by Ministry of Agriculture Fisheries and Food (1988). This is the standard method used for determining the quality of agricultural land.

- 9.2 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 classed as non-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.
- 9.3 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'.
- 9.4 The proposed development due to its location will result in the permanent loss of existing agricultural land.
- 9.5 The application site covers approximately 59.52ha, of which approximately 46.8ha is agricultural land comprising medium scale arable agricultural fields. The applicant's ALC assessment concludes that some two thirds (approximately 30ha) of land within the application site is ALC subgrade 3b (non-BMV), with a third (approximately 16ha) of the agricultural land within the site ALC grade 2 and subgrade 3a. So a third of the land is classified as BMV, and the preservation of such land is recognised as being beneficial, as per paragraph 170 of the NPPF. Remaining land comprises wooded areas, the M25, its verges and embankments – all unsuited to agricultural use.
- 9.6 The applicant's classification of ALC has found that one third (approximately 16ha) of BMV agricultural land would undergo a permanent change to non-agricultural use. The applicant considers that this loss is less than the 20ha where any loss above this would be deemed significant, therefore, whilst the proposed development would result in the permanent loss of BMV, as this loss is less than 20ha, its loss is not considered significant by the applicant. This would be a residual effect, as no mitigation is proposed in the form of re-provision of agricultural land.
- 9.7 While noting the applicant's view of this matter, it is considered that the loss of agricultural land is considered to be low to moderate in the context of the wider provision of BMV in the locality. The development would result in loss of BMV agricultural land which would be afforded limited to moderate negative weight. The permanent loss of 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; this can be dealt with through a planning condition(s).

10.0 Highway Safety, Transport and Access

Core Strategy Policies:

CS4 (Ensuring that Development is Sustainable)

CS25 (Dealing with the Impact of new Development on the Transport Network)

CS26 (Requirements of New Development)

Local Plan Saved Policies:

GC1 (Design of Development Throughout the District)

TR2 (Highways Aspects of New Development Throughout the District)

TR3 (Access and Road Layout)

TR11 (Provision of off-street Parking for New Development)

TR15 (Design of Car Parking)

TR16 (Parking and Manoeuvring Standards)

10.1 Paragraph 104 of the NPPF states that planning policies should:

“e) 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.”

10.2 Footnote 42 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. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).”

10.3 Paragraph 108 of the NPPF advises the following:

“In assessing specific applications for development, it should be ensured that:

- 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”*

10.4 Paragraph 109 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.”

10.5 Core Strategy policy CS25 says that where feasible, ensure that planned development will not adversely impact on the transport network. There should be an assessment of the impact new development can have on the transport network,

including public transport, traffic flows, air quality, accessibility levels and road safety.

- 10.6 Core Strategy policy CS26 sets 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”

- 10.7 The policy also says 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”

- 10.8 Saved 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.

- 10.9 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.
- 10.10 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.
- 10.11 Further guidance is set out in Circular 02/2013 – *The Strategic Road Network and the Delivery of Sustainable Development*, which deals with the provision of roadside facilities (i.e. MSAs).
- 10.12 The accompanying ES 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 The scope of the TA (including the TA updates) has been informed by pre-application engagement with the Council as Highway Authority (at the time it was Buckinghamshire County Council that acted as Highway Authority) and Highways England. Scoping discussions were held with these stakeholders through the request for a Scoping Opinion that was submitted on behalf of the applicants, to Chiltern and South Bucks District Council, in October 2018.
- 10.14 Baseline conditions were established on the motorway network as well as the local highway network, the walking and cycling network. This also took into account High Speed 2 (HS2), which is proposed to pass the site from a north-west to south-east direction (and vice versa), to its eastern boundary, east of the M25. Further information on the relationship of the site to HS2 works is covered elsewhere in this report.
- 10.15 Baseline traffic flows for the M25 were obtained from WebTRIS and used to establish baseline conditions, this looked at annual average traffic flows, daily flows, vehicle

speeds, HGV percentages and personal injury collisions (over the last available 5 year period).

- 10.16 With the agreement of Highways England, microsimulation modelling was considered to be the most appropriate tool to assess the traffic impact of the proposed development. This tested base year and opening year scenarios, and identified effects resulting from construction and effects resulting from operation.
- 10.17 Proposed access to the site is to 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 southbound 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 northbound carriageway. Access across the M25 will be via a single overbridge 'loop' to allow vehicles from the southbound carriageway of the M25 to access/exit the MSA.

Impact on the Strategic Road Network (SRN): Highways England position:

- 10.18 Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the SRN. Highways England works to ensure that the SRN 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.
- 10.19 Highways England 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.
- 10.20 It is relevant to note that Highways England has worked with the applicant during the pre-application stage, planning application stage and met with key stakeholders. An appropriate transport evidence base was produced to demonstrate that the proposed development is deliverable and that the safe and efficient operation of the M25 is not compromised. A formal (final) consultation response was received from Highways England in November 2020, the main areas of consideration by Highways England are addressed below.

Departures from DMRB Standards:

- 10.21 The Design Manual for Roads and Bridges (DMRB) contains information setting out the current standards relating to the design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom.
- 10.22 Due to the existing constraints (land fill site and woodlands) that surround the site, the applicant has had to design three aspects of the proposed slip roads to a lower standard than is set out in the DMRB. Due to this, the applicant had to apply to the

specialist Safety, Engineering and Standards team (SES) within Highways England for the requested departures to be reviewed and, if considered safe, approved.

- 10.23 Based on the information provided it was possible for Highways England to approve the submitted departures, subject to requirements. It was agreed by the SES team at Highways England that the level of residual risk associated with these departures is likely to be as low as reasonably practicable.

Stage 1 Road Safety Audit:

- 10.24 The MSA proposals have been subject to a Stage 1 Road Safety Audit (RSA1) and a follow-on Stage 1 Road Safety Audit Addendum (RSA1A). No significant impacts that would prevent the development from taking place on road safety audit grounds have been identified by Highways England at this preliminary stage. As the proposals are developed towards detailed design, they will be subject to further Road Safety Audits which will be dealt with as separate highway approvals.

Denham Lane MSA Secondary Access (including Security Framework and PROW):

- 10.25 When the application was initially submitted there was no rear vehicular access proposed to the MSA. Highways England 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.
- 10.26 The current policy on MSA rear accesses is set out within the DfT Circular 02/2013, "The Strategic Road Network and the Delivery of Sustainable Transport" which states:

"ACCESS TO THE STRATEGIC ROAD NETWORK B23. In order to avoid the creation of unofficial road junctions there must be no through connection to the associated motorway or all-purpose trunk road. Where subsidiary accesses may be approved they will be restricted to staff, deliveries, parties carrying out duties for and on behalf of the Secretary of State for Transport, the emergency services, and breakdown recovery and assistance."

- 10.27 As this application has progressed, the position of no rear access has changed to one of including some provision for MSA employees to walk and cycle to the MSA from the local road network, with the aim of reducing the need for employee car trips to the site as per NPPF sustainable principles. The applicant and Thames Valley Police (TVP) also agreed on the provision of a rear vehicular access via Denham Lane which would enable TVP to drive through to the MSA car park at the front of the site, therefore avoiding having to travel to site via the M25 in the case of an emergency on site they needed to attend to. This would effectively create a vehicular through

connection between Denham Lane and the M25, which is contrary to policy B23 set out in the DfT Circular 02/2013, stated above.

10.28 During the course of application Highways England, the applicant and TVP discussed potential layouts and security measures to prevent an unauthorised through connection being created – this resulted in the submission of a Security Framework by the applicant. The rear vehicular access from Denham Lane will only facilitate access for TVP vehicles to a point close to the edge of the MSA site. Given Circular 02/2013 policy, there will not be a through connection to the MSA site. Notwithstanding these discussions and advice received from Highways England on the aforementioned DfT policy, TVP have submitted an objection to the application in its current form, stating: “The amended Security Strategy has removed the unrestricted vehicular access previously provided for the emergency services across the site, again leaving some areas only accessible from the M25 carriageway.” Highways England provided a separate response in October 2020, which re-confirmed the current policy in Circular 02/2013 in relation to utilising a subsidiary access.

10.29 Highways England recommend 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 B23 of the DfT Circular 02/2013. Highways England 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.

Merge/Diverge on the M25 - VISSIM Modelling:

10.30 Since the issuing of the updated Transport Assessment (TA) (Revision C) on 29th November 2019, Highways England has been working collaboratively with Arup (applicant’s Highways Consultant) to agree the assessment of the proposed development on the SRN. This work has included a detailed consideration of the ability of the proposed modelling methodology to robustly replicate the baseline motorway conditions and therefore to assess the impact of the proposed scheme. During the reviews of the modelling by Highways England it became increasingly apparent that the applicant’s VISSIM model was not reliably replicating the baseline conditions on the SRN.

10.31 Highways England then agreed with the applicant that merge/diverge assessments be undertaken in accordance with DMRB CD122 ‘Geometric design of grade separated junctions’ (formerly TD 22/06, TD 39/94, TD 40/94).

10.32 The updated TA (Rev D) and ES (Second Addendum) were then subsequently submitted to the LPA in August 2020 to reflect this agreed approach.

- 10.33 No objection is raised by Highways England to the proposed development, subject to appropriate conditions being secured, as set out in it's formal response.

On-line vs Off-line locations

- 10.34 Paragraph's B13 and B14 of Circular 02/2013 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, Highways England has a preference for new MSA facilities at on-line locations – there is a clear preference for on-line sites. 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 local highway network

- 10.35 An important point to note is that when operational, visitors to the MSA travelling by vehicle will only be able to access/exit the site from the M25. There will be no secondary vehicular route that connects with the local highway network, save for an emergency only access route from Denham Lane which is only for use of TVP. 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.
- 10.36 The local Highway Authority remains concerned about the retention of this secondary access from Denham Lane, however the position of TVP in seeking this is also noted. On balance, this can be accepted, on the basis this is solely for use by TVP for operational purposes.
- 10.37 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 it is a requirement that the detailed Security Framework/ Management Plan, that the applicant will be required to operate in accordance with, be secured through any s106 agreement. This will include provisions for on-going monitoring of the Management Plan.

Construction Strategy and Access

- 10.38 Access to the construction site will need to be agreed in advance with the relevant Highway Authorities (Buckinghamshire Highway Authority and Highways England). During the initial construction phase a temporary construction access route is anticipated as being required from Denham Lane, to the application site. This access will utilise an existing field access to Denham Lane, which Buckinghamshire Highway Authority has advised would need to be upgraded prior to the commencement of works, to ensure that it is suitable to accommodate the number and type of vehicle movements anticipated during this period. Buckinghamshire Highway Authority is of the view that satisfactory visibility splays can be achieved from the temporary construction access, subject to recommended conditions.
- 10.39 The proposed temporary construction access route includes sufficient passing bays to allow for the ease of access by construction vehicles.
- 10.40 At this stage, it is anticipated that construction traffic using this will be limited to the use of the existing local road network for access, for a defined period of 12 weeks 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 'Outline Construction Strategy Plan' 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 (c.12 weeks).
- 10.41 Construction traffic has not been forecast, although given that Average Daily Traffic (ADT) on the motorway at 169,298 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 will be negligible.
- 10.42 No objection to this Strategy has been raised by Buckinghamshire Highway Authority, however, as the local road network is residential in nature it is necessary that a comprehensive Construction Traffic Management Plan (CTMP) be secured, agreed prior to commencement and adhered to during construction in order to minimise the impact on the local road network and residents. A condition to this effect is recommended requiring approval prior to the commencement of development.

Parking

- 10.43 Local Plan policy TR16 relates to parking standards for new development, however it does not set out specific parking standards for MSA development. 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.

- 10.44 During the course of the application, the Buckinghamshire Highway Authority sought further clarification about staff parking provision. It has since been advised that once operational the development is expected to generate c.425 staff (340 full-time), which is a comparable number to the Cobham MSA. It has been confirmed this provision will fall within overall total parking and is not within any allocated location. This arrangement is acceptable to the Buckinghamshire Highway Authority, and has been demonstrated to operate at other MSA locations, and can be managed by the operator in a way that is suitable for the development. In any event a condition is recommended that will require approval of a Car Park and Servicing Management Plan.
- 10.45 In the absence of any adopted local parking standards for this form of development, Circular 02/2013 is the point of reference for assessing adequacy of parking provision. Annex B 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.
- 10.46 In accordance with the Circular (Annex B) the minimum number of parking spaces required for a new MSA between junctions 16 and 17 of the M25, as set out in the submitted Transport Assessment (TA), is 1000 spaces. This figure is inclusive of the requirements for all types of vehicles that would typically visit an MSA (including cars, HGVs, coaches and caravans). These are minimum standards, however, and paragraph B28 of the Circular states that *“levels of provision may be adjusted to reflect local conditions through a process of site-specific negotiation”*. It is the responsibility of the site operator to justify and departure from parking standards.”
- 10.47 The applicant proposes additional parking spaces modestly above the minimum number required, as per Circular 02/2013. This increase in provision is to ensure the car park operates effectively and efficiently, and seeks to future proof the development against future traffic growth on the M25. Were such an approach not be taken, then potentially any such future traffic growth on the M25 would lead to increased pressure for light vehicles to park on site. Or could result in drivers not stopping and choosing to continue on with their journey, increasing risk of a fatigued related accident. This future proofing approach, and increased provision of on-site parking addresses NPPF paragraph 127(a), which says *“developers should ensure that a development functions well over its lifetime and not just in the first few years”*. It also recognised as being good practice for MSA design, and gives flexibility for things to evolve during the lifetime of the development.
- 10.48 For the reasons set out above, in order to future proof the development over its lifetime, the proposed development includes provision for up to 1030 light vehicle parking spaces, an additional 30 spaces. Within this quantum there will be provision for electric vehicle charging points (active and passive charging points), and disabled parking spaces.

- 10.49 The application proposes electric vehicle charging provision, there is a commitment to provide up to a minimum of 20 active spaces and a minimum of up to 100 passive spaces to meet future demands. This level of on-site provision will assist in promoting sustainable travel opportunities. This level of provision is to be secured through planning condition.
- 10.50 A future proofing approach has also been taken with regards to the level of HGV parking provision on site. A 2017 Department for Transport report, '*National Survey of Lorry Parking*' identified a severe shortfall in provision for HGV parking at MSAs in the south-east region, resulting in high levels of off-site parking. The current gaps in MSA provision on the west side of the M25 corridor have a significant impact on the lack of suitable HGV parking. It is predicted that future growth on the M25 is only likely to increase pressure for suitable HGV parking spaces. The proposals therefore allow for future growth that can be accommodated within the proposed development parameters of the site.
- 10.51 In accordance with good practice, and to comply with relevant policy, to satisfy Circular 02/2013, and to account for growth over the lifetime of the development (paragraph 127(a) of the NPPF) the application proposes up to 200 HGV spaces, instead of the calculated need for 114 spaces. Highways England fully supports the extra on-site HGV provision, recognising this will meet an urgent need for additional HGV parking in the south-east region, and that this level of provision will help prevent problem HGV parking from occurring within the site and on the wider network. This is a benefit of the proposed development.
- 10.52 No objections are raised to parking provision, with a condition recommended that will allow parking up to the maximum provision as set out below:
- Light vehicle parking: up to 1030 spaces (including 5% disabled bays)
 - Caravan parking, motorhome and trailer: up to 22 spaces
 - Motorcycle parking: up to 22 spaces
 - Coach parking: up to 18 spaces
 - HGV parking: up to 200 spaces
 - Abnormal load: up to 1 space
- 10.53 During the consideration of the application concerns were raised by Chalfont St Peter Parish Council about the potential for increased visitors to the Community Land, and a subsequent increase in vehicles to the site. The concern being that the proposed enhancements to the Community Land could increase visitor numbers to the extent that this would give rise to increased parking along Denham Lane and other nearby roads, and result in problematic overspill parking on street in the surrounding area.

10.54 In response to this, the applicant undertook a parking beat survey (December 2020) to establish baseline on-street parking conditions. Survey data showed evidence of sufficient spare parking capacity on-street, and they also used the most appropriately available, and closest comparable TRICS database data to show expected trip generation to an amenity area/facility, comparable to the Community Land. Highway Officers reviewed this information and accepted the parking survey results, and felt that, given minor upgrades are proposed to the land, the applicants have sufficiently demonstrated that there are not grounds for new parking. As a safeguard against any possibility in the future of parking issues, planning obligations are proposed to be secured to mitigate against this, and have been agreed in the draft s106. These obligations would secure the requirement for a Highways Monitoring Scheme (5yrs) and a Highways Monitoring Contribution, to assist the Council in assessing whether a Traffic Regulation Order might be required in the future to manage on-street parking.

10.55 Cycle parking will be provided on-site, and this ties in with proposed Travel Plan measures to promote sustainable travel opportunities. A minimum of 40 cycle parking spaces will be secured through condition, alongside further details of motorcycle parking and disabled vehicle parking provision.

Trip generation

10.56 Trip generation impacts on the local highway network will be minimal, as once operational there will be no form of secondary access onto the local road network from the MSA for the public to use (other than the aforementioned TVP restricted emergency use only access from Denham Lane). For the currently estimated period of 12 weeks, and during this initial phase of construction some construction trips will use the local road network, as discussed.

10.57 There are predicted to be an average of 950 staff trips per day by car and an average of 450 delivery and servicing trips per day. 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 16 and 17 is 169,298. Employee shift patterns will also be relevant to this and they are addressed under the heading of 'promoting sustainable travel opportunities' below.

10.58 From this it is calculated that magnitude of increase in ADT due to the proposed development, once operational, is approximately 0.8%. The effect of the increase in traffic is considered 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.

10.59 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.

Off-site highway works

10.60 Off-site highway works will include the provision of a new crossing point on Denham Lane, close to the junction of Joiners Lane and where footpath CSP/16/1 is accessed. As well upgrading of a section of footpath CSP/16/1, close to where this joins with Denham Lane. These off-site works have in principal support from the Buckinghamshire Highway Authority, and the final details will need to be finalised under a Section 278 works agreement with the Highway Authority.

Promoting sustainable travel opportunities

10.61 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.

10.62 Three public bus routes serve Chalfont St Peter, and the nearest bus stops to the development site are in Copthall Lane, some 1.25km to the west. The closest rail station to the site is Gerrards Cross, some 2.75km to the south-west.

10.63 As referred to above, associated with the MSA, once operational c.425 staff are expected, with 340 full-time positions. 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 23:00 hours, the next busiest period is estimated to generate 102 staff (24%).

10.64 The location of the proposed MSA and the likely shift working patterns mean that it is inevitable there will 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:

- Improved pedestrian and cycling connections to and from the application site, and Denham Lane (as set out in the Right of Way Strategy);
- Organisation of promotional events such as 'walk to work' days or weeks;
- Distribution of maps to staff illustrating safe walking and cycling routes to relevant locations;
- Provision of secure and covered cycle parking spaces (and shower, changing and storage facilities);

- Provision of cycle training where requested, organisation of promotional cycle events and encourage the formation of a bicycle user group;
- Once the recruitment proceeds the catchment of staff home location will become apparent, and when this is known the operator will consider the feasibility of providing a staff minibus service to facilitate access to work;
- Encourage car sharing by promoting 'CarShare' or similar car sharing schemes;
- Effective car park management, with the Travel Plan Co-ordinator (TPC) responsible for issuing staff with parking permits;
- Emphasis on local recruitment (through the Employment Strategy) will maximise the opportunities for accessing the site by sustainable modes;
- Distribution marketing and awareness literature to staff, with personalised travel planning information; and,
- Appointment of a TPC, who will be responsible for the day-to-day implementation, monitoring and review of the travel plan initiatives.

10.65 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.

10.66 Final 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 are to be submitted to the Council, 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.

Accident / Collision data

10.67 Within the TA accident/collision data has been considered on the M25, between junctions 16 and 17 over a five-year period (2013 to 2017). This was the most recent data available at the time. The data shows accidents are more concentrated around the junctions, where the number of lane changing movements increases. Notably

though, in the junction 16 to 17 section of the M25, where the proposed MSA will be located, the concentration of accidents is lower. The data analysis also shows that the section of the M25 between junctions 16 and 17 carried consistently high volumes of traffic, with little variation throughout the year. Junction 16 is deemed to be outside the weaving influence of the proposed MSA junction, as such this location is considered unlikely to be affected by the proposal.

Public Rights of Way

- 10.68 The applicant has put forward an improvement strategy for the network of definitive rights of way that currently cross through land within the application site and through the land identified as the 'Community Land'.
- 10.69 There are currently two bridleways and one footpath through the above-mentioned land. The footpath is towards the northern end of this land crossing it in a broadly east-west direction (Denham Lane to Chalfont Lane). The bridleways are largely on the perimeter of the land on its east and south sides – one of the bridleways crosses under the M25 through an underpass. The bridleways are also used as footpaths. There are no formal cycle routes through the land.
- 10.70 For the most part, the rights of way are unsurfaced and rural in character, with little signage or way marking. The underpass is considered to be uninviting, overgrown and poorly lit. Along parts of the bridleways, there is overgrown vegetation that makes it likely to be impassable by horse riders.
- 10.71 The applicant describes the existing rights of way as valuable, with public consultation confirming these as popular and well used by local dog walkers and people, as well as occasional cyclists, giving access to the countryside, linking settlements and 'promoted routes'.
- 10.72 The applicant has proposed improvements to the existing rights of way. These are put forward following:
- Local consultation with the local community, highway authorities and representatives from the Colne Valley Regional Park.
 - A review of existing published policy and improvement plans on matters such as transport, sustainable travel, rights of ways and green infrastructure.
- 10.73 The proposals comprise of:
- An upgrade of the footpath at the northern part of the land to bridleway, with a permissive access trail provided as a loop.
 - New pedestrian and cycle route from Denham Lane to the MSA.

- Multi-user definitive right of way connecting the M25 underpass (and wider bridleway network from the existing bridleway within the land) to Denham Lane, creating a circular route and links to Chalfont St. Peter and the wider network of rights of way.
- New permissive right of way links on the 'Community Land' to provide walking loops to the definitive rights of way.
- M25 underpass enhancement such as vegetation clearance, welcoming entrances, surfacing, lighting and a community art project.
- A financial contribution towards the cycle way west ('North Orbital Route contribution').
- A financial contribution towards community information related to promoting recreational and education use of the 'Community Land'.

10.74 There will be new signs, wayfinding and site furniture to help with legibility, accessibility and interpretation across the rights of way network.

10.75 Lastly, it should be noted that an overbridge to the motorway was discounted for a number of reasons most notably it would not be suitable for horse riders, the existing underpass would benefit from improvements as it is well used, and on grounds of user experience and accessibility issues. It was considered that the investment would be best spent on the proposed improvements.

10.76 The range of measures proposed will also 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.

Summary on Highway Safety, Transport and Access

10.77 It has been demonstrated that the proposal is not in conflict with paragraph 109 of the NPPF or any relevant development plan policies. 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 Highways England 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.

10.78 During construction works, and for a temporary period only the local road network would need to accommodate construction traffic, via Joiners Lane and Denham Lane. Local roads of this nature would not be suited to accommodating construction traffic for the duration of the project, however as 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.

- 10.79 Overall, it can be concluded that the proposal will be acceptable 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.

11.0 Ecology, Biodiversity and Arboriculture

Core Strategy Policies:

CS24 (Biodiversity)

CS32 (Green Infrastructure)

Local Plan Saved Policies:

GC4 (Landscaping Throughout the District)

TW3 (Resistance to Loss of Trees Covered by a Tree Preservation Order Throughout the District)

TW6 (Resistance to Woodland Throughout the District)

NC1 (Safeguarding of Nature Conservation Interests Throughout the District)

- 11.1 Core Strategy policy CS24 aims to conserve and enhance biodiversity. Core Strategy policy CS32 aims to identify, protect and enhance strategic green infrastructure assets.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 Paragraph 170 of the NPPF emphasises the importance of development that contributes to and enhances the natural and local environment, with paragraph 170

(d) emphasising the importance of minimising impacts and providing net gains for biodiversity.

11.6 Paragraph 175 of the NPPF sets out a number of principles to be applied when considering applications affecting habitats and biodiversity.

11.7 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”.

11.8 In terms of national designations, the nearest to the site is Bloom Wood, which lies adjacent to the site and is identified as Ancient Semi Natural Woodland (ASNW). The Mid-Colne Valley SSSI is located approximately 1.5km to the south east, Old Park Wood SSSI is approximately 2km to the north east and Northmoor Hill Local Nature Reserve (LNR) is approximately 1.6km to the south east. All of these are situated outside of the survey area.

11.9 The ES considers that no direct impact will occur to the aforementioned SSSIs, LNR, or the ten Local Wildlife Sites that are within 2km of the site. Burnham Beeches Special Area of Conservation (SAC) is located 8.7km away and will not be adversely impacted by the proposed development.

11.10 The following Phase 1 Habitat Surveys were undertaken in December 2016 and further updated in October 2018:

- Arboriculture survey
- Badger survey
- Bat surveys
- Hazel dormouse survey
- Great crested newt survey
- Reptile survey
- Wintering birds survey
- Breeding birds survey
- Invertebrates survey.

11.11 Habitat losses as a result of construction will 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, veteran tree and species rich hedgerows). This will result in minor adverse effects.

11.12 Direct removal of supporting habitats can adversely impact valued species. Potential effects have been predicted for certain receptors during the construction and operation phase, including badgers, bats, great crested newts, breeding and wintering birds and invertebrates.

11.13 No significant adverse impacts have been identified, however minor effects have been identified to the following receptors:

- Mid Colne Valley SSSI
- Bloom Wood ASNW
- Habitats (Broadleaved woodland, mature trees and species rich hedgerow)
- Veteran trees (construction phase only)
- Badger
- Bats
- Great crested newt
- Wintering and breeding birds
- Invertebrates.

11.14 Mitigation should be used to reduce any adverse impacts, this can include mitigation by design and any additional mitigation required.

11.15 Mitigation by design has ensured the proposed development is located outside areas of native and ancient woodland. Appropriate buffers are proposed to be maintained to reduce indirect adverse effects. Avoidance of natural grassland habitats associated with the former landfill sites has also been taken into account.

11.16 Additional mitigation measures include a series of proposals to ensure that any adverse effects are minimised.

Badger

11.17 To mitigate for disturbance principally during the construction period, and to minimise the likelihood of accidental harm to existing badger setts the construction locations will avoid all retained setts by at least 50m. A badger proof post and wire fence will be installed around the perimeter of the proposed development to minimise the potential for badgers to get onto the site and suffer injury/mortality. Compensation for reduction in the extent of habitats which would otherwise be suitable for sett creation includes the creation of new artificial sett, together with strengthening the hedgerow network. Protected Species Mitigation Licenses will be required for the removal of six active, secondary badger setts, required to be removed to enable the development to take place.

Bats

- 11.18 Notwithstanding that no roosts have been identified within the study area, impacts during construction could be experienced due to loss of foraging and commuting habitats. During the construction phase site lighting will be carefully orientated to minimise light trespass into sensitive habitats. No known bat roosts will be lost as a result of development, however as roosts are transient in nature compensation is proposed for the loss of potential roost features in existing mature trees. In the order of 30 artificial bat boxes are proposed, such details can be secured through condition in the form of an Ecological Management and Mitigation Plan (EMMP).

Great Crested Newts

- 11.19 Mitigation and reasonable avoidance measures will 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 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.

Birds

- 11.20 Mitigation proposals to minimise disturbance of nesting birds and direct losses of active nests will be necessary. Timing restrictions will need to be imposed upon the clearing of breeding habitats, such that these habitats will not be cleared during the period March – September inclusive.
- 11.21 There will be a reduction in available nesting habitat for birds, especially those associated with arable farmland. The landscape and planting enhancement proposed overall, particularly to land west of the M25, will result in a large net increase in hedgerows and new woodland and new ponds. These will result in a net increase in habitat for many bird species. A number of artificial bird boxes will be provided on site to compensate for lost nesting habitat, and this will be secured through the EMMP condition.
- 11.22 Some habitat loss will result, and this is unavoidable. Losses will include c.2ha of broadleaved woodland, approximately 1200m of species rich hedgerow and a single veteran tree. Land west of the proposed development will be restored to historical hedgerow pattern, with a combination of meadow creation and less intensively farmed arable land. Land east of the M25, which currently comprises open habitats will be planted with new linear woodlands, and new meadow habitats in open areas. This will help contribute to biodiversity benefits overall through a net benefit of

habitats and linear features (i.e. hedgerows). Through the use of conditions any ecological management and mitigation measures can be secured.

- 11.23 New woodland of approximately 13ha will be planted. This will include native species and the planting strategy seeks to maximise ecological connectivity where possible, including to the nearby areas of ancient woodland. There are no losses of ancient woodland, and no significant adverse effects predicted during construction or operation. A Management Plan for the on-going management of Bloom Wood will be secured as an obligation in any s106 agreement, which will deliver enhancement to this existing ancient woodland resource. The measures to be secured through the Management Plan will also, in part act, as compensation for the loss of a single Veteran Tree on site.
- 11.24 Approximately 5000m of new species rich native hedgerow is proposed, primarily on land west of the M25. The aim is to restore historic hedgerow networks and field patterns.
- 11.25 Some six new ponds, in addition to a larger lake, will be provided to the rear of the proposed facilities building. The lake has been designed principally as a recreational feature, however, it will also bring about ecological benefits. These features will contribute towards biodiversity gain on site. Further details would be brought forward as part of any future Reserved Matters application to address Landscaping matters.
- 11.26 The ES states that implementation of the habitat creation measures set out in the Illustrative Landscape Design, combined with off-site habitat creation and enhancement measures, will result in a biodiversity net gain of 35.8%. A net gain will also be achieved in terms of hedgerow creation and enhancement measures.
- 11.27 Natural England (NE) were a statutory consultee on biodiversity matters for this proposal. NE have advised that they raise no objection on ecological grounds, as they consider the proposed development will not have significant adverse impacts on designated sites or protected landscapes. NE also consider the proposal will not damage or destroy the interest features for which the site has been notified, and has no objection on these grounds.
- 11.28 NE agrees that there will be no likely significant effect on Burnham Beeches SAC, due to the distance between the proposed development and the designated site. The proposal will not result in changes to hydrology, or in increased visitor pressure at Burnham Beeches. NE is satisfied that there will be no detrimental impact on air quality at Burnham Beeches as a result of the proposed development. There are no mitigation measures proposed to mitigate/compensate for the proposed

development's effect on the SAC (which NE are in agreement with), and therefore no 'Appropriate Assessment' under the Habitat Regulations is required.

- 11.29 Potential air quality impacts on ecological receptors have also been taken into account. Bloom Wood is most susceptible to changes in NO₂ concentrations as a result of development. The assessment has factored this potential impact in. The assessment has considered potential significant effects on nitrogen disposition, due to vehicles using the proposed MSA parking areas. This assessment has been carried out in accordance with Natural England standard practices.
- 11.30 The opening/future year scenario have been predicted for both 'with development' and 'without development'. Contributions of nitrogen deposition of more than 1% of the relevant critical loads for nitrogen deposition would occur at Bloom Wood. However, this exceedance is based on a future worst case scenario of the car park at full and continuous capacity. Whereas, the reality is the MSA car park will never be fully occupied at all times, meaning that any nitrogen deposition as a result of the car park can reasonably be assumed to be less.
- 11.31 Ecology Officers are satisfied that the presence of protected and notable habitats and species has been given due regard. A condition is recommended requiring updated protected species surveys to be provided at appropriate times.
- 11.32 The Ecology Officer recommends a number of conditions be secured in the event of approval, which includes the requirement for a Construction Environmental Management Plan (Biodiversity), EMMP, a lighting scheme for light sensitive wildlife and further details to demonstrate net gains in biodiversity.
- 11.33 There are no outstanding objections from NE or the Ecology 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 s106 planning obligations.
- 11.34 As outlined above some habitat loss will result, and this has been avoided where possible but where it has not then mitigation and compensation have been proposed.
- 11.35 With the detailed mitigation / compensation measures proposed, no significant residual impacts are predicted to arise from the proposed development. Key receptors identified (i.e. Bloom Wood) will not be significantly impacted by the proposed development in advance of mitigation, and mitigation is proposed in any event which will ensure that impact is acceptable. The ES identifies substantial benefits will be enabled by the future Management Plan for Bloom Wood ancient

woodland and proposed enhancement of the retained habitats to the west of the proposed development (i.e. the Community Lands), which will further help to ensure a net improvement in biodiversity value overall.

- 11.36 In terms of biodiversity net gains to be achieved this will be a benefit, and accord with 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 Community Land. Therefore, further off-site mitigation through an offset provider is not necessary. Moderate positive weight should therefore be attributed to the biodiversity net gain in the planning balance.

Arboriculture (Trees)

- 11.37 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.
- 11.38 Local Plan policy GC4 is of relevance where the tree population is affected.
- 11.39 There are no protected trees on or immediately adjacent to site.
- 11.40 The tree survey work assessed a total of 427 individual trees, eleven tree groups, seven woodlands and nineteen hedgerows on, and immediately adjacent to, the site.
- 11.41 Following the survey, 9% of the individual tree population was classified as category 'A', 53% were classified as category 'B', 36% were classified as category 'C' and 2% were classified as category 'U'. Category 'U' trees are considered to be of poor quality and category 'C' trees are those of low quality.
- 11.42 In terms of combined tree groups and woodlands, 5% were classified as category 'A', 89% were classified as category 'B' and 6% were classified as category 'C'. None of the groups or woodlands were classified as category 'U'. Note, the surveyed hedgerows were not allocated a quality category, as BS:5837 does not include a methodology for the categorisation of hedgerows.
- 11.43 The presence of Ancient Woodland and Veteran Trees on or immediately adjacent to site was assessed, as referenced elsewhere within this report.
- 11.44 It is identified that the proposed development would result in the loss of 50 trees, 3 tree groups, 1 woodland and 9 hedgerows (including partial removals). The majority of trees, groups and hedges requiring removal are low quality category 'C', with only 14 category 'B' items and 1 category 'A' requiring removal. Category 'A' tree (T247 Ash) will also have to be removed to facilitate the development. This tree has been identified as a Veteran Tree, therefore it has a higher conservation value under the NPPF than the other trees proposed for removal. Additional compensation for the

loss of T247 is proposed. The filled hulk (timber) is to be kept in one piece and re-located elsewhere on site to provide a deadwood habitat.

- 11.45 Large scale new native woodland planting is also 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. These measures align with the NPPF in respect of lost Veteran Trees 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.
- 11.46 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.
- 11.47 The Tree Officer advises that there are few trees within the application site, and that there are more important trees around the boundaries of the site. The proximity of ancient woodland is noted, as are, two small areas of woodland close to the central part of the south-western boundary. One appears to be a small chalk dell with several old trees and the other is a young plantation on the top of a hill.
- 11.48 Nearby public footpath and bridleway routes are noted to contain banks, old hedgerow vegetation and some old trees.
- 11.49 Much younger tree growth, some planted and some natural, is observed adjacent to the M25 and along the various embankments. Proposed access arrangements are considered to avoid most of the more important trees on site. However, these access arrangements would require the loss various young trees along the edge of the M25, an older oak T179 and the young plantation on the western side of the M25, W4, which would be just beside the proposed roundabout and drainage basin. The Illustrative Masterplan shows considerable new tree planting in this vicinity which should compensate for this loss.
- 11.50 The indicative layout for the main part of the proposed MSA suggests that the ancient woodland and the boundary planting on the northern edge of the site should not be affected by the proposal. The old dell area with its various mature trees is shown for retention and so is the major part of the main hedgerow remnant along the track from Warren Farm to the east towards the pond on the western side of the M25. This part of this hedgerow is shown for removal including oaks T265, T266 and T268 around the proposed hotel area, and so is the line of prominent ashes T245-249, including the Veteran Tree T247, in the valley area closer to the M25. Some parts of vegetation beside the north-south track are also shown for retention.
- 11.51 The overall loss of trees either as a result of construction or to make way for the proposed development is considered negligible. Compensatory woodland and tree

planting is proposed. Generally, it appears that the proposed access arrangements should not involve the loss of many important trees, though one Veteran Tree is proposed to be removed, the effect of which would be minor adverse. However, the proposed retention of the felled hulk and the compensatory measures proposed that are in line with Standing Advice on loss of Veteran Trees, will provide sufficient compensation. Proposed replacement planting to compensate for tree loss will be secured through planning conditions and the future woodland management will be 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. This attracts neutral weight in the overall balance.

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

Core Strategy Policies:

CS4 (Ensuring that Development is Sustainable)

CS20 (Design and Environmental Quality)

CS32 (Green Infrastructure)

Local Plan Saved Policies:

GC1 (Design of Development Throughout the District)

- 12.1 The application has been submitted in outline form with illustrative masterplan and parameter plans indicating the layout, scale and appearance (matters reserved for subsequent approval) of the proposed development. The illustrative details relating to appearance of the buildings (i.e. design and materials envisaged) that have been submitted are detailed. This level of detail for an 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.
- 12.2 Policy CS20 of the 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.

- 12.3 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 124 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”*.
- 12.4 NPPF paragraph 127 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 131 it states that *“in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability”*. The National Design Guide is also a material consideration.
- 12.5 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 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. 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 woodland to reduce visibility. Detailed MSA layout integrations with existing site valley landscape and using landscape ‘spine’ through the parking area to portray a ‘valley landscape’.
 - Restrict building heights and the amount of structures to minimise changes to views across the Colne Valley.
 - Retain woodlands and tree groups to provide screening and to maintain key features in the landscape.
 - Proposed wooded copse to mitigate the loss of a small wooded copse feature.
 - Enhanced connectivity.
 - User experience.
 - Integrating the buildings into the landscape.
 - Limit visibility of the scheme in relation to Chalfont St Peter and sensitive views across the Colne Valley.
- 12.6 The supporting documentation advise that the proposed MSA development has been intentionally designed and located along the existing valley to the north of the site,

this affords a low setting for the buildings and parking areas, thereby helping to reduce visibility from the wider landscape. The proposed building design and landscape strategy, with significant new woodland planting proposed around the site will further reduce visibility, helping in terms of integration with the existing landscape.

- 12.7 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.
- 12.8 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 western side of the M25 will serve vehicles visiting the MSA that are exiting and leaving the M25 on the southbound side. A fuel filling station (FFS) is to be located close to the main entrance and exit points from the site, also located to the west of the M25. The main MSA facilities building and hotel are to be located to the north-western part of the site. Situated in between the FFS and the main amenity building and the hotel 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 car use, coaches, caravan / motor homes / trailers and HGV use. The HGV parking area is located furthest away from the buildings, and is situated in the northern parking area (directly to the west of the M25).
- 12.9 The Illustrative Masterplan provides a landscape strategy with sufficient detail about the extent of proposed landscape enhancement. 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. However, the planting would not fully restrict the views of the development from the three footpaths crossing the site, and some long-range views from the slopes above the Colne Valley (e.g. the Old Orchard Pub at Harefield).
- 12.10 The illustrative scheme shows the creation of a landscaped strip through the centre of the parking area to reference the existing ‘valley landscape’ of the site, nevertheless under the proposed development the undulating landform would be extensively remodelled to create a level platform which removes the original valley feature. Though, the existing topography is beneficial in that it allows for the built form to be sited in such a way its impacts on the landscape are reduced.
- 12.11 Apart from a single landscape spine, there is no commitment within the Parameter Plan to the use of landscape to break up the parking area between the motorway and

facilities building. As a result, the appearance of the development, from certain viewpoints would be dominated by hardstanding. As landscaping detail is to be considered at reserved matters, there is scope to re-visit the detailed landscape approach in this regard.

- 12.12 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.
- 12.13 The most significant buildings on site are the MSA facilities building and the linked hotel connected by a shared double height glazed entrance. The proposed location for these and the illustrations provided demonstrate a facilities building that is set within the existing valley landscape, designed with a flowing, undulating curved roof, and this is evident in the indicative cross sections and associated presentation material.
- 12.14 The supporting DAS advises that this form of 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. Green roof details can be secured via planning condition to ensure the design, specification and proposed maintenance regime is appropriate.
- 12.15 Details submitted in the DAS demonstrate that the materials palette envisaged at this stage will 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) will 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 will give the effect of the roof appearing to float above the building.
- 12.16 The illustrations indicate the proposed MSA facilities building is to be connected to the hotel by a curved roof and a central glazed entrance, which is to serve as an atrium internally. This double height glazed space will allow views through to the landscape, lake and valley beyond. The northern section of the hotel building is to be treated with simpler elevations, also with flint and timber predominantly, and a flat

roof (also illustrated as being treated with a green roof). A similar architectural approach, and materials palette is proposed for the Fuel Filling Station (FFS), albeit with a different, simpler roof design that is more functional and suited to the use. This approach to external materials will 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 and connected hotel can be sympathetic to the local context with sensitive materials palette, and can be designed to be locally distinctive.

- 12.17 In terms of 'Scale', the Parameters Plan establishes maximum building heights. A maximum building height of 13.5m is proposed for the facilities building and hotel, with a maximum height of 7m proposed for the FFS. The maximum parameters would be controlled via planning condition, which would ensure that what detailed proposals comes forward at Reserved Matters stage do not conflict with the assessment already carried out.
- 12.18 The proposed facilities building has been informed by the anticipated visitor numbers associated with this busy stretch of the M25. It is intended that an MSA of this size will allow it to continue to function well over the lifetime of development and when peak visitor numbers are experienced.
- 12.19 Two possible overbridge structure options to the motorway were considered at the outset. Option one being a two span deck bridge with pier column supports, with option two being a single span overbridge. Due to construction practicalities and wanting to have least impact on the motorway, it is intended that the overbridge tied arch design option will be pursued at reserved matters stage.
- 12.20 Subject to appropriate conditions being imposed to agree the layout, scale, appearance and landscaping, slab levels, materials and lighting, the development would comprise an appropriate form of design in accordance with the development plan policies. It is considered that this factor should be afforded neutral weight in the planning balance.

13.0 Residential Amenity

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

GC7 (Noise Generating Developments)

- 13.1 Local Plan Policy GC3 refers to the protection of amenities throughout the

former District. 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 The closest residential properties to the site are located on West Hyde Lane and The Orchards traveller site lies immediately to the north east of the site off Shire Lane, west of the motorway. Mopes Farm lies approximately 0.2km to the south west of the site, with the edge of Chalfont St Peter lying approximately 0.5km west of the north western boundary of the site.
- 13.3 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 it is considered 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.

Noise

- 13.4 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.
- 13.5 Paragraph 180 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.
- 13.6 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 levels can be recognised.
- 13.7 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. Subsequent ES Addendums have also re-considered noise impacts following other scheme changes and updates to the TA.

- 13.8 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;
 - Noise from the proposed MSA (i.e. external plant noise); and
 - Potential effect of existing and proposed noise sources on the proposed noise sensitive receptors at the MSA (i.e the proposed on site hotel).
- 13.9 Current ambient and background noise levels were established at proposed and existing receptor locations. These locations are:
- The Orchards site – 10m north.
 - Aviary Cottage, Denham Lane – 330m south west.
 - Warren Farm, Denham Lane – 330m west.
 - Pipwood Kennels and Cattery, West Hyde Lane – 225m north west.
 - Beech House, West Hyde Lane – 85m north west.
- 13.10 Baseline daytime noise levels from each of the sensitive receptor locations were recorded to assess the significance of earthworks construction phase noise. 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.
- 13.11 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 resting and sleeping for bedrooms. These noise levels will be used to determine the need for mitigation in bedrooms at the proposed hotel.
- 13.12 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.

- 13.13 The earthworks and construction phase activities have the potential to generate short term increases in noise levels above recommended levels. It is therefore recommended that mitigation measures be put in place that will reduce the scale of the potential effect. Mitigation is also recommended to safeguard against construction vibration.
- 13.14 The proposed MSA is not considered to be a significant trip generator of vehicles, as visitors will already be travelling on the M25. Any additional trips from staff will not be significant and any effects on sensitive receptors negligible.
- 13.15 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. vehicle movements, 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, with slight exceedance above the background sound level at others. This is also the case for noise at night time. The level of exceedance is not considered to be significant.
- 13.16 Mitigation measures are recommended for the sensitive receptor (ESR1 – The Orchards Site) located closest to the HGV parking area.
- 13.17 Mitigation for the proposed hotel is recommended in relation to glazing specification. This will attenuate existing road traffic noise in order to meet internal noise guideline levels in bedrooms.
- 13.18 Mitigation measures will be required to reduce the potential effect of noise levels generated by the construction phase (including from vibration) at existing receptor locations in the vicinity of the site. This can be secured by planning condition (i.e. to ensure best working practices are employed for the duration of construction phase).
- 13.19 Noise from the proposed MSA (in operation) and specifically the HGV parking area will exceed the background sound level at sensitive receptor location ESR1, and as such has the potential to cause a noise effect. To help mitigate the impact, a 3m close boarded fence is proposed along the northern site boundary adjacent to location ESR1; this will reduce noise to levels that are not considered significant.
- 13.20 No objection is raised by Environmental Health Officers to the potential noise impacts. 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, and further details of the construction programme and methodologies.

- 13.21 Appropriate mitigation secured by condition will avoid unacceptable avoidance of noise sensitive uses by the proposed development. Noise impacts attract neutral weight in the planning balance.
- 13.22 In summary, it is considered that the proposed development would not result in any significant loss of light, outlook, or overshadowing to, neighbouring properties. Although there will be some impact during the construction phase, conditions 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 local plan policies GC3 and GC7. It is considered that this factor should be afforded neutral weight in the planning balance.

14.0 Environmental issues

Core Strategy Policies:

CS4 (Ensuring that Development is Sustainable)

CS5 (Encouraging Renewable Energy Schemes)

Local Plan Saved Policies:

GC9 (Prevention of Pollution Throughout the District)

Contaminated land

- 14.1 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.
- 14.2 Paragraph 179 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.
- 14.3 In support of the application, a Phase 1 Geo-Environmental Desk Study and Phase II Geo-Environmental Investigation were carried out. This includes an assessment of the subsurface ground conditions beneath the site that may potentially impact upon and be impacted by the proposed development.
- 14.4 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 this involves three historic sites and a currently permitted inert site. Site investigations

have established the waste boundaries and no waste materials are present within the application site boundary.

- 14.5 ES Chapter 11 includes an assessment of likely significant effects of the proposed development on existing site conditions. This considers the impacts during the construction and operational phases. Having identified some potential impacts during both phases, through design and implementation of the mitigation this will 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.
- 14.6 In conclusion, the proposed development will not result in significant effects for ground conditions following implementation of the mitigation measures described in the ES. The Council's Environmental Health Officer has reviewed the relevant ES chapter, and technical documents. Based on these, no objection is raised, but planning conditions are recommended to safeguard against harm as a result of contaminated land. This attracts neutral weight in the planning balance.

Air quality impact

- 14.7 Paragraph 181 of the NPPF states that planning 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) and Clean Air Zones. Opportunities to improve air quality and or mitigate impacts should be identified. This site is not located within a designated AQMA.
- 14.8 Local Plan policy GC9 states that development likely to generate unacceptable levels of air pollution will not be permitted.
- 14.9 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. This was supplemented by an updated air quality technical note, submitted in conjunction with the second ES Addendum, factoring in some minor revisions to traffic scenarios presented in the TA. These changes do not alter the air quality predictions or any of the conclusions which have been presented in the ES, which are considered below.
- 14.10 Potential cumulative air quality impacts resulting from HS2 were taken into consideration. However, as the key civil engineering works of HS2 are expected to be

completed before any construction work would commence for the proposed development, the combined impacts have not been considered any further.

- 14.11 The closest sensitive receptors to the proposed development are identified to be the Orchards site, adjacent to the north, residential properties along West Hyde Lane (55m north west at closest point) and residential and industrial properties along Denham Lane (285m west and south west at closest point).
- 14.12 One ecological receptor, or potentially dust sensitive statutory designated habitat site is within 50m of future construction activities, this applies to Bloom Wood, which is adjacent to the north. The effect of the proposed car park to serve the MSA was considered in terms of its potential effect on Bloom Wood.
- 14.13 Users of the proposed MSA have not been modelled as proposed sensitive receptors as they would not be exposed to air quality conditions for long enough periods, stopping only for short periods of time typically to break up journeys on the M25.
- 14.14 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.
- 14.15 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.
- 14.16 The overall significance of the proposed development on air quality was assessed for both the construction phase, and the operation phase. As there are no demolition works required, the construction phase will entail earthworks, construction and trackout (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.
- 14.17 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.
- 14.18 The assessment predicts a negligible impact on concentrations of NO₂, PM₁₀ and PM_{2.5} at the existing sensitive human receptors, with the proposed development in place. Based on the factors considered, and in accordance with IAQM guidance the

air quality effect of the proposed development is considered to be not significant on relevant sensitive human receptors.

- 14.19 The assessment also took account of ecological receptors and their susceptibility to changes in NO₂ concentrations as a result of development. This is addressed earlier on in the report, in the 'Ecology, Biodiversity and Arboriculture' section.
- 14.20 Effective mitigation during the construction phase will reduce the potential for nuisance dust and particulate matter. It is recommended 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.
- 14.21 The impacts from the operational phase linked to road traffic emissions is predicted not to be significant for human 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 network and would be passing through. The Council's Environmental Protection Officer is of the view that, as there will be no public access from the local road network to the MSA site then during the operational phase the air quality impacts would be directly linked to the MSA site and The Orchards site. The impacts on these is considered to be negligible.
- 14.22 Pollutant concentrations with the development in place are below the relevant annual mean objectives and limit values at the receptors considered.
- 14.23 Mitigation of potential effects can be achieved through condition, namely the CEMP, as well as the CTMP to an extent, and furthermore the applicant is also committing to the provision of active and passive electric vehicle charging infrastructure on site.
- 14.24 To conclude, 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 will 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, it is considered the proposed will not lead to an unacceptable risk from air pollution, nor will it led to any breach of national objectives as required by national policy. Accordingly, neutral weight should be attached to the matter in the overall planning balance.

Sustainable design and construction

- 14.25 At the heart of the NPPF is a presumption in favour of sustainable development, and to achieve this development shall mitigate and adapt to climate change, and support

a reduction in carbon emissions. Chapter 14 of the NPPF contains relevant guidance on low carbon development.

14.26 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.

14.27 The application is supported by an Energy Statement as well as a Sustainability Statement.

Energy Strategy

14.28 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.

14.29 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.

14.30 The energy hierarchy has been followed when looking into the feasibility of viable renewable energy options to comply with Core Strategy policy CS4 and CS5 and the NPPF. There are four stages to the hierarchy that need to be considered in building/scheme design:

- Reduce energy use.
- Increase energy efficiency.
- Increase low and zero carbon technology.
- Use conventional energy.

14.31 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.

14.32 Potentially viable technologies that have been identified at this stage, and that could meet the requirements of Core Strategy policy CS5 are:

- Ground source heat pumps (GSHP).
- Air source heat pumps (ASHP).

- 14.33 The initial feasibility study has indicated that the size and proposed use of the site could 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, improved 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.
- 14.34 These technologies have been identified as potentially viable and effective enough to 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. However, more detailed feasibility work will need to be undertaken at detailed design stage (Reserved Matters). 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 policies CS4 and CS5 and the NPPF.
- 14.35 The proposed development will have provisions for low emissions vehicles, including electric vehicle charging points (both active and passive).
- 14.36 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 can be conditioned to ensure the proposed development is carried out in accordance with the energy strategy set out in the statement. The energy credentials attract neutral weight in the overall planning balance.

Waste and Recycling

- 14.37 Site investigation and geophysical surveys have been undertaken to ensure that no waste historic or permitted landfill site is present within the site boundary.
- 14.38 The aim is to achieve a neutral cut and fill balance, thus reducing the extent of earthworks required to be undertaken to facilitate development and to reduce the amount of material needing to be bought onto or off site. A Site Waste Management should be secured through condition.
- 14.39 It is considered that the development would accord with development plan policies and the NPPF. This is afforded neutral weight in the overall planning balance.

15.0 Flooding and drainage

Core Strategy Policies:

CS4 (Ensuring that Development is Sustainable)

Local Plan Saved Policies:

GC 10 (Protection from Flooding)

- 15.1 NPPF paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where appropriate, applications should be supported by a site specific flood risk assessment (paragraph 163) and when determining applications LPAs should ensure that flood risk is not increased elsewhere.
- 15.2 NPPF paragraph 165 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 15.3 Planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to, or adversely affecting, water resources (paragraph 170).
- 15.4 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.
- 15.5 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.
- 15.6 The 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. The Environment Agency (EA) through its consultation responses has raised no concerns with the proposal in this regard. Also noting, the majority of the site is mapped by the EA as “at very low risk of flooding from surface water”.
- 15.7 The site is located within 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.
- 15.8 ES Chapter 12, considers in depth the potential impact of the proposal on water resources, and this includes a Flood Risk Assessment (FRA). The siting of the development in Flood Zone 1, where risk of river or sea flooding is lowest, is in

conformity and means the site is sequentially preferable, as such a Sequential Test is not required.

- 15.9 To ensure the proposed development does not have any adverse off-site impacts and increases flood risk elsewhere, surface water runoff will 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 floor control drainage. Appropriately sized attenuation is to be provided across the site, with the attenuated water discharging to ground.
- 15.10 During the course of the application the Local Lead Flood Authority (LLFA) did seek further clarification in relation to the existing surface water flow route, the drainage strategy and raised a concern relating to ground water levels (each of these matters have since addressed by the applicant). Following the submission of additional technical information, the LLFA's position is one of 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.
- 15.11 Affinity Water did raise objection at the outset that the proposed development could exacerbate the risk of contamination at their abstractions for public water supply and has the potential to create pollutant pathways directly to the chalk aquifer. A Private Operator Agreement (POA) was sought between Affinity Water and the applicant to address their concerns related to risk of contamination of a public water supply source.
- 15.12 Following engagement over a period of months between Affinity Water and the applicant, the applicant has committed to undertaking ground water monitoring of the chalk aquifer, and this monitoring will specifically be looking at the proposed fuel filling station during its operation. Details of the monitoring system have been agreed with Affinity Water. It was confirmed by Affinity Water in December 2020 that they had completed a POA with the applicant and, for this reason are satisfied that these arrangements will provide them, as the appointed water undertaker, with a direct ability to ensure that sources of water that they use for public water supply are protected during any future development activity associated with the proposal. Affinity Water's objection was removed, though planning conditions are recommended.
- 15.13 Subject to planning conditions and s106 obligations being secured in relation to detailed drainage matters, and ground water monitoring there are no outstanding

flooding, drainage, groundwater matters. Neutral weight can be attributed to the matter in the overall planning balance.

16.0 Heritage (Conservation Area or Listed Buildings) and Archaeology

Local Plan Saved Policies:

LB1 (Protection of special architectural or historic interest of listed buildings)

LB2 (Protection of setting of listed buildings)

AS2 (Other Unscheduled Archaeological Remains Throughout the District)

- 16.1 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. Paragraph 194 of the NPPF transposes s66(1) and s72(1) of the 1990 Act in national planning policy. The balancing exercise to be performed, between any harm arising from a proposal and the benefits which would accrue from its implementation, is then subsequently presented in paragraphs 195 and 196 of the NPPF.
- 16.2 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 193 and 196 of the NPPF, as the Framework refers to 'significance' and levels of 'harm' to heritage assets.
- 16.3 A Heritage Statement and partial Geophysical Survey support the application. No designated heritage assets are located within the application site. The closest 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 Grade II Listed Buildings, and designated heritage assets. It is the view of the Council's Heritage Officer that, due to the topography of the land in this instance the development proposal is likely to result in little to no harm to the setting or significance of any nearby designated heritage assets. Any such, in accordance with the NPPF, the harm would amount to less than substantial harm at the lower end of the scale and this should be afforded great weight when weighed against the public benefits of the scheme.
- 16.4 Archaeology: Local Plan policy AS2 is of relevance to proposed development where there is the potential to affect archaeological remains. 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. The

Council's Archaeological Officer considers that the proposed development has a high potential to impact on buried archaeological remains and that due to the nature of the proposed works preservation in situ would not be practical. The significance of any archaeological remains within the proposed development site cannot be known until further investigation has been undertaken; a staged condition is recommended requiring the developer to secure appropriate investigation, recording, publication and archiving of results in order to satisfy paragraph 199 of the NPPF, and Local Plan policy AS2.

- 16.5 Cultural Heritage conclusion: there would be no harm to archaeology. There would be 'less than substantial harm' in NPPF terms, albeit this is at the lower end of the scale of 'less than substantial harm', 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 193. In accordance with paragraph 196 of the NPPF this harm must be weighed against the public benefits of the proposal and this exercise is undertaken later in the report.

17.0 Economic Benefits

Chalfont St. Peter Neighbourhood Plan (CSPNP):

Policy PW11 (Employment opportunities in the rural area)

- 17.1 CSPNP policy PW11 supports new employment in rural areas so long as they accord with policies in the Neighbourhood Plan and higher level policies. The NPPF (paragraph 80) 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 82 of the NPPF also states that "planning decisions should recognise and address the specific locational requirements of different sectors".
- 17.2 The proposed MSA development represents an investment of £150 million by the applicant, in addition a further £10 million investment will come from the applicant's established tenant partner operators. This level of construction investment will positively transmit through the local economy.
- 17.3 There would also be a positive economic and social impact in terms of employment opportunities, with it estimated that between 622 and 746 direct construction jobs will be supported during the estimated build time of 15-18 months. Once the proposed MSA is operational, then it is estimated that this will lead to the creation of 340 full-time equivalent staff working on site (includes part-time employment opportunities).
- 17.4 In addition, the applicant is developing a Local Employment Strategy, and this is to be secured as part of the s106 agreement. This Strategy will set out the applicant's

commitment to ensuring the proposal delivers lasting social and economic benefits, both during the construction period and once the MSA is operational; this will be achieved through the promotion of employment and training opportunities during construction and post construction. The commitments will cover procedures for details of employment opportunities and job vacancies, working with partner agencies (i.e. Job Centre Plus) to promote opportunities, apprenticeship opportunities, work placements, how opportunities will be targeted so that local people are able to benefit from these, as well as other measures. The Strategy will be developed and secured as part of the 106 agreement, with more certainty around commitments for the construction phase once a main contractor has been appointed.

- 17.5 The proposed hotel will serve an important safety and welfare need, providing the opportunity for drivers to stop and take longer breaks during their journeys. It is common practice now for hotels to be provided at MSAs. A Hotel Needs Case has been provided, which when it was carried out (June 2019) identified high occupancy rates of all hotels in the market area, suggesting there is no guarantee that drivers wanting to stop and take a longer break before carrying on their journey would find availability in locations off the M25. The assessment found that there would be limited capacity within the existing market to accommodate an MSA related demand, either on a 'fall-in' basis, or pre-booked. There is justification for an up to 100-bedroom hotel on site. Hotels are normally regarded as main town centre uses and sequential test applied. Given the distance to the village centre of Chalfont St Peter, it is considered that the proposal would meet a specific demand arising from the users of the M25 and not affect the vitality and viability of the village centre
- 17.6 The proposed MSA represents a major new employment opportunity, and there is full support for this from the Council's Economic Development Officer, subject to a Local Employment Strategy being secured that will ensure the benefits (direct and indirect) are captured for local people. Based on the longer term operational number of jobs, these economic benefits attract significant positive weight in the overall planning balance.

18.0 Accessibility:

Core Strategy Policies:

CS20 (Design and Environmental Quality)

Local Plan Policies:

GC14 (Access for Disabled People to Developments)

- 18.1 The NPPF, Core Strategy policy CS20 and saved Local Plan policy GC14 have been duly considered with the aim of making this a well-designed and inviting place for users. Accessibility for all users has been an integral part of this.

- 18.2 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.
- 18.3 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. Upper and lower floors are served by wheelchair accessible lifts.
- 18.4 In summary, there would be no concerns relating to access. The building and external areas have been designed to give suitable access for all users, and the internal environment achieves this also with level and step free access. This is neutral in the planning balance.

19.0 Healthy and safe communities

Core Strategy Policies:

CS4 (Ensuring that Development is Sustainable)

CS26 (Requirements of New Development)

CS28 (Retaining and Improving Leisure and Recreational Facilities)

CS29 (Community)

CS30 (Reducing Crime and the Fear of Crime)

Local Plan Policies:

GC1 (Design of Development)

- 19.1 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.
- 19.2 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 91 (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.
- 19.3 Community Land: It is proposed that a number of landscape, ecological and access enhancements are undertaken within the area adjacent to the application site, referred to as the 'Community Lands'. These off-site works are to be secured through

s106 agreement in the event of planning permission being granted, and would provide additional benefits. The enhancements include the creation of species-rich grassland on arable land, planting historic field boundaries with restored hedgerows, habitat creation and creating a management plan for Bloom Wood. There would be improvements to the Public Right of Way network that will also improve accessibility to the countryside for a range of users and will help to develop improved accessibility to the wider Colne Valley Regional Park. This package of landscape mitigation and enhancement will provide some social and environmental benefit of the proposal for the surrounding community, with this land being opened up for public access and contribute towards providing for healthy communities.

- 19.4 Crime and safety: Thames Valley Police (Crime Prevention Advisor) (TVP) initially objected, principally for the reason that, at that time, there was no provision for an emergency access to the site for police vehicles, and that they would have to access the M25 in order to access the site. It was requested that a controlled emergency route be incorporated. Other concerns were raised with regards to the number of pedestrian routes intended to connect to the site, and the wider community. TVP also considered that increased permeability could prove problematic from a crime and anti-social behaviour perspective.
- 19.5 Engagement between the applicant, TVP, Highways England and Buckinghamshire Highway Authority led to a secondary emergency access route being incorporated, utilising an existing historic agricultural track that is accessed from Denham Lane. This access is provided solely for use of TVP vehicles when responding to an incident at the MSA site, and access to this route, for this purpose will be strictly controlled. The emergency access has been designed so that a physical separation is created between the TVP access and the general parking areas and circulation roads within the site. This has been done intentionally to avoid the creation of a through route from Denham Lane to the M25. This is also a direct response to Highways England'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).
- 19.6 The Security Framework sets out various principles and measures/commitments on the part of the operator, all designed to prevent criminal activity occurring at the MSA site. There is further detail within the Framework on how the secondary emergency access will be a controlled access for TVP only.
- 19.7 Through this Framework a number of principles are established, that will help to reduce the potential for criminal activity on site, as required by Core Strategy policy CS30, and the NPPF. The Framework covers matters such as ensuring safe vehicular and pedestrian routes, the use of "cutting edge" CCTV technology across the site and controlled access for TVP vehicles from Denham Lane. The applicant is also agreeable to a s106 contribution to benefit TVP, towards the provision of ANPR cameras

covering entry and exit points onto site. This contribution, together with the Security Framework and the on-going commitment to its implementation during the lifetime of the development are agreed as draft obligations in the draft s106 agreement.

- 19.8 TVP remain concerned that the controlled secondary emergency access will result in some areas only being accessible to vehicles from the M25, and that this will affect their ability to respond to incidents at the site. From an operational perspective, TVP has requested unrestricted access through to the site for TVP vehicles. Noting Highways England's position, which is one of trying to prevent unofficial through routes onto the M25, TVP believe the provision of robust security measures would be sufficient to address this. The arguments presented did not persuade Highways England to alter from their position.
- 19.9 The Security Framework is put forward on the basis that the secondary emergency access for TVP to use provides no through route from Denham Lane to the M25. The operational and highway safety considerations related to secondary/subsidiary access to serve an MSA, re-affirmed by Highways England in this case outweigh the concerns raised by TVP.
- 19.10 The measures/commitments set out in the Security Framework that cover both the MSA site and the adjoining Community Land can be secured through s106 agreement.
- 19.11 Overall, the community land provision would represent some benefit to which limited weight is attributed. Crime and safety should be afforded neutral weight in the planning balance.

20.0 Aviation Safety

Minerals and Waste Local Plan:

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

- 20.1 Denham Aerodrome is approximately 1.3km south east of the proposed MSA site. The Aerodrome is an operational general and business aviation airfield and has both a fixed wing and a helicopter flight training school.
- 20.2 A number of detailed and technical grounds for objection have been raised on the Aerodrome's behalf as indicated below. The overview position adopted by the Aerodrome is that the planning application has not considered the implications for the safety of operations at the Aerodrome which they contend is contrary to national planning policy. These grounds for objection are supported by the General Aviation Awareness Council (GAAC), who made separate representations to support the Aerodrome's objection.

- 20.3 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. 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).
- 20.4 Summary of Denham Aerodrome’s position:
- 20.5 Over the course of considering the application, a number of representations on behalf of Denham Aerodrome, have been received that raise objections to the proposed development. These disagree with the findings/conclusions reached in aviation safety reports that were commissioned separately by both the applicant and the LPA.
- 20.6 In relation to the safeguarding of operations at the Aerodrome, the main points of concern and objection are as follows:

Table 1.7 – Aerodrome’s grounds of objection

Grounds of Objection	Amplification of Grounds of Objection
The application takes no account of Denham Aerodrome	“The planning application fails to give any consideration to the presence of Denham Airport which lies less than 2km to the south east of the application site. The aerodrome’s traffic circuit lies to the north and is above the application site. It is clear that the applicant has taken no account of the Aerodrome Safeguarding referred to above.”
Activities at Denham Aerodrome have not been taken into account	“Denham Airport is a very active site with a range of aviation activity including business aviation, flying training, aircraft maintenance, charter and sales.” “As a result of its location and the constraints of development in the vicinity, the routes for the arrival and departure of aircraft as well as the flying training circuit are now defined very precisely and very tightly.”
Impact on the ATZ and flight safety	“An Air Traffic Zone (ATZ) is a defined area of airspace set aside for the protection of aircraft flying in the vicinity of an aerodrome.”

“An aerodrome traffic circuit is a standard flightpath used by aircraft to fly to and away from the runway in use at an aerodrome. It is also used repetitively for training and it is therefore an area of intensive aviation activity.”

“Given the location and orientation of the runway, the dimensions of the ATZ, and the performance of aircraft that typically use Denham Airport, avoiding the proposed motorway service area would not be possible. The runways and ATZ cannot be moved, and the aircraft flight patterns associated with the runways cannot be moved. Thus these aviation safety concerns bear on the principle of the proposed development.”

“Over the many years of operation of the Airport, emergency forced landings have taken place in the fields downwind including the area of the proposed MSA. One example took place in 2007: a Cessna 152 suffered an engine failure and the instructor carried out a forced landing into one of the fields that are included in this application.”

“Currently the area is fairly open with few significant obstacles to avoid, including the motorway and nearby pylons. If the proposed application were to go ahead and the large area developed, the task of the pilots would be made much more difficult. It would be much harder to identify a suitable space to carry out a successful forced landing. Due to the comparatively low height of the aircraft in the circuit it might not be possible to glide clear of the developed area”.

“Air accidents are relatively rare and generally arise from combinations of events.”

“If the proposed development were to go ahead, emergency forced landings would be much more difficult to carry out successfully and injury to or fatality of the occupants in the aircraft would be more likely. The proposed development would significantly affect an

	<p>important aspect of overall aviation safety, and would compromise the safety of flights.”</p> <p>“Also, while the area remains undeveloped there is a relatively low risk of third parties being involved, but if development takes place which introduces people into the area then the risk of third parties being involved in an aircraft accident rises.”</p> <p>“The proposed development would unacceptably compromise air safety. The maintenance of air safety is an important public interest and a material planning consideration.”</p>
The applicant’s alternative sites analysis	“The absence of any assessment of the Airport undermines any confidence that could be placed in the Aerodrome Safety Assessment (ASA).”
The applicant’s policy analysis	“The omission of consideration of policy of relevance to General Aviation again undermines confidence in the Aerodrome Safety Assessment (ASA) and the Planning Statement and its policy analysis.”
The agent of change principle:	“Paragraph 182 of the NPPF states: ‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”
Inclusion of a hotel	“Circular 02/2013 does not require a MSA to include an hotel. In respect of this application, the hotel would be tantamount to residential development which would be

	highly undesirable in the open area to the north of the Airport.”
Alternatives to the application site	“The Applicant’s ASA is a helpful document in that it has assessed a relatively large number of other sites. It is clear from the analysis that other sites could accommodate this development and would provide comparable benefits to those set out in support of this application. This is not the only available site.”
Conclusions	<p>“The proposed development would adversely impact on the operations of Denham Airport and of air safety associated with activity at the site.”</p> <p>“The ASA should be reviewed and amended in a transparent way so as fully address the constraint posed by the long established Airport so as properly to judge the suitability of the application site.”, and “should give more detailed consideration to a site at Junction 20 of the M25 motorway”</p>

- 20.7 The initial objection letter was supplemented by a further letter (13 September 2020) drawing attention to the scale and nature of the employment at Denham Airport and its significant contribution to the local economy.
- 20.8 The timeline of representations submitted on behalf of Denham Aerodrome, including reports by its Aerodrome Aviation Assessor, Eddowes Aviation Safety Ltd., which maintain their objections to the proposed development is as follows:
- 7 January 2020 - Letter in response to the first round of re-consultation undertaken by the LPAI in December 2019. This maintained the Aerodrome’s initial objections and referred to two appeal decisions referred to which confirm that aviation safety is a material consideration for the planning authority.
 - 14 February 2020 - Denham Aerodrome’s initial response to the report submitted by the consultancy firm, Cyrrus, on behalf of the Applicant. The conclusions of this report were challenged by the Aerodrome.
 - 2 March 2020 - Denham Aerodrome responded to a report by the consultancy firm, Alan Stratford and Associates commissioned by the LPA (as discussed below). It welcomed the criticism of the Cyrrus work and noted that Alan Stratford and Associates did not assert there would be no impact on

aviation safety. However, the Aerodrome's Aviation Safety Assessor, drew attention to technical failures in the work of Alan Stratford and Associates.

- 20 May 2020 – Letter to confirm no aviation safety issues in relation to a proposed MSA at Iver Heath.
- 28 August 2020 - Full aviation safety assessment by Eddowes Aviation Safety submitted to the LPA. The assessment concluded that “the concerns raised by the operator of Denham Airport on the basis of their initial qualitative considerations are very much legitimate ones.’ but it did not specifically state that the aviation safety risk on operations at Denham Aerodrome was unacceptable.
- 21 September 2020 – In response to the second round of re-consultation undertaken by the LPA in September 2020, it was noted that the Planning Statement was updated to make reference to consideration of aviation safety. Nevertheless, the Aerodrome continued to object to proposed development.
- 25 November 2020 – The Aerodrome indicated that it was currently considering the updated report of Alan Stratford and Associates (October 2020) and intended to comment further.
- 8 April 2021 – Letter received from Springfield Planning on behalf of Denham Aerodrome stating that the Aerodrome considered that the updated report of Alan Stratford and Associates “had underestimated the risk and the severity of the loss of the MSA site to aviation safety” and that they had commissioned a further report from Eddowes Aviation Safety (enclosed with letter).

20.9 The Committee should note that Bickerton's Aerodromes Limited, the owner and operator of Denham Aerodrome has been granted Rule 6(6) status by the Planning Inspectorate for the scheduled upcoming Public Inquiry (due to open in August 2021). They will be a participating party at the appeal.

20.10 In response to the concerns raised by the Aerodrome in their initial objection letter, the applicant commissioned a specialist aviation consultant, Cyrrus, to carry out a review of the implications of the proposed development on aviation safety, specifically the implications on the operations at Denham Aerodrome. The Cyrrus report noted the following:

- The application site would be situated within the Denham Aerodrome Traffic Zone (ATZ). ATZs are not intended as a control measure for ground activities rather they safeguard a volume of airspace intended to protect aerodrome traffic from other airborne traffic in the local area.
- The visual circuits associated with the Aerodrome fly close to the application site. As a result, the site could potentially be used for an emergency forced

landing, although there are a number of other options (fields) potentially available.

- That forced landings are not a regular occurrence.
- The safety concerns of Denham Aerodrome are not justified and subject to relevant Safety Management Systems of each organisation considered a stakeholder at the Aerodrome.
- Although Denham Airport is a CAA Licenced Aerodrome, the Obstacle Limitation Surfaces specified in CAP168 and CAP738 which are a requirement of its licence are not infringed by the proposal.

20.11 Cyrrus concluded there are no grounds upon which to conclude the proposal would adversely impact on the operations of the Aerodrome and of air safety associated with activity at this site.

20.12 The LPA also commissioned its own independent aviation consultants, to advise on this matter, who provided an independent assessment of the possible safety risk for aviation operations at Denham Aerodrome as a result of the proposed MSA development. This confirmed that the Aerodrome is unofficially safeguarded, by the submission of a safeguarded map with the former Chiltern District Council. Prior to undertaking its analysis, the consultants requested certain key statistical data from the Aerodrome (e.g. the number of annual flight movements, runway usage, circuits flown). Despite a further request by the consultants, this data has not made available by the Aerodrome, nor is it referred to in their own aviation safety assessment (by Dr Eddowes).

20.13 The initial report of Alan Stratford and Associates (February 2020) provided an overview of Denham Aerodrome and the proposed MSA, reviewed the submissions made relating to the operational safety issues at Denham Aerodrome by the Cyrrus Associates (on behalf of the developer) and by Spring Green Planning and the General Aviation Awareness Council (on behalf of the Aerodrome) and made its own assessment of the safety risks.

20.14 The key conclusions reached were:

- All flights, including those in the vicinity of the Aerodrome, need to take account of the possible landing site options in the event of an emergency forced landing.
- Statistically, emergency forced landings are most likely to occur as a result of engine failure in a single piston engine fixed wing or helicopter, although there can be other causal factors. These aircraft types are regularly used for training and for private use at Denham Aerodrome.

- The proposed MSA site is technically within the range of possible (but not necessarily preferred) gliding options for a forced landing during certain phases of flights at or around Denham Aerodrome.
- The suitability of land available for a forced landing and its consequent severity in terms of possible fatality/injury is dependent on range of factors including whether it is open land or a wooded area, the slope of the land and whether there are any buildings or other obstructions.
- The land available for a forced landing during certain phases of flights at Denham is compromised to some extent by the HS2 works currently taking place. Studies undertaken by DfT have indicated that the aviation safety risk posed by the HS2 viaduct adjacent to the Aerodrome can be regarded as acceptable. Certain fields near to the MSA site are also currently being used for the storage of construction materials for HS2. Although these fields could not currently be used as alternative option to the MSA site for a forced landing, it is anticipated that they would become available once HS2 construction is completed.
- Given the flight paths at the Aerodrome, aircraft would need to be at a height of at least 500ft either following take-off from Runway 30 or within the circuit in order for the MSA site to be within gliding range for a forced landing. At this height there are other potentially suitable landing site options within gliding range.
- A traditional risk assessment methodology used in the aviation industry, such as that recommended by the Civil Aviation Authority in CAP 760 was applied to evaluate the safety risk. This takes account of the likelihood of a forced landing during flight and its severity in terms of possible fatality or injury to the aircraft occupants or to people on the ground. On this basis of the CAP 760 risk assessment, the likelihood/severity of a forced landing is defined as 'Remote/Major'. This risk classification requires review by the Aerodrome but should be regarded as acceptable provided the risks have been mitigated as low as reasonably possible (ALARP). The same risk level for a forced landing applies whether the MSA is built or not.

20.15 In view of these findings, Alan Stratford and Associates concluded that the proposed MSA would not constitute an unacceptable safety risk to operations at Denham Aerodrome.

20.16 An updated report was provided by consultants in October 2020 to take account of further representations received on behalf of Denham Aerodrome since their initial report was written. This reiterates the finding and conclusions of its earlier February 2020 report, with the following updates/differences to note:

- Using Dr Eddowes' analysis, the consultants identified a number of feasible alternative landing options dependent on the stage of the take-off on Runway 30 or during the circuit when the engine fails and is noticed by the pilot.
- The likelihood/severity of a forced landing remains 'Remote/Major'. The risk of a hazardous forced landing is only marginally increased if the MSA is built so the overall safety risk of a forced landing at the aerodrome would still be classified as 'Remote/Major'.

20.17 Alan Stratford and Associates remain of the view that the proposed MSA would not constitute an unacceptable safety risk to operations at Denham Aerodrome, and the Aerodrome that the continue to operate safely if planning permission for the MSA were to be granted. In particular, they note that the risk of a forced landing where the MSA site might possibly be an option only apply for a comparative small proportion or phase of flights at Denham. Furthermore, if the MSA were to be built, the LPA's consultants consider that pilots would instinctively avoid this area altogether and would choose to glide to an alternative landing area. In these circumstances, the consultants consider that the risk of a catastrophic accident at the MSA itself would be very small.

20.18 It should be noted that Alan Stratford and Associates has not completed its response to the second report by Eddowes Aviation Safety submitted in April 2021. This report provided some comments on reports provided by the LPA's consultants and included some further analysis of the safety risks although, as in their earlier report, they did not consider whether these risks were acceptable or not. Alan Stratford and Associates has advised the LPA that a preliminary assessment of this second report does not alter its own findings or conclusions.

Civil Aviation Authority position

20.19 On further reflection of the respective positions taken by Denham Aerodrome and its advisors, as set out above, as well as the advice from Cyrrus (on behalf of the applicant) and that of the consultants providing independent advice the LPA sought to engage with the Civil Aviation Authority (CAA) about this matter. This was to see if they could provide a further independent peer review of the reports and advice given to the LPA by consultants. It should be noted that the proposed development and the consequent operations at the Aerodrome do not infringe any aviation legislation or other specific safety requirements and that the CAA has no jurisdiction over the aviation safety issues in this particular case.

20.20 A report was provided by the Airfield Advisory Team (AAT), a recently formed, non-regulatory team within the CAA, who agree with many of the points contained in the

report(s) of Alan Stratford and Associates, the approach and their methodology. However, their assessment challenged certain issues and their report made the following conclusions:

- The CAA AAT noted that there are a number of considerations unique to Denham Aerodrome and its surroundings (i.e. surrounding terrain, circuit height). There is considerable uncertainty over the suitability of land suitable for a forced landing which will affect the severity of its outcome. Only a fraction of its overall area will be available in a real world, forced landing situation. This is due to a number of variables and factors such as aircraft height, wind direction and pilot choice.
- Ultimately the acceptability of the safety risks involved is the responsibility of the pilot. It is not the responsibility of the aerodrome authority to ensure off-aerodrome, forced landing sites are available. Pilots will, of course, want to ensure that operational hazards, both current and emergent are mitigated to as low as reasonably practicable.
- The CAA AAT contend that the development of the MSA will reduce the assessed potential landing sites by over 61% and that, as a result, development of the MSA will reduce the area available for a forced landing to a significant extent. However, the calculation and relevance of this figure is challenged by ASA in their response dated 24 March 2020. They note that the MSA site is only an option during certain points during flights at or around Denham Aerodrome. It does not take account of the fact that a considerable part of the proposed MSA site would be relatively open land and could perhaps be used in an emergency. Furthermore, Alan Stratford and Associates has indicated that the CAA AAT's assessment fails to take account of the fact that pilots would, in any case, be likely to instinctively avoid landing at the MSA site and would choose to glide to alternative landing area.

20.21 In reaching these conclusions and statements of fact the CAA (AAT) has raised no formal objection in terms of adverse impacts on the operations of Denham Airport or of air safety associated with activity at the site.

Previous proposal for an MSA at Warren Farm and the consideration of aviation safety

20.22 There have been previous planning applications for MSAs near airports or aerodromes where the risks to aviation safety have been regarded as a material consideration. In the case of a proposed MSA at Warrens Farm between Junctions 16 and 17 of the M25, objections were raised by Denham Aerodrome at that time for similar reasons as are being raised now. At the Public Inquiry held in March 1999, the Inspector acknowledged that possible forced landings arising from aircraft engine failure were the main source of concern. It was noted that land available for forced

landings near the aerodrome had decreased over the years, but the MSA “would take only a small proportion of that remaining”. The site’s proximity to the M25 was also noted as a factor that would influence where a pilot would look to carry out a forced landing.

- 20.23 In the circumstances, the Inspector came to the view the “MSA would not pose a significant risk in terms of air safety or of risks to those on the ground”. This position was endorsed by the subsequent Secretary of State’s decision letter, which agreed with the Inspectors findings on aviation safety.

Previous MSA proposal near Wycombe Air Park (Booker Airfield)

- 20.24 In this case an MSA was being proposed to the north west of Booker Airfield, and this triggered objection from the Airfield to the proposal on safety grounds, primarily the reduction in areas of available forced landing.
- 20.25 Although aviation did not form a reason for refusal, at the subsequent Public Inquiry, the Inspector took a different view and regarded the aviation risks as a material consideration and sufficient to reject the application. The Secretary of State, however, disagreed with the Inspector on the significance of the aviation safety risks, although the planning application was rejected on other grounds.
- 20.26 A further application for an MSA followed at this site in 1994. This time the Council (the former Wycombe District Council) resisted the application, partly on aviation safety grounds. Despite this, the Inspector for the subsequent Inquiry concluded it would be unlikely to add significantly to normal aviation risks, nor would it add to the already low risks to persons on the ground.

Aviation Summary

- 20.27 In summary, the risk to aviation safety is clearly material and one that must be balanced against other material considerations, including the need for an MSA facility to the west of the M25, which is needed for the safety and welfare of drivers and users of the M25. The LPA has acted reasonably and diligently in giving this matter proper consideration, as is evident by the commissioning of an independent aviation consultant, and engaging with the CAA also to seek further independent review. The objecting parties concerns and objections to the application on aviation safety grounds have been given due consideration by the relevant independent experts. However, on the basis of the independent advice received by the LPA, which concluded “that the proposed MSA would not constitute an unacceptable safety risk to operations at Denham Aerodrome”, and the position taken by the CAA, who note the reduction in land available for forced landings will be “significant”, but raise no

objection on safety grounds, it is concluded that the proposed development will not present any unacceptable safety risks for operations at Denham Aerodrome. This is afforded neutral weight in the planning balance.

21.0 Minerals

Minerals and Waste Local Plan:

1 (Safeguarding Mineral Resources)

10 (Waste Prevention and Minimisation in New Development)

27 (Minimising Land Use Conflict)

- 21.1 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 Minerals Assessment provided sufficiently demonstrates that the proposed development area does not contain potentially workable mineral deposits and therefore satisfies Policy 1 of the BMWLP. A condition is 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. 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.

22.0 Other material considerations

Consideration of Alternatives and the Alternative Sites Assessment

- 22.1 There is no agreed published methodology for undertaking an Alternative Site Assessment (ASA). Circular 02/2013 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.
- 22.2 Land take for MSA development is generally influenced by the following:
- Minimum parking ratio calculations set out in Circular 02/2013 and linked directly to traffic flows, including consideration of providing additional parking to future proof the design and meet the demand for HGV parking.
 - A landscape led approach to minimise the impact on the local area and the create the appropriate outdoor setting for visitors.
 - Planning mitigation requirements.
 - Future parking uptake in electric vehicles use and future alternative fuels provision.

- Facilities building designed to create an enhanced and stress-free customer experience with a wide range of amenities to cater for varying journey lengths.
 - Site servicing requirements.
- 22.3 These factors have informed the ASA process undertaken in relation to this proposal. So too has the identified need case for an MSA facility on the M25, to the west of London, as discussed in Section 6 of this report. The identified gaps in provision along this section of the M25 have influenced the extent of the ASA site search area.
- 22.4 Paragraph 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”*. Therefore, the preference for new facilities is for on-line locations.
- 22.5 The submitted ASA was undertaken in the context of Circular 02/2013 (paragraphs B13 – B15) which establishes a clear policy preference for on-line (between junctions) MSAs as opposed to sites at junctions (off-line). 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, to identify where this need can be best met and then to assess potential sites in terms of their ability to meet this need. The ASA identifies and appraises whether there are potential alternative sites to the site proposed that would meet the operational requirements of the development and appraises the planning and environmental considerations with each one. Some of the sites that have been assessed are located outside of the administrative area of Buckinghamshire Council.
- 22.6 Designated 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 that would meet the need along any of the 14 routes that have been identified within the wider SRN, where the distance between existing MSA facilities currently exceeds a distance of 28 miles.
- 22.7 The ASA undertaken does not discount sites purely on the basis they are an off-line location (junction services). It does give consideration to both on-line and off-line sites, and considers wider planning, environmental and operational implications in assessing the potential suitability of sites.
- 22.8 It is worth noting that the ASA estimates a minimum site area of 12ha is needed to accommodate an MSA, and that alternative sites below 12ha have been discounted on the basis these are of insufficient size to meet operational needs. Just by way of example, both Cobham and Beaconsfield MSAs are around this size of site. It is

therefore not an unreasonable size to consider taking into account the requirements that have to be met to respond to Government Policy in Circular 02/2013.

- 22.9 The ASA site search area includes the 14 significant gaps (greater than 28 miles) that have been shown to exist between MSAs on the western section of the SRN (M25 and connecting motorways). These gaps are shown in table 1.3 in this report.
- 22.10 Informed by the 14 significant gaps in provision, a 27-mile stretch of Motorway was considered to be the optimum area of search for alternative sites, as this would address a very significant proportion of the existing gaps. This is the area between junctions 12 and 20/21a of the M25 motorway. Both on-line and off-line (at junctions) sites were assessed as part of the site sifting exercise undertaken for this section of the M25. This approach reflects the policy approach (as per Circular 02/2013), which starts with the assumption that on-line sites are preferred where all other factors are equal.
- 22.11 All identified potential on-line sites within the 27-mile area of search were assessed for highway safety and suitability purposes. The main standards used in this sifting exercise is the standards which apply to new slip roads onto and off of the M25, contained in the Design Manual for Roads and Bridges (DMRB). In terms of the safe weaving (i.e. cross of lanes) distance for vehicles entering and leaving the M25, the guidance states that the desirable minimum weaving distance, for a motorway such as the M25, must be 2km (1.24 miles).
- 22.12 For consistency reasons, a minimum weaving length of 2km, in accordance with DMRB – TD22/06 was applied in order to identify suitable potential on-line sites within the defined 27-mile area of search.
- 22.13 Each link of the motorway between existing junctions, along the 27-mile search area has been individually assessed as a potential location for an on-line MSA, and this has been done whilst applying relevant safety and operational considerations (i.e. achieving minimum weaving distances). This involved 10 different links of the motorway being considered.
- 22.14 It was found that only two sections of Motorway along the 27-mile area of search, between junctions 12 and 20/21a of the M25 had sufficient space above the minimum, 2km weaving distance to accommodate an on-line MSA. These two sections are found between junctions 15-16 (referred to as 'Link D' in the ASA) and 16-17 (referred to as 'Link E' in the ASA) of the M25.
- 22.15 Link D (junctions 15 to 16) is approximately 6.1km, and this section does have sufficient space to accommodate an on-line MSA facility outside minimum weaving distances without the need for any departures from standards. It should be noted however that the applicable section is not the same section of M25 where there is an alternative proposal currently before Buckinghamshire Council for an on-line MSA facility between junctions 15 - 16, being promoted by Welcome Break (LPA ref:

PL/20/4332/OA). It is notable that this alternative proposal is located on a site that is further north of the extent of motorway where minimum weaving distances from either junction can be achieved without the need for any departures from standards.

- 22.16 The current known position of Highways England (as of January 2020) in respect of this alternate proposal at Iver Heath raises a number of issues that would need to be addressed and/or clarified before they can come to a view about the overall acceptability of the proposal. It is noted from this initial “holding” response that the issues that are currently outstanding are wide ranging, including the following; proposed staff access contrary to Circular 02/2013, lack of detailed design which means it is not possible to see if this is DMRB compliant, SRN assessment scenarios, robustness of staff and trip generation, impacts on the SRN, weaving assessments, parking assessments and clarification sought in relation to satisfactory overbridge headroom clearances and the effect of planned motorway widening works in order to create a section of SMART motorway.
- 22.17 Highways England request that in the interim the application is not determined (other than a refusal) until such time as their concerns have been resolved in order for them to provide a formal recommendation.
- 22.18 Link E (junctions 16 to 17) is approximately 6.5km, and this section does have sufficient space to accommodate an on-line MSA outside minimum weaving distances without the need for any departures from standards. This section of motorway is where the proposed on-line MSA would be located.
- 22.19 All other ‘links’ that were considered for their suitability to accommodate an on-line MSA facility were discounted for safety and operational reasons, as set out in the ASA (paragraphs 5.12 to 5.20). Meaning that eight out of the ten individual links of the M25 between junction 12 and junctions 20/21a that were considered as potential on-line locations, were discounted, and this was on the basis there was insufficient space for a safe access for a MSA to be accommodated. As referred to above this left only link D (junctions 15 to 16) and link E (junctions 16 to 17) as potential locations where an on-line MSA could potentially be accommodated, without any departure from standards.
- 22.20 The consideration of potential off-line locations indicates that a robust assessment of both on-line and off-line sites were considered. This enabled consideration to be given as to whether a junction (off-line) site might give rise to less impact than an on-line site.
- 22.21 The same 27 mile search area between junction 12 and junctions 20/21a of the M25 was applied to this search for junction sites, to see whether an access could be achieved in principle off the junction to a site sharing a common boundary with the motorway.

- 22.22 Five potential off-line (junction) locations are identified through the ASA, at junctions 13, 14, 17, 20 and 21a. Parcels of land were identified around each of these junctions where an off-line MSA could potentially be accommodated. This includes a potential junction site at Kings Langley (junction 20).
- 22.23 It is a material consideration that there are alternate proposals for MSA facilities that are also seeking to meet the need on the same section of M25. These proposals are 'live' planning applications proposing MSA development between junctions 15 and 16 of the M25 (on-line) at Iver Heath and junction 20 of the M25 (off-line) for Kings Langley, both are considered in greater depth later on in this report. It is reasonable and appropriate though that due consideration is given to the merits of each of the MSA locations and the ability of them to provide for the necessary requirements for an MSA, this is important to being able to reach a reasonable and proper conclusion on the merits of this proposal, based on all material considerations.
- 22.24 At this point, it is relevant to note that Three Rivers District Council is currently considering an application by Moto Hospitality Limited for a proposed off-line MSA facility (LPA ref: 19/0646/OUT) at junction 20 of the M25.
- 22.25 The current known position of this application for an MSA facility at junction 20, is that it is still currently being considered by the LPA of Three Rivers District Council. There are outstanding objections from the Hertfordshire County Council (as Highway Authority). Highways England have stated that it will not support a recommendation to approve at this time as there are still a number of unresolved technical matters. It is understood that the LPA of Three Rivers District Council will be reporting the application to its Planning Committee meeting on 24 June 2021. An update on this adjoining authority planning application will be provided to Members of the Strategic Sites Committee for Buckinghamshire Council.
- 22.26 Buckinghamshire Council is also currently considering an application by Colne Valley Motorway Service Area Limited for a proposed on-line MSA facility (LPA ref: PL/20/4332/OA) between junctions 15 and 16 of the M25.
- 22.27 The current known position is that it is still being considered by the LPA. There are a number of technical highway issues that need to be addressed and clarified on the part of Buckinghamshire Highway Authority and Highways England. Other technical objections have been raised by other statutory consultees that are also outstanding.
- 22.28 Neither of these alternate MSAs could be considered to be deliverable from a highway safety perspective at this current time because of the objections raised and or requirement for further issues to be addressed or clarified in respect of both the highway authorities on these proposals.
- 22.29 The next phase of the assessment was to assess further those on-line and off-line sites that have been judged as having the potential to accommodate a new MSA

facility, where the locations meet highways safety and operational requirements (23 sites in total).

22.30 For the next stage of assessment, a number of initial considerations were taken into account, in order to help identify suitability (or not) of potential sites at each of the potential locations. It is important to note that these initial considerations included the following:

- Site size;
- Whether the site is undeveloped and available; and
- Where a site is already developed whether there is a reasonable prospect of redevelopment.

22.31 One site (at junction 13) was subsequently discounted on the basis the site area was below 12ha, and therefore considered insufficiently sized to accommodate a single sided MSA development.

22.32 Between the two links identified (link D and link E) six potential sites were found to meet the site size requirement (minimum 12ha) for an on-line MSA, and were also potentially available for development. Across the five potential junction (off-line) sites identified, a further 17 sites met the initial considerations – meaning 23 sites in total, consisting of six on-line and 17 off-line were considered as potentially suitable, based on the above mentioned considerations (i.e. site size).

22.33 A further stage of assessment of the 23 potential sites adopted a four stage approach. This considered the relative merits of each of the sites and their ability to meet the need as set out in Circular 02/2013. It also considered whether there was any planning, environmental or operational constraints to development. With the remaining sites still considered as potentially suitable a Green Belt assessment, landscape and visual assessment and planning assessments were carried out. This enabled an assessment of the alternatives.

22.34 The stage 2 assessment identified six preferred sites between junctions 15-16 and 16-17 of the M25, two of which are on-line locations (junctions 15 to 16 and junctions 16 to 17), and the remaining four are off-line locations.

22.35 Each of these remaining sites were subject to a high-level strategic comparison between sites, to enable ranking of them in terms of site suitability for a MSA development. It is important to recognise this was underpinned by the assumption that suitable on-line sites would be developed on a single side of the motorway, with access provided by a new junction and connection via an over bridge or under bridge, and that they would have no connection to the local road network.

22.36 This further stage of assessment (referred to as Stage 3 assessment) included (i) Green Belt assessment that was carried out against the five purposes of the Green Belt (as set out within paragraph 134 of the NPPF), owing to the fact all potential

sites are in the Green Belt; (ii) Landscape and Visual assessment, and (iii) a high-level Planning assessment that gave consideration to other planning matters (i.e. impact on surrounding area).

22.37 The site at junction 20 (Kings Langley) of the M25, where Three Rivers District Council is currently considering a proposal for an MSA facility (19/0646/OUT) was assessed, and discounted as a potential site. An MSA in this location would be off-line (junction site).

Green Belt, Landscape and Visual and Planning assessment as part of the Alternate Sites Assessment:

22.38 In recognition that the six preferred sites that were identified through the ASA and considered as part of the Stage 3 Assessment, are located within the Green Belt, it is appropriate that the impact of development upon the Green Belt in each of these locations has been assessed in more detail.

22.39 Given the Green Belt location of these other preferred sites and as discussed earlier in the report MSAs are inappropriate development in the Green Belt and, by definition, harmful to it.

22.40 Stage 3 of the ASA considers the impacts of the MSA development on the purposes of the Green Belt, as set out in paragraph 132 of the NPPF. Each of the six preferred sites were tested against the purposes of the Green Belt, which is important as depending on individual site circumstances impact on openness will vary, as well as any conflict with the purposes of the Green Belt. This assessment was based professional judgement was used rather than using any scoring system.

22.41 This Green Belt assessment by the applicant found that none of the alternative sites considered serve a low function against all purposes, it is clear that some sites serve a strong function in relation to a number of purposes of the Green Belt. It was found that an on-line site between junctions 16 and 17 would have more of a low to moderate impact against the functions of the Green Belt. Whereas, an on-line site between junctions 15 and 16 would have more of an impact as a greater number of functions that serve a strong impact would be affected by such development.

22.42 With regards the potential off-line (junction sites), including J20 at Kings Langley, the majority of these sites were found to serve a strong function with regards to two or more of the Green Belt purposes.

22.43 Stage 3 of the ASA next considered the impacts of the MSA development at each of the six preferred sites in terms of landscape and visual impacts. A strategic level landscape and visual assessment for each site / parcels of land was undertaken and this approach reviewed landscape and visual sensitivities for each site.

- 22.44 None of the sites considered were found to have a low sensitivity in both landscape and visual terms. The majority of sites, including the application site have moderate sensitivity to both.
- 22.45 The final element of Stage 3 of the ASA was a planning assessment, consisting of a high-level consideration of other planning matters in relation to the principle of MSA development at each of the alternative sites. This included proximity to existing residential properties, impact on surrounding uses, relevant planning history, highway considerations and others material considerations.
- 22.46 No single site is free of planning constraints, which is not unexpected, however the assessment does show that some of the alternative sites are less constrained in planning terms. For an on-line development Site 11 (the application site) performs the best as it is large enough to avoid the constraints presented by the presence of former landfill and the proximity to existing residential development. The area of former landfill (not proposed to be built on) creates a natural separation to the edge of the nearest settlement, and can potentially accommodate a suitable buffer. Site 10, on the eastern side of the M25 performs less well due to the proximity to HS2. Both sites 10 and 11 perform well in highways terms, helped by the fact the M25 has widened in this section to four lanes, as such is likely to have some spare capacity.
- 22.47 Site 17 (Junction 20) was also considered in this same level of detail, and whilst it was found to be relatively positive in planning terms, the highways considerations indicate that maintaining the required capacity at junction 20 will be a significant challenge for any scheme providing new access and introducing new vehicle movements around junction 20. This site performs less positively in terms of landscape sensitivity and visual effects, as it is an elevated site.
- 22.48 The best performing sites in planning terms considered in the planning assessment part of Stage 3 of the ASA were Sites 11, 15 and 20. Of these sites only Site 11 is an on-line MSA, and this could be delivered in conjunction with Site 10 so that both northbound and southbound traffic could be served. Sites 15 and 20 would be off-line (junction sites), and therefore both these sites are less preferred in policy terms, as set out in Circular 02/2013.
- 22.49 Pulling together the results from the site assessment process enabled a view to be formed about which site would be the preferred site, mindful of the preference in Circular 02/2013 for an on-line MSA to meet the need.
- 22.50 This assessment process concluded that there was potential for an on-line site (referred to in the ASA as Site refs 10 and 11) option between junctions 16-17 of the M25 (the proposed site) and that this had comparatively fewer Green Belt, landscape and visual, and planning constraints when compared with the site (referred to as Site refs 6 and 7 in the ASA) option between junctions 15-16 of the M25. Additionally, an MSA between junctions 16 and 17 would be optimally placed in order to best meet

the need, by meeting 14 need gaps in provision, in line with Circular 02/2013. Therefore, the site option located on the western side of the M25, between junctions 16-17 was taken forward as the preferred on-line site to meet the identified need.

Review of the Alternative Sites Assessment:

- 22.51 Specialist consultants appointed by the LPA undertook a critical appraisal of the robustness of the submitted ASA, commentary was also provided on Green Belt and landscape and visual impacts.
- 22.52 On review of the applicants' methodology it is acknowledged that there are no alternative MSA locations outside of the Green Belt, and that there is no agreed guidance for undertaking Green Belt appraisals. By their nature these appraisals are influenced in part by subjective professional judgements, as such it is not uncommon for there to be differences in judgements made.
- 22.53 The specialist consultants undertook site visits to the 16 sites that were subject to the comparative Green Belt and landscape analysis. This exercise allowed an assessment of each of these sites and their strength of contribution to the Purposes 1-3 of the Green Belt, as set out in the NPPF. As to be expected there was some difference in design judgements. There to be some weaknesses in the applicant's Green Belt judgements, notwithstanding this the ASA is considered to have followed a reasonably thorough process for evaluating the Green Belt contribution of potential alternative sites.
- 22.54 In summary, following this review it is considered that the applicants have broadly overstated some of the judgements on the strength of contribution that several of the alternative sites make to Green Belt purposes. For example, in the case of the proposed site (referred to as Sites 10 and 11 in the ASA) it is considered that Site 11 (land west of the M25) makes a higher contribution to Green Belt Purpose 3 than is stated within the submitted ASA.
- 22.55 The overall conclusion on the ASA is that because the deliverability of the two potential on-line sites (between Junctions 15-16 and between 16-17) has been demonstrated, and that no significant planning, environmental or operational constraints have been identified, the alternative off-line site at Junction 20 can be discounted, which is in line with preferred policy set out within Circular 02/2013, where the preference is for on-line sites.
- 22.56 In terms of impact on Green Belt, as stated previously, it is the case that the proposed MSA development by definition of its nature and location constitutes inappropriate development within the Green Belt. As stated in the Green Belt

section of this report the proposals conflict with 3 of the purposes of including land in the Green Belt.

- 22.57 In terms of the application before Committee, through sensitive design and siting of the proposed built form the development has sought to reduce visual impact by locating the main MSA buildings and parking areas within a new valley landform. As demonstrated through the submitted 'Illustrative Masterplan' substantial areas of additional woodland planting form part of the wider landscape enhancement strategy for the site. Once established and integrated, this planting (including significant tree planting) will assist in providing some physical and visual assimilation of the development.
- 22.58 Compensation measures are proposed on the surrounding area to the west of the application site (east of Denham Lane) referred to as the 'Community Land'. This land is outside of the red line application boundary, but under the applicant's control. Compensation and landscape enhancements that are proposed within this defined area can be secured through s106 legal agreement. The proposed landscape strategy will improve and reinforce the landscape character and contribution of this retained open land.
- 22.59 Aside from the proposed landscape mitigation measures to minimise landscape effects, the submitted Parameters Plan enables the scale and development heights to be controlled, as well as location of buildings. Notwithstanding the ability to control the built form through condition, with a development of this scale, and in this location there will be substantial harm to the Green Belt.
- 22.60 The submitted Landscape and Visual Impact Assessment (LVIA) concludes that significant adverse effects will occur on the visual environment and landscape character. This magnitude of effects is agreed with by Specialist consultants acting for the LPA in respect of landscape impacts.
- 22.61 There are two other proposed MSAs seeking to meet the same identified need for an MSA, on this western section of the M25.
- 22.62 Both of the alternate MSA applications are currently pending consideration by the relevant Local Planning Authorities:
- Application PL/20/4332/OA, received in December 2020 - *Outline application for a Motorway Service Area between M25 junctions 15 and 16 near Iver Heath* – currently being considered by Buckinghamshire Council, and:
 - Application 19/0646/OUT, received in April 2019 – *Outline application for a new Motorway Service Area at junction 20 of the M25 Motorway (off-line MSA proposal)* – currently being considered by Three Rivers District Council.

22.63 Each of the alternative proposals is making a case for why theirs is the site that is best placed and best suited to meeting this identified need. However, only one of the MSA proposals can, in reality, come forward to meet the identified need.

22.64 When it comes to judging acceptability of this proposal, it is reasonable and proper to take into consideration the circumstances of the other two proposed MSAs as these are material considerations for the decision maker that will be required to be taken into account. At the time of writing this report, it should be noted that objection is raised to the junction 20 MSA (Three Rivers District Council) by Hertfordshire Highway Authority due to concerns about impact on the local road network. In addition, Highways England will not support a recommendation to approve at the current time, as it is understood from consultation comments there are still significant technical matters yet to be addressed relating to impacts on the SRN.

Table 1.8 – Review of Alternative MSA Proposals

Topic Area	Warren Farm (application site)	Iver Heath	Kings Langley	Summary
Site size	The site comprises 59.52ha of medium scale arable fields on either side of the M25. Developed area is 11.6 hectares.	The site comprises approximately 45ha of primarily agricultural land immediately adjacent to the M25 motorway between J15 and 16. Developed area is 10.9 hectares.	Site comprises a grazed grassland field and part of an adjacent field which form the south west quadrant of the M25/A41 at Junction 20 The site covers approximately 19.02ha and includes all areas of land	Warren Farm is the largest site overall. Kings Langley is the smallest. Both Warren Farm and Iver Heath are similar in terms of developed area.

			subject to highways works including J20. The main development site (excluding highways) covers approximately 14.68ha.	
Green Belt	<p>Yes – Strategic Zone A (London Fringe)</p> <p>Eastern parcel scores an overall ‘medium’ GB function.</p> <p>Western parcel scores an overall ‘strong’ GB function</p> <p>Inappropriate GB development. Will result in harm to openness of the GB</p>	<p>Yes – Strategic Zone A (London Fringe)</p> <p>Eastern parcel scores an overall ‘medium’ GB function.</p> <p>Western parcel scores an overall ‘strong’ GB function</p> <p>Inappropriate GB development. Will result in harm to openness of the GB</p>	<p>Yes (n.b. No published Green Belt Assessment)</p> <p>Inappropriate GB development</p> <p>Will result in harm to openness of the GB</p>	<p>The Warren Farm and Iver Heath sites score the same for GB function.</p> <p>Each proposal is inappropriate development in the GB and will impact on openness of the GB.</p>
Scale: Height Parameters	Facilities/amenity building and hotel – 13.5m maximum	Amenity/facilities building – 7.0m – 14.3m maximum	Amenity/facilities building – 13.25m (excluding basement), 21m	All three schemes have similar building height parameters. The Kings

	Fuel Filling Station – 7.0m maximum	Fuel Filling Station – 5-8m maximum Drive through building – 6-7.5m	maximum (including basement) Lodge (hotel) – 8.2m - 13m maximum Drive through building – 5.3m - 7.0m maximum Fuel Filling Station – 6.7m – 8.0m maximum	Langley proposal has more flexible building height parameters, which could potentially result in larger buildings.
Scale: Building footprints	Facilities/amenity building (incl. linked atrium) – 7800sqm Fuel Filling Station approximately. 450sqm	Facilities/amenity building – 4000 -4700sqm Fuel Filling Station – 300-550sqm Drive through – 250-310sqm	Facilities/amenity building – 4560sqm (as shown), 11, 544sqm maximum Lodge (hotel) – 1047sqm (as shown), 3290 sqm maximum Drive through 30sqm (as shown), 160sqm maximum Fuel Filling Station – 263sqm (as shown)	The Warren Farm facilities amenity/building is largest, though this is due to it being combined with the hotel use and other uses (hotel is approximately 3750sqm). Building footprint at Iverheath has been reduced due to the omission of a hotel use, HGV amenity building and x1 drive through building.

				The Kings Langley proposal has more flexible building footprint parameters, this could result in potentially larger buildings.
Biodiversity	<p>The site is not subject to any statutory designated ecological sites.</p> <p>Ancient woodland adjacent to site boundary.</p> <p>Two Sites of Special Scientific Interest located within 2km.</p> <p>Loss of a Veteran Tree.</p> <p>Demonstrated that >10% biodiversity net gains achievable (35.8%).</p>	<p>The site is not subject to any statutory designated ecological sites.</p> <p>Two sites of SSSI within 2km.</p> <p>Western part of the site (to the west of the M25) lies within the South Bucks Heaths and Parklands Biodiversity Opportunity Area. Eastern area of the site lies partly within the Colne Valley Biodiversity Opportunity Area (BOA).</p> <p>Demonstrated that biodiversity net gains</p>	<p>The site is not subject to any statutory designated ecological sites.</p> <p>Ancient woodland adjacent to site boundary.</p> <p>Closest SSSI approx. 2.4km south.</p> <p>Not fully addressed at this stage that net gains are achievable, and if so to what extent.</p>	<p>There are no statutory or non-statutory designated ecological sites within each of the three sites.</p> <p>The site at Iver Heath partly falls within a BOA.</p> <p>All three sites are dominated by agricultural land.</p> <p>Biodiversity net gains demonstrated as achievable at Warren Farm and Iver Heath are comparable.</p>

		achievable (36.1%).		
Land and Soil	<p>Comprises medium scale arable fields</p> <p>Site located wholly on Grade 3 'good-moderate' agricultural land as defined by the Agricultural Land Classification published by Defra</p> <p>Land adjacent to the site has been subject to quarrying for sand, gravel and chalk which have subsequently been filled.</p> <p>No mineral recovery required.</p>	<p>Majority of the site (>28ha) supports agriculturally improved grassland which is managed for cattle grazing.</p> <p>Site located wholly on Grade 3 'good-moderate' agricultural land</p> <p>Historic mapping indicates historic farmland use</p> <p>Mineral recovery required, comprising removal of sand and gravel</p>	<p>Site comprises two agricultural fields (grazed pasture) which occupy the southern area of the site. The northern field comprises the former landfill, while the southern field has the character of parkland.</p> <p>Site located wholly on Grade 3 'good-moderate' agricultural land</p>	<p>All three sites fall within Grade 3 'good-moderate' agricultural land.</p> <p>Land adjacent to the site at Warren Farm has been subject to quarrying and the site at Kings Langley has been subject to historical landfilling.</p> <p>No mineral recovery required at Warren Farm, this is not the case though for Iver Heath.</p>
Water	<p>Site located wholly within Flood Zone 1 (lowest risk of flooding from rivers and sea).</p>	<p>Site is predominantly located within Flood Zone 1. Built form (slip road) located in the south-</p>	<p>The site is wholly located within Flood Zone 1</p> <p>The site is located</p>	<p>Warren Farm and Kings Langley sites both within Flood Zone 1 (lowest risk).</p>

	<p>The site is classed as having 'very low' risk from surface water flooding.</p>	<p>eastern area of the site, on the eastern side of the M25 is partly located within Flood Zone 2 and 3 (high risk)</p> <p>The site is predominantly located within an area classed as having 'very low' risk from surface water</p>	<p>predominantly within an area classed as having 'very low' risk from surface water flooding.</p>	<p>South eastern part of the Iver Heath site falls partly within Flood Zone 2 & 3 (high risk). The site is not sequentially preferable in terms of river / sea flooding.</p>
Air Quality	<p>M25 located within the South Bucks (M25) Air Quality Management Area (AQMA). The site itself is not located within an AQMA</p>	<p>Site is located within two AQMAs (South Bucks District Council 1 and 2).</p> <p>The Hillingdon AQMA is located 300m east of the site</p>	<p>Kings Langley (NO2) AQMA is located approximately 400m north-east of the site</p>	<p>Site at Warren Farm not located within an AQMA; however the M25 is located within the South Bucks AQMA. The site at Kings Langley is not located within an AQMA. The site at Iver Heath is located within two AQMAs.</p>
Cultural Heritage	<p>No designated heritage assets within or</p>	<p>One Grade II listed building adjacent to the southern area</p>	<p>Scheduled monument 200m north of the site</p>	<p>No statutory heritage sites within each of the three sites.</p>

	<p>immediately adjacent to the site boundary.</p> <p>Three Grade II listed buildings at Mopes Farm -located within 250m south of the site.</p> <p>Two Archaeological Notification Areas (ANAs) within the southern extent of the site.</p>	<p>of the site. A further three Grade II listed buildings are located within 120m east of the site.</p> <p>A Grade II* listed dairy is located approximately 130m south of the site.</p> <p>An (ANA) extends into the eastern area of the site.</p> <p>Second ANA extends into the western area of the site</p>	<p>Two Grade II listed buildings, North Grove Lock and North Grove Lock House, are located approximately within 200m east of the site.</p> <p>There is known potential for some prehistoric activity in the site, comprising Bronze Age pits.</p>	<p>Parts of both the Warren Farm and Iver Heath sites within ANAs.</p>
Landscape Character	<p>Located on smoothly rounded undulating land from small valleys.</p> <p>Within a landscape of mixed farmland with hedgerows, hedgerow trees</p>	<p>Located on land elevated above the M25.</p> <p>Located within the Thames Valley National Character Area (NCA).</p> <p>Site within the CVRP.</p>	<p>Located on elevated and relatively exposed land above the height of the A41 (Watford Road)</p> <p>Chilterns AONB is approx. 4km north of the site.</p>	<p>None of the sites within the Chilterns AONB. Closest is Warren Farm – 1.8km away</p> <p>Warren Farm & Iver Heath both within the CVRP</p> <p>Warren Farm and Iver heath within LCAs</p>

	<p>and woodland blocks. Located outside the Chilterns AONB (1.8km north).</p> <p>Site within the Colne Valley Regional Park (CVRP), valued at regional importance.</p> <p>Within the Thames Valley National Character Area (NCA).</p> <p>Within the Chalfont St Peter Mixed Use Terrace Landscape Character Area (LCA22.2). The strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts will be localised and predicted to be significant</p>	<p>Site located at the boundary of two LCAs, the Iver Heath Mixed Use Terrace (LCA22.4) and Colne Valley Floodplain (LCA26.3). In places the strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts will be localised and predicted to be significant.</p>	<p>The site falls within The Chilterns NCA and The Northern Thames Basin NCA.</p> <p>Site located within the Upper Gade Valley LCA.</p> <p>Hertfordshire Council Landscape Character Assessment identifies that the impact of new development on the LCA is 'high'</p> <p>Will result in a localised negative major change to landscape character and a section of the Gade Valley, this is reduced to negative of minor-moderate significance once tree</p>	<p>that identified to have character/intactness that is weak</p> <p>Kings Langley within a LCA that has a 'high' sensitivity to new development.</p> <p>Changes as a result of development will result in a negative major change to landscape character.</p>
--	---	---	--	---

			planting is established.	
Visual Effects	<p>Three public rights of ways (PRoW) Footpaths located within or adjacent to the site.</p> <p>ES identifies that local views into the site are limited to the west due to undulating topography and wooded landscape.</p> <p>Other potential visual receptors north of the site. Glimpsed views, through vegetation, into the site may be available to users of Denham Lane, located approximately 400m west of the site.</p> <p>Long distance views towards the site</p>	<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 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>Significant effects predicted from 6 viewpoints.</p>	<p>There are no PRoW within the site.</p> <p>Nearest property to the site is located approximately 50m east of the site off the A41</p> <p>It is predicted that there will be local impacts of minor negative (summer) and moderate negative (winter)</p>	<p>Immediate views may be possible from users of PRoW adjacent to and within the sites at Warren Farm and Iver Heath. There are a number of recreational routes adjacent to the site at Warren Farm.</p> <p>Warren farm and Iver Heath are comparable, visual effects will be significant from a similar number of viewpoints.</p>

	<p>may be possible from the Chiltern Way National Trail – located 2km north-west.</p> <p>Significant effects predicted from 4 viewpoints.</p>			
Noise	<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>Residential properties adjacent to both the south and east of the site. The nearest property is located 130m to the east. Residential receptors are also located on the edges of Iver Heath.</p>	<p>The nearest property to the site is located approximately 50m east of the site off the A41, to the east of the Junction 20. St. Paul's Church is located approximately 150m southeast of the site.</p>	<p>A number of potential noise sensitive receptors within 500m of the site at Warren Farm including residential properties and recreational facilities.</p> <p>There are residential properties adjacent to the site at Iver Heath, within 400m of the site.</p> <p>There are a number of residential properties and potential sensitive</p>

				receptors within 400m of the site at Kings Langley.
Ground Conditions	<p>Historic landfill sites adjacent, and others in close proximity.</p> <p>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</p> <p>Site is not safeguarded.</p>	<p>Historic landfill site is also located to the northernmost area of the site</p> <p>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. This extraction likely to result in delays in deliverability.</p>	<p>Site is partially located within a Mineral Safeguarding Area as identified in the Hertfordshire County Council's Minerals Local Plan 2002-2016.</p>	<p>Minerals Safeguarding Area – minerals resource at Warren Farm not commercially viable due to poor quality and insufficient quantity.</p> <p>Majority of mineral resource at Iver Heath could be extracted.</p>
Utilities	No National Grid pipelines	No National Grid pipelines	Nearest National Grid	No National Grid pipelines

	<p>within or adjacent to site.</p> <p>Four pylons within the site boundary (eastern parcel).</p>	<p>within or adjacent to site.</p> <p>No pylons within site.</p>	<p>gas pipeline is located approximately 18km north-east of the site. No electricity pylons located within the site boundary.</p>	<p>in or adjacent to site.</p> <p>Pylons exist at the Warren Farm site.</p>
<p>Aerodromes</p>	<p>Closest is Denham Aerodrome – approximately 1.6km south east of site</p>	<p>Closest is Denham Aerodrome – approximately 4.2km north of site</p>	<p>Closest is Plaistows Airfield – approximately 5.2km north east of site</p>	<p>Smallest distance between the MSA sites and an aerodrome is b/w Denham Aerodrome and the Warren Farm site (1.6km).</p> <p>CAP 738 Safeguarding of Aerodromes (Civil Aviation Authority, 2020) states that non-officially safeguarded aerodromes can lodge a non-official safeguarding map with the LPA.</p>

On-line vs Off-line MSA	On-line (between junctions)	On-line (between junctions)	Off-line (junction site)	Circular 02/2013 (paragraphs B13 – B15) establishes a clear policy preference for on-line (between junctions) MSAs as opposed to sites at junctions (off-line).
HGV parking provision	Up to 200 spaces	150 spaces	94 spaces	Warren Farm will best meet the identified shortfall in HGV parking in the south-east region
<i>Sustainability Aspects</i>				
Electric Vehicle Charging Points (EVCPs)	Up to 20 active, spaces and up to 100 passive	100 spaces	12 active spaces (ducting for future proofing)	All sites make provision on for EVCPs. Warren Farm has capacity to provide slightly more EVCPs on site, however is broadly similar to Iver Heath.
Carbon Reduction	Yes – +10% reduction is found to be viable, subject to detailed design	Yes – +10% reduction is found to be viable, subject to detailed design	Yes (9.2%), subject to detailed design	Subject to detailed design all will achieve carbon reduction.

Sustainable Drainage	Yes	Yes	Yes	All will include sustainable drainage.
Renewable Energy	Yes – further details to be explored at detailed design stage	Yes – further details to be explored at detailed design stage	Yes – further details to be explored at detailed design stage	Subject to detailed design, all will provide for renewable energy.
Passive Building Design	Yes	Yes	Yes	All will achieve passive building design.
BREEAM	Yes – detailed assessment at RM Stage	Unable to ascertain from the information available	Yes - further consideration at detailed design stage	Based on the information available, Warren Farm and Kings Langley will achieve BREEAM.
Green Roofs	Yes – secured by planning condition	Yes (indicated)	Yes (indicated)	All will include green roofs.
Weaving Assessments	Compliant weaving lengths	Non-compliant weaving lengths	N/A due to this being an off-line MSA	Only Warren Farm will achieve compliant weaving lengths.
Highways	No objection from Highways England or Buckinghamshire Highway Authority subject to conditions and/or s106 obligations	There are a number of issues that need to be addressed still and clarified to enable HE to form a view of the acceptability of proposals	Objection from Hertfordshire Highway Authority – refusal recommended. HE advise that a	No remaining highways matters or technical constraints to resolved at Warren Farm, subject to conditions and s106 obligations.

			number of outstanding issues are yet to be resolved (18 May 2021). Until such time that these have been satisfactorily resolved they will not support a recommendation to approve.	This site is deliverable from a highways perspective.
Traffic Flows: Motorists served per day (AADT)	166, 482 vehicles (junctions 16-17)	207, 816 vehicles (junctions 15-16)	87, 563 vehicles (junctions 19-20) *It should be noted that as this is an off-line proposal, that the MSA would also be accessible to traffic on the local road network	The greatest traffic flows are experienced between junctions 15-16 on the western section of the M25.
Number of Non-Compliant MSA gaps resolved	19	20	18	
Hotel	Up to 100 bedroom hotel	No	80 bedroom hotel/lodge	Iver Heath is the only scheme without

				a hotel element proposed.
Economic Benefits	Once fully operational c.340 full time equivalent jobs estimated	Once fully operational c.251-253 full time equivalent jobs estimated (after +3 years of opening)	Once operational c.116 full time equivalent jobs estimated	It is estimated that Warren Farm will create the greatest number of FTE jobs (including hotel).
Deliverable Timescales	15 – 18 months estimate	21 months estimate; Mineral extraction to be resolved first.	30 months estimate	Warren Farm and Iver Heath are broadly similar, with Warren Farm having the shortest delivery timescale of all three.

Comparative Analysis – Summary of Key Findings:

- Warren Farm is the largest site in overall terms, however the developed area is similar to Iver Heath. Kings Langley is the smallest site.
- All schemes have similar land take in terms of built development, however Warren Farm and Iver Heath include large landscape areas and areas of green infrastructure. There is far less opportunity for this with the Kings Langley proposal.
- In Green Belt terms each proposal is inappropriate Green Belt development, and will result in harm to the openness of the Green Belt.
- All schemes offer similar types of facilities and services. Warren Farm and Kings Langley propose a hotel, however, no hotel is proposed as part of the Iver Heath proposal. The Warren Farm proposal includes a business conference centre, within the main amenity/facilities building, this facility does not feature in either of the other proposals.
- Building height parameters are similar on each, however, it should be noted that Kings Langley proposal has more flexible building height parameters so this could potentially result in larger buildings.
- Iver Heath has less in terms of building footprint, due to the omission of the hotel facility.
- Both Warren Farm and Iver Heath are located in a Minerals Safeguarding Area; Mineral recovery is not required at Warren Farm, recovery would however be

required at Iver Heath. This is a factor that could contribute to delays in delivery to meet the identified need for an MSA facility.

- A single Veteran Tree is to be lost at Warren Farm.
- Significantly more than 10% biodiversity net gains are demonstrated as achievable at Warren Farm and Iver Heath.
- Both Warren Farm and Kings Langley sites are in Flood Zone 1. Iver Heath site is partly in Flood Zone 1 and partly in Flood Zone 3, so is sequentially less preferable from a river/sea flooding perspective.
- Localised and significant effects on landscape character and landscape visual effects are predicted for both Warren Farm and Iver Heath. Kings Langley is sited in area that has a high sensitivity to new development.
- Kings Langley is an off-line MSA, whereas Warren Farm and Kings Langley are both on-line MSAs, which is preferred, as per Circular 02/2013.
- Warren Farm will best meet the identified need for HGV parking in the south east region.
- All sites make provision for electric vehicle charging, the level of provision at Warren Farm and Iver Heath is comparable.
- There are no remaining highways matters or technical constraints to be resolved at Warren Farm, this site is deliverable from a highways perspective. This is not the position with the other two proposals, both of which have issues / objections still to be resolved with the Local Highway Authority and Highways England. The deliverability of Warren Farm MSA to meet the identified need is more certain.

23.0 Infrastructure and Developer Contributions

Core Strategy Policies:

CS31 (Infrastructure)

- 23.1 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. 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.

Groundwater Monitoring and Management Strategy:

A written strategy for the monitoring of groundwater underlying the land (which may include the need for boreholes in other land outside of the boundaries of the land) which shall have been submitted to and approved in writing by the Council no later than at the same time as the first Reserved Matters application.

Community Land Strategy:

A written strategy for the landscaping and future management and maintenance in perpetuity of the Community Land (land which is under the applicants control, situated adjacent to the application site, west of the proposed development) by the Council 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.

Local Procurement Strategy:

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.

Public Rights of Way Strategy:

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

Underpass Improvement Strategy:

A written strategy for improvements to the existing underpass (below the M25) which shall include a timetable, specification and funding arrangements for the improvement works) have been submitted to and approved by the Council at the same time as the first Reserved Matters application and agreed with Highways England.

Woodland Management Strategy:

A written strategy for the management of Bloom Wood which shall have been submitted to and approved in writing by the Council at the same time as the first Reserved Matters application and prior to the commencement of any woodland management works in Bloom Wood and which shall include the creation by the Developer of a body to proactively manage Bloom Wood in perpetuity fully funded by the Developer.

Details of and timescales for implementation of the Security Framework:

A framework with the objective of increasing safety for members of the public and employees, facilitating emergency access for Thames Valley Police vehicles in

response to any incident on the site and preventing criminal activity occurring on the land and the Community Land subject to any amendments subsequently agreed by the Owner the Developer and Thames Valley Police and (should such amendments impact on connections to the strategic road network) by Highways England.

Monitoring and Management Plan:

A plan for the monitoring and management of the proposed Thames Valley Police Access to ensure that it is kept secured and does not allow for unrestricted vehicular access. A Security Steering Group to be formed comprising representatives of the Developer and Thames Valley Police force (and if agreed by Highways England its Connect Plus and Traffic Officer Service).

Security Steering Group:

A Security Steering Group to be formed to review and monitor security and safety on the land and on the community land comprising representatives of the developer and Thames Valley Police force (and if agreed by Highways England its Connect Plus and Traffic Officer Service).

Highway Works Scheme:

A scheme for the Highway Works to be submitted to and approved by the Council.

Highways Monitoring Scheme:

A scheme for the monitoring by the Owners and/or the Developer of parking in the area in and around Denham Lane which shall include parking beat surveys carried out and submitted to the Council in writing annually for a period of five years, to assist the Council in assessing whether a Traffic Regulation Order will be required.

Highways Monitoring Contribution:

The annual sum of one thousand pounds (£1,000), directly related to the Highways Monitoring Scheme.

ANPR Cameras Contribution:

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

North Orbital Cycleway Contribution:

A sum of £100,000 payable by the Developer to the Council and which will be spent on the construction of the North Orbital Cycleway. This is a cycleway to be created along the A412 along existing highway land which includes the footway upgrades and reusing former sections of the A412 carriageway.

Community Information Centre Contribution:

A sum of £435,000, paid by the developer to the Council to be used towards the provision and dissemination of information about the Community Land and its benefits to residents living within the vicinity of the development and those who may visit the Community Land which may include the provision of facilities within the existing Chalfont St Peter Community Centre or any replacement building or community centre, the provision of signage and strategic wayfinding in the local area, information display boards, information trails, a mobile information centre, dedicated website and/or leaflet drop.

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.

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.

Management Company:

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

Traffic Regulation Order Contribution:

A reasonable sum not exceeding £25,000

Highway Works Agreements:

To enter into any Highway Works Agreements pursuant to Section 38 and/or Section 278 of the Highways Act 1980 identified in the Highway Works Scheme

Dedication Agreements:

To complete dedication agreements in accordance with Public Rights of Way Strategy.

- 23.2 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):

- 23.3 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.
- 23.4 CIL is charged on '£s' per square metre basis. In accordance with the adopted Charging Schedule (as amended by the CIL Correction Notice (March 2020)) proposed development type is charged at £35per sqm on new qualifying development such as this. The CIL liability would be calculated on the total floorspace of the development, and this would become known at Reserved Matters stage. At the current time the liability is to be based on the maximum up to floorspace, which is 12,400sqm, as detailed on the Parameter Plan.

24.0 Weighing and balancing of issues / Overall Assessment

- 24.1 This section brings together the assessment that has so far been set out in order to weigh and balance the relevant planning considerations in order to reach a conclusion on the application.
- 24.2 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
- 24.3 As set out above it is considered that the proposed development would accord with some of the development plan policies, and where they do not there are material considerations why this is the case, and why the proposed development is considered acceptable.
- 24.4 LPAs, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

24.5 Human Rights: 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. 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 would arise from the proposal.

24.6 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the Council's adopted policies and is not outweighed by any engaged rights.

Planning Balance:

24.7 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 the application are out-of-date, 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; 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.

24.8 There are relevant development plan policies that apply to this application. Those policies which are most important for determining this application are CS1, CS3, GB1, GB2, GC1 and GC4 and TR2 and overall the suite of development plan policies are considered to be up-to-date. Thus the tilted balance in paragraph 11d) of the NPPF is not engaged and the S38(6) balance followed.

24.9 The NPPF sets out in paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'. Paragraph 144 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 and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

24.10 The proposed MSA development would constitute inappropriate development and will result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals will lead to a conflict with three out of the five purposes of including

land in the Green Belt. The proposal would not accord with policy GB2 of the Local Plan. The harm to the Green Belt is substantial and this impact is afforded substantial weight. As a result, it is necessary to establish whether there are any 'Very Special Circumstances'. The NPPF states at paragraph 144 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 further below.

- 24.11 Special regard has been given to the desirability of preserving the setting of nearby listed buildings and the conclusion is that the proposal would harm the setting of those listed buildings which is considered to amount to 'less than substantial harm' at the lower end of the scale to the significance of the setting of these listed buildings to which great weight is given under paragraph 193 of the NPPF. It is therefore necessary to consider whether the public benefits of the scheme would outweigh the great weight given to the limited harm to the setting of these listed buildings. There would be very significant public benefit arising from the delivery of much needed new MSA facility for the safety and welfare of drivers using the M25, meeting an identified need. The proposal would also provide economic benefits from the employment land and creation of jobs in addition to the construction of the development itself and some limited public benefit will also derive from the proposed community land, which will be publicly accessible, a net biodiversity gain and recreational benefits. It is considered that the potential benefits of the scheme set out above would outweigh the harm caused to the setting of the nearby designated heritage assets as a result of the proposal.
- 24.12 In addition to the heritage harm, there would be harm to the character of the landscape and visual impacts, having regard to mitigation this would be a significant negative impact which attracts significant weight. Regard has been paid to the Colne Valley Regional Park in this assessment. The development would result in loss of BMV agricultural land which would be afforded limited to moderate negative weight.
- 24.13 There would be harm arising from the loss of the veteran tree, however this would be mitigated by the compensatory tree planting and biodiversity net gain, so as to attract neutral weight. As set out in this report there are public benefits that outweigh the harm resulting from the loss of the tree and as such this complies with para 175 of NPPF.
- 24.14 Turning to the other considerations, there are a number of benefits that must be weighed against the harm identified above.
- 24.15 The need case presented is a material consideration and an MSA in this location would address a 44-mile gap in provision along the M25 motorway, between Cobham and South Mimms, this proposal will deliver significant benefits in terms of safety and welfare of drivers (and passengers) travelling through this section of the

M25. The proposed MSA in this location would accord with MSA spacing requirements, as set out in Circular 02/2013. It is considered that very significant weight has been attributed to addressing this need. Alternative land and sites for MSA provision have been considered as a material consideration. It is acknowledged that each location will cater for different levels of traffic flow passed the site and will meet the spatial distances between MSAs differently, to address the need. The Warren Farm site is considered to be deliverable from a highway perspective and taking all other factors into account, it is considered that the proposal will have more certainty over the delivery to meet the need.

- 24.16 The proposed development would create economic benefits through creation of jobs and investment during and post construction with a Local Employment Strategy to maximise the opportunities locally which is afforded significant weight. A net gain in biodiversity is demonstrated to be achievable, and this attracts moderate weight in the planning balance.
- 24.17 The opportunity for the Community Land (c.42 hectares) to come forward as an enhanced landscape with formal public access and improvements to the Public Right of Way network will also improve accessibility to the countryside for a range of users and will help to develop improved accessibility to the wider Colne Valley Regional Park. In combination these benefits are afforded limited weight.
- 24.18 Having regard to the advice of Highways England, the proposal raises no severe impact on the Strategic Road Network. The proposals therefore accord with paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Regard is also had to the advice of Buckinghamshire Highway Authority who is responsible for the local road network, it also raises no severe impacts. The highway impacts will therefore be broadly neutral, with some positive benefits resulting from the provision of HGV parking which is afforded limited weight.
- 24.19 The proposal complies with other development plan policies and 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 (except as identified above), meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment (with the exception of biodiversity net gain and landscape) , archaeology, well-designed places, crime prevention and safe communities, contamination, air quality, energy, lighting, aviation, minerals and residential amenities. These matters do not represent benefits to the wider area but demonstrate an absence of harm to which neutral weight is attributed.
- 24.20 The Green Belt balance has set out all of the harms on one side and all of the benefits and other material considerations on the other side of the balance and

officers have concluded that all of the harms are clearly outweighed by all of the benefits. 'Very Special Circumstances' do exist in this case.

24.21 Whilst the proposal would conflict with the development plan, there are significant material considerations that weigh in favour of the proposal.

Working with the applicant / agent

24.22 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.

24.23 The Council worked with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents regularly of any issues that arose in the consideration of their application.

Recommendation

The proposed development is now the subject of an appeal, submitted on the grounds of non-determination. Buckinghamshire Council is therefore not able to make a decision; the Committee can though indicate what decision it would have taken had it still been able to determine the application.

Recommendation - Had Buckinghamshire Council as LPA still been the decision maker, the recommendation would have been that Members resolve to grant planning permission for the proposed development subject to: referral to the Secretary of State to consider whether to call-in the planning application on Green Belt grounds; and, the recommended planning conditions and the completion of an agreement under s106 of the Town and Country Planning Act (as amended) in relation to the Planning Obligations broadly in accordance with the details set out in the main body of the report.

APPENDIX A: Consultation responses and Representations

Councillor Comments

Former Councillor Gladwin had called in the application should it be recommended for approval.

Parish / Town Council Comments

Troy Planning on behalf of Chalfont St Peter Parish Council (PC) – The PC’s principal concerns are relating to the proposal not being in accordance with the statutory development plan, and there being no material considerations to indicate that it should be determined other than on the basis of development plan policies (s38(6) of the Town and Country Planning Act 1990, as amended). The PC considers that the proposal is inappropriate development in the Green Belt and it does not demonstrate any ‘very special circumstances’ that could justify the grant of planning permission.

It is suggested that a strategic, coordinated approach should be taken to selecting future sites and proposals for MSAs serving the western section of the M25.

Table 1.8 – Summary of the representations received.

Material Considerations	Grounds for Objection
The Development Plan	<p>The MSA proposal is not in accordance with Chiltern District Local Plan Policy GB2.</p> <p>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 positive contribution to the Green Belt.</p>
Siting of Development	<p>Siting of development on Green Belt Land.</p> <p>Uncertainty over the future status of the land adjacent to the MSA application site which the applicant has control/ownership over. This could to future pressure for further expansion of any MSA facility.</p>
The Green Belt and ‘very special circumstances’ (VSC)	<p>The applicant suggests that planning permission should be granted on the basis that acknowledged harm to the Green Belt as a result of development is justified, due to the compelling safety need demonstrating VSC.</p>

	<p>The PC point out that there are many other considerations to also take into account, some with very substantial weight that should be attached to them.</p> <p>It is accepted that there may be a safety need for a further MSA serving this western section of the M25; however there is nothing conclusive in the application to demonstrate that this proposal is best-placed, or best located to meet that need.</p>
Green Belt Openness	<p>The MSAs harm to the openness of the Green Belt in both visual and spatial terms will inevitably be considerable.</p> <p>The PC does not consider that the assessment of alternate sites undertaken justify the harm to openness.</p>
Scale of Proposal	<p>Will cause unjustified harm to the Green Belt, and is not appropriate to the need.</p> <p>The PC consider the scheme proposes excessive, unjustified harm to the Green Belt. The scale and content of the proposals are out of proportion and not consistent with national advice on safety need.</p> <p>The proposed facilities building is larger than most other existing MSAs across the country (as acknowledged by the applicant in the Planning Statement).</p> <p>The size, scale and overall quantum of floorspace proposed for the facilities building are excessive and not necessary to support the primary function of an MSA.</p> <p>The justification given for the scale of development is in contradiction with its location within the Green Belt.</p> <p>A higher number of parking spaces is proposed, as per Circular 02/2013 and this has not been adequately justified.</p> <p>The proposal comprises large scale main town centre uses, and the PC queries how these can be justified in the out-of-town location of the proposed MSA. The Council should consider whether each of the justifications for the scale and content of the proposal are well-founded.</p>
Relevant Planning History	<p>The previous 1998 Warren Farm MSA proposal is noted and this proposal was one of a series of proposals around that time for MSA around the M25 that were subject of (all but one) separate inquiry. The Secretary of State's (SoS)</p>

	<p>decision (refusal, as recommended by the Inspector) for Warren Farm was one of several that were subsequently quashed in the courts (in Elmbridge BC & Anor v SoS). However, the application was not reconsidered jointly and subsequently with 6 other western sector / M40 MSA proposals.</p> <p>Need, highway matters and impact on the Green Belt were matters for consideration at the ensuing multi-scheme inquiry.</p> <p>Planning permission for one M25 MSA was granted following a conjoined inquiry, this was between junctions 9 and 10 in Elmbridge. A second MSA was granted at junction 2 of the M40 (Beaconsfield). Both the Inspector and the SoS concluded there was an absence of an acceptable second M25 west MSA site, and that any residual need not addressed by New Barn Farm (Elmbridge), must be considered on the M4 and M40 radial routes.</p> <p>It is noted the current proposal is in very close proximity to the previous Warren Farm scheme and seeks to justify its harm to the Green Belt on safety grounds for the western section of the M25. Yet the 2005 decision makes it clear that Beaconsfield and Elmbridge (Cobham) met this need, and they still satisfy the safety need for MSA provision on the western section of the M25.</p>
Landscape & Visual	<p>Inadequate details provided to assess in detail whether the proposed mitigation measures are adequate. The PC is of the view they are not.</p> <p>Significant effects on the character of the landscape in relation to the site. Changes to the landform and loss of trees and hedgerows as well as the addition of new features that are not in keeping with the landscape character.</p> <p>The PC does not accept that the woodland and hedgerow planting and through the design of the scheme that this could mitigate this scale and extent of impact, in any timescale.</p>

Land Adjacent to the MSA site	There will inevitably be difficulties in ensuring that the applicant is tied to the commitments for implementing the off-site proposals for this land.
Ecology, Biodiversity and Nature Conservation	On the basis of the information available there is no certainty that proposed landscape measures outside the application site boundary will be undertaken, and there may well be issues with enforceability.
Agriculture, Soils and Ground Conditions	<p>The PC notes that much of the proposed site is low-grade agricultural land, however, its permanent loss is significant, as it cannot be mitigated against.</p> <p>Re; ground condition – Not enough site investigation appears to have been undertaken.</p>
Transport and Access	<p>The on-going engagement between the applicant and Highways England is noted.</p> <p>No consideration with regards the volume and size of construction vehicles in terms of their suitability or otherwise on the local road network, particularly Denham Lane.</p> <p>Sustainable non-car reliant modes of travel are underprovided, this will inevitably lead to employee car use and congestion issues.</p>
Air Quality	<p>There is less information than expected on pollution matters.</p> <p>Air Quality impacts for the wider Denham Lane area and other residents in West Hyde Lane seem not to have been considered.</p> <p>The mitigation measures proposed are disproportionately small in PCs estimation.</p>
Public Rights of Way and Emergency Access	<p>The PC questions the suitability of the new multi-user route for employee access to the MSA, and whether it connects well into existing non-car infrastructure in the surrounding area. It is considered likely this will be under used.</p> <p>Further to the comments of TVP, the PC would like clarification as to how the request for an emergency service access route will be provided to the site.</p>

<p>Highways England – Traffic Flow Issues</p>	<p>It was noted (at that time) that Highways England had raised concerns and question in relation to the traffic flows information provided in the TA, and that the Council were advised to delay determining the application.</p> <p>*This has since been resolved to the satisfaction of Highways England</p>
<p>Construction Management Scheme</p>	<p>The PC is concerned about the intent to use the A413 along Joiners Lane and Denham Lane as a route for construction vehicles for 12 weeks. The local road network is unsuitable for the volumes of construction traffic and earth moving that would be involved. There is also a school nearby on Denham Lane.</p>
<p>Potential Combination With Other Green Belt release sites to Form Encroachment</p>	<p>As part of the emerging Local Plan, which is currently undergoing public consultation, other large sites in close proximity to the proposal are being considered for removal from the Green Belt.</p> <p>Large scale developments in the Green Belt should be pursued via the Local Plan process for removal from the Green Belt in this way, rather than as in the current situation.</p> <p>*NB the emerging Local Plan has been withdrawn and has no weight.</p>
<p>Conclusion and Recommendation</p>	<p>The proposal should be refused. There are no material considerations that indicate a decision should be made other than in accordance with the development plan.</p> <p>It would be consistent with national policy (NPPF) to refuse permission, as the applicant has not made a VSC case for use of this Green Belt site for an MSA.</p> <p>The harm to the Green Belt is far in excess of the proposed MSAs supposed benefits.</p> <p>Additional reasons for refusal should relate to other harm caused by impacts on biodiversity, air quality, landscape character etc.</p> <p>A holistic and strategic approach is required by the relevant authorities to addressing the issue of whether there are existing gaps in the safety provision of MSAs that should be</p>

	<p>addressed. The PC considers the evidence presented in the application is deficient.</p> <p>A strategic long-term approach will help ensure that harm to the Green Belt could be minimised/obviated.</p>
--	--

In response to the re-consultation arising from the submitted ES Addendum the PC responded to re-confirm the position as set out above, with some additional points to raise;

- More clarity sought about proposed footpath works;
- Likely that employees at the MSA will park on Denham Lane and access the MSA site via the new multi-user route. There is no available parking on Denham Lane;
- The proposed temporary construction access route was rejected by HS2, so why would this be considered appropriate?
- Object to the 'landscaped area' proposed on the site. This is already in green belt and should be kept as a 'natural' area. It is already accessible and used by the public. The PC would not want to see this area expanded for educational/ recreational use as there is no available parking

Consultation Responses

Buckinghamshire Fire & Rescue Service - No objection raised. They would seek to secure planning condition(s) for the inclusion of Automatic Water Suppression System in the design brief for both the MSA amenity building and hotel premises.

Environment Agency - No objection raised, subject to recommended planning conditions and /or s106 planning obligations being secured, as follows:

Condition 1 – Remediation Strategy

Prior to each phase of development approved by this planning permission no development/ No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:

A preliminary risk assessment which has identified:

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

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.

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 and mitigation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation and mitigation 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 is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution and to prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area.

Condition 2 – Verification Report

Prior to any part of the permitted development/ each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation and mitigation strategy and the effectiveness of the measures 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 and mitigation 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. To prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area.

Condition 3 - Long-term monitoring

The development hereby permitted may 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 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.

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 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.

Condition 5 - Use of Infiltration Surface Water Sustainable Drainage Systems (SuDS)

No infiltration of surface water drainage into the ground at this site is permitted 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 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.

Condition 6 - Use of Piling, boreholes, tunnel shafts, ground source heating and cooling systems

Piling and other deep foundation designs/ investigation boreholes/ tunnel shafts/ ground source heating and cooling systems 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 activities above, do not harm groundwater resources in line with paragraph 170 of the NPPF, the Environment Agency's approach to groundwater protection.

Condition 7 – 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 any part of the permitted development/ of each phase of development.

Reason: The submitted planning application indicates that boreholes will need to be installed at the development site to investigate groundwater resource. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 2.

Condition 8 - Underground storage tanks scheme

The development hereby permitted may not commence until such time as a scheme to install the 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 170 of the NPPF, Position Statements D1 and D2 of the Environment Agency's Approach to Groundwater Protection and your Local Plan Policies GC9 - Prevention of pollution throughout the District, CS4: Ensuring that development is sustainable and the Chiltern Sustainable Construction and Renewable Energy SPD Water Quality chapter.

No further comments from the EA in response to the submitted ES Addendum(s).

Forestry Commission England - No objection raised, and have referred to joint standing advice that has been prepared with Natural England in relation to the loss or deterioration of irreplaceable habitats (incl. Ancient Woodland and Veteran Trees).

Aerodrome Safeguarding (Heathrow) - Confirmed that they have assessed the above application against safeguarding criteria and can confirm that they have no safeguarding objections to the proposed development.

National Air Traffic Safety (NATS) – “The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.”

Colne Valley Park (CVP) - Objection has been raised on the grounds that the development will result in conflict with the six objectives of the Park, which are:

1. To maintain and enhance the landscape, historic environment and waterscape of the Park in terms of their scenic and conservation value and their overall amenity.
2. To safeguard the countryside of the Park from inappropriate development. Where development is permissible it will encourage the highest possible standards of design.
3. To conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features.

4. To provide opportunities for countryside recreation and ensure that facilities are accessible to all.
5. To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of the countryside.
6. To encourage community participation including volunteering and environmental education. To promote the health and social well-being benefits that access to high quality green space brings.

The whole of the application site is located within the Park. The development will result in:

- Landscape and countryside impact in conflict with objectives 1 & 2
- Impact on the attractiveness/countryside setting of the footpath CSP16 in conflict with objective 4
- 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.

CVP disagrees with the applicant's assessment of need, and considers the existing Beaconsfield MSA reduces need for another MSA in this area.

Consider that there is no certainty in the draft s106 Heads of Terms about how the proposed mitigation area will be managed and maintained in perpetuity. In addition, the area of mitigation is too small and does not go far enough to mitigate the impacts of the MSA.

Object to the proposed development because:

- Dispute the need for a MSA and therefore that 'very special circumstances' for development in the green belt are not met.
- The impact on the delivery of the Colne Valley Park objectives in this area and the permanent loss of the ability to deliver those objectives.
- Insufficient mitigation and no long-term certainty for the proposed mitigation area as the developer has chosen not to include this land (which is within their control) within the development boundary.

If the council is minded to approve this application recommend that conditions be imposed to ensure sufficient mitigation through s106, and this could be delivered through a Countryside Management Service.

Following the submitted ES Addendum (December 2019), CVP responded to advise that the additional ES information submitted did not address their initial grounds for objecting. The CVP consider that their request for a Countryside Management Service (to be secured through s106 agreement) does meet the relevant tests for planning obligations, and would be in line with paragraph 138 of the NPPF.

Proposals for landscape and access enhancements for land to the west of the application site should be secured in a s106 legal agreement, and managed in perpetuity.

Thames Water - No objection, but with regards to surface water drainage the developer is advised to follow the sequential approach to the disposal of surface water.

With regard to foul water sewerage network infrastructure capacity, no objection to the above planning application, based on the information provided.

Building Control - Proposed access for the disabled to comply with Approved Document M.

Bucks Council Archaeological Service – 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.

The Pegasus report conclusions include:

“7.1 Known areas of previous disturbance within the site comprise the route of the M25 which would disturbed or removed any below-ground archaeological remains. Whilst there are historic planning 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.

7.2 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 would not be practical.

If planning permission is granted for this development then it is likely to 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 199. With reference to the NPPF it is therefore recommended that, based on the advice in DOE Circular 11/95, any consent granted for this development should be subject to recommended conditions – a staged condition for archaeological mitigation should be secured.

Economic Development Team (Buckinghamshire Council) - The proposed MSA will involve significant investment in the area and will create a number of employment opportunities. The accompanying Economic Statement suggests that a minimum of 622 direct construction jobs will be created per annum as well as a further 1,268 indirect jobs over the construction period. Around 340 jobs are estimated to be created once the MSA is operational.

The proposed MSA has the potential to create a number of economic benefits locally, particularly in terms of employment creation, apprenticeships and education opportunities and an overall positive contribution to the value of the local economy. It is important that all efforts are made to maximise the economic benefits locally.

Natural England (NE) - No objection. NE considers that based on the submitted plans the proposal will not have significant adverse impacts on designated sites or protected landscapes. Advice has been given in relation to other environmental issues.

Affinity Water – “We have now completed a private operating agreement with the applicant and are satisfied that these arrangements will provide us as the appointed water undertaker with a direct ability to ensure that sources of water that we use for public water supply are protected during any development activity. We therefore withdraw our objections to the above application.” Planning conditions have been recommended in the event that planning permission is granted.

Council Tree Officer - “Generally it appears that the proposed access arrangements should not involve the loss of many important trees and the proposed replacement planting should compensate for this loss so I would not object to the application. However, the indicative layout could be improved by the retention of more of the better existing trees.”

Bucks Council Local Lead Flood Authority (LLFA) - Following the submission of further technical information that was requested, no objection is raised, subject to recommended planning conditions.

HS2 - No objection raised. HS2 confirm that the MSA proposals will have no direct interface with HS2 works taking place. The MSA proposals (in their current form) do not appear to pose any long term risk to the operation of the HS2 railway. In the event that planning permission is granted planning conditions are requested.

Highways England (HE) – The initial “holding direction” has been lifted. It was confirmed in the most recent consultation response (December 2020) that HE offer no objection to the proposals and recommend that planning conditions, as set out, (conditions 1-9) be attached to any planning permission that may be granted.

HE confirm that they are supportive based on DfT policy, Circular 02/2013, of a MSA facility in the North West quadrant of the M25.

Bucks Highways Officer – Noted that some construction trips to the site will initially take place via the local highway network (c.12 weeks). The local road network through Chalfont St Peter is residential in nature, and not well suited to construction vehicles. It is therefore necessary for a comprehensive Construction Traffic Management Plan (CTMP) to be submitted, agreed and adhered to in order to minimise the impact on local road users and residents.

The operational trip generation of this site on the local highway network is expected to have a minimal impact as there is to be no public vehicular access from the local network, and therefore the Highway Authority is satisfied that no further information is required.

The temporary construction access arrangements are considered acceptable, subject to recommended planning conditions.

The existing field access onto Denham Lane is to be used for a temporary period to establish a site compound and construct an access for the M25. Following this, the access is to be retained for Thames Valley Police (TVP) access to the MSA if required. The Highway Authority remains concerned about the retention of the access onto Denham Lane. The Highway Authority however notes the requirement by TVP for a separate access into the site. On balance, we are prepared to accept the retention of a vehicular access, which can solely be used by TVP for operational purposes.

In order to ensure this access is kept secured and does not allow for unrestricted vehicular access, the Highway Authority must insist upon the Heads of Terms for the detailed management plan being secured as part of a S106 agreement.

The access arrangements for the proposed non-motorised multi-user route from Denham Lane to the MSA site are accepted.

Support in principle for the proposed off-site highway works to Denham Lane to install a crossing point (close to Joiners Lane), and to carry out works to a section of the existing public right of way close to Denham Lane.

No objection is raised, subject to the imposition of recommended planning conditions and s106 obligations.

Council's Ecology Consultant Officer - No objection, subject to a number of ecological conditions if minded to approve. Satisfied that the presence of protected and notable habitats and species has been given due regard.

Council Strategic Environment Teams (Air & Land Quality, Major Development, Sustainability, Carbon Reduction, Radioactivity) and (Environmental Health, Sustainability and Resilience):

No objection from a contaminated land perspective, subject to recommended conditions.

No objection from an air quality perspective.

No objection on noise or lighting grounds, subject to recommended conditions.

Historic Buildings and Conservation Officer - "Due to the topography of the land in this instance it is felt that the development proposal is likely to result in little to no harm to the setting or significance of the designated heritage assets noted above".

Concern noted that the development will harm views across the Colne Valley and that mitigation may lessen such harm. This could be achieved by a well maintained and robust landscaping scheme, but other elements are likely to remain visible. The design quality of these elements will either lessen or increase such harm.

Council Landscape Officer - Object from a landscape point of view as the application site is in the Green Belt and the Colne Valley Park, and near to the Chiltern Hills AONB. Some important local landscape will be lost. Measures should be taken to protect important features, such as nearby ancient woodland.

The illustrative masterplan shows a proposed quantity of new landscaping, planting and biodiversity that should screen and soften the proposed development. More of the existing trees should be retained.

Proposed landscaping should be managed in perpetuity and a fully detailed landscaping scheme would be required.

The Chilterns Conservation Board (CCB) - In responding the CCB made it clear that they wished their response to be treated as "comments" only. They have raised concerns with the erosion of the rural setting to the AONB, which is confirmed as being 1.8km to the north of the site.

It is accepted that there is no intervisibility between the application site and the AONB landscape, nor is it considered to fall within the setting of the AONB. Accepting of the point made in the submission that topography, planting and separation affects the level of visibility between the application site and the AONB.

Note that the site, and surrounding AONB, all sit within the same National Character Area, and note the immediate landscape character in the Bucks Character Assessment Chalfont St Peter Mixed Use Terrace. The development of the rural hinterland beyond the AONB is most concerning to the CCB. It is considered the landscape character relationship to the AONB would be compromised by the proposal to a far greater degree. This will result in general creep of development around and from the M25 into this open and predominantly rural location.

Green Belt status of the land helps to maintain the open character south of the AONB boundary and limits the potential for a significant erosion of the rural area as a consequence of motorway related development. The agglomerated noise, lighting and development impact here will inevitably change the landscape character.

It is noted that in the dismissed 1999 appeal for a proposed MSA on land to the south of the application site, that loss of landscape was also cited as a reason for refusal alongside Green Belt harm. The point is made that the current application site is closer to the AONB than this previous proposed development site.

Opportunities to enhance biodiversity connectivity are lost as a result of development.

The new AONB Management Plan and position statement on settings both post-date the 1999 appeal decision and serve to reinforce the protection of setting, which includes landscape character as a component issue.

National Planning Casework Unit - Confirmed they have no comments to make in relation to the Environmental Statement (or the planning application generally).

Three Rivers District Council - Confirmed no comments to make.

Thames Valley Police (TVP) Architectural Liaison Officer – An objection was raised initially, and this related specifically to the proposed access only from the M25. TVP advised their objection could be addressed with an additional access/egress route independent of the M25.

TVP requested that an emergency services access route is provided to the site without the need to enter the M25. This should be accessed controlled with rising bollards to prevent unauthorised entry with key code access.

Requested that the applicant engage further with TVP in relation to the proposed footpath connections to the MSA site.

Request that any associated S106 Agreement includes provision for a developer contribution of £44,000 for the delivery of four (4) Automatic Number Plate Recognition (ANPR) Cameras on site.

A further response was provided following amendments to the Security Framework. The amendments to the Framework removed the unrestricted vehicular access previously provided for TVP across the site, again leaving some areas only accessible from the M25 carriageway. As such, the design and layout of this application is likely to have a negative impact on the ability of TVP to respond to incidents at the proposed MSA site, with

increased response times to the proposed site. Redeployment to incidents in the wider community will also be adversely affected. Furthermore, this could impact the safety and security of the MSA, its staff and service users, as well as the safety of emergency services workers, therefore we must object to this application.

Bucks Council Strategic Planning Team - Minerals and Waste - Following the request for a Minerals Assessment, and further consideration of the submitted Mineral Assessment, no objections is raised from a mineral safeguarding perspective, subject to recommended planning conditions.

Strategic Access Officer (Buckinghamshire Council) - A positive and comprehensive rights of way strategy is included with the application and the application provides significant local and strategic recreation and active travel benefits within and outside the application site.

Proposed improvements include new definitive bridleways to connect missing links in the existing network; a new cycleway from Denham Lane for employees; substantial lengths of existing and new bridleways to be resurfaced; enhancements to the M25 underpass (surfacing and lighting); and a contribution of £100k to the proposed North Orbital Cycleway from Denham village to the county boundary. The proposals have benefits for local walkers, cyclists and horse riders; and are inclusive for all abilities and disabilities.

Content with the proposed rights of way and recreational strategy amendments which evolved after consultation with Highways England.

No objection from a public rights of way perspective, subject to recommended planning conditions and s106 obligations being secured.

Planning Policy Team (Buckinghamshire Council) – Referred to the relevant Development Plan documents, and relevant paragraphs in the NPPF for consideration in the determination of this application.

If the proposed location can be proven to be the only available location to serve the M25 then careful consideration needs to be given to the proposed scale of development.

Question whether the proposed hotel and business centre may become a destination in their own right, and it would be hard to demonstrate there are very special circumstances for their provision in this Green Belt location. Such facilities could be located in a nearby settlement or an area of previously developed land.

Overall, the proposal is not in accordance with the Development Plan. Very special circumstances will need to be justified to consider allowing an exception to Green Belt policy.

South Bucks District Council (former adjoining authority) - No objection.

Berkshire, Buckinghamshire, Oxfordshire Wildlife Trusts – Object to the proposed development. Concerned about the scale and impact of this proposed development on wildlife, but it is pleasing to note that it includes significant new habitat creation.

The basis of the objection is twofold. Firstly, they cannot see sufficient long-term support for the new habitats, which is essential to deliver the biodiversity net gain required by the NPPF. Secondly, it is noted that the mitigation land is located outside the development control 'red line' boundary. This raises further concerns about the long-term support for protection and management of the habitats needed to deliver biodiversity net gain.

To address the concerns, it is recommended a section 106 agreement is used to secure the use of the adjacent land specifically for the ecological mitigation as set out within the application for the lifetime of the development.

British Pipeline Agency (BPA) – Advise that the proposed works would be within the easement to high pressure petroleum pipeline. BPA will wish to ensure that any works carried out within the vicinity of the pipeline are in accordance with their safety requirements. The applicant/developer would need to engage further with BPA in advance of any works – further detailed drawings, Method Statement and Risk Assessment would need to be provided to BPA.

Follow on comments that tree planting is not permitted in the easement of the pipeline, and any new fencing or footpath installation within the easement will require BPA supervision and consultation prior to commencement of works.

Spring Green Planning Ltd (on behalf of Denham Aerodrome) – Objection raised to the proposal, which is endorsed by a separate representation from The General Aviation Awareness Council. A number of representations have been submitted on behalf of Denham Aerodrome, between the period August 2019 – April 2021. Further detail on the grounds for objecting to the proposed development are set out within the main body of the report (see Section 20 'Aviation Safety').

OTHER REPRESENTATIONS:

238 third party or local representations from 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 below:

222 letters of objection:

Green Belt

- Loss of Green Belt
- Inappropriate development in the Green Belt
- Preferable to develop previously developed land
- Contrary to purposes of Green Belt
- Would result in significant erosion of the Green Belt and given that it has no defensible boundaries it would allow the settlements of Chalfont St Peter, Horn Hill, West Hyde and Maple Cross to merge into one
- Site not marked for development in Chalfont St Peter Local Plan
- Benefits would not outweigh the harm to the Green Belt
- Inadequate case for Very Special Circumstances demonstrated
- Merging of separate villages into a conurbation
- Increased likelihood of further removal of land from Green Belt
- Proposal would have been better placed all to the east side of the M25
- Unwarranted development in the Green Belt and is contrary to the Chalfont St Peter Neighbourhood Plan
- The proposed land take is four times greater than the alternative proposal at junction 20 of the M25 (Kings Langley), and would result in a much greater loss of Green Belt
- The Alternative Sites Assessment document does not properly consider the impact on Green Belt
- No quantitative or qualitative assessment is carried out of the impact of the proposal on the Green Belt

Design/character & appearance

- Out of keeping with rural environment

Amenity

- Too close to residential areas; loss of amenity to residents on West Hyde Lane
- Increase in noise pollution
- Need for acoustic barriers on all sides
- Increase in light pollution
- Increase in smell
- Increase in littering
- Harm to peace and quiet of Chalfont Dene
- Increase in air pollution in the local area, and in particular this will effect Robertswood School

Landscape/ecology

- Detrimental impact on local wildlife, biodiversity, trees, flora and fauna
- Harm to Area of Outstanding Natural Beauty
- Increased carbon footprint
- Site is within the Colne Valley Regional Park which is already under threat from other development
- Already in a climate emergency
- Green planting scheme should be required
- Loss of ancient woodland
- Objection from Environment Agency on the grounds that this presents a high risk of contamination of drinking water supply
- Loss of productive agricultural land which is best and most versatile agricultural land, and this is considered to be significant
- Proposed development will give the site an urban appearance

Highways/parking

- Impact on parking locally
- Increase of vehicles using local roads to access site
- Local road network cannot cope with additional vehicles, there is already congestion along Denham Lane at peak times of the day, and during school drop off and pick up times
- Already highly congested stretch of motorway
- Poor state of repair of local roads
- Impact of heavy goods vehicles during construction, particularly around the junction of West Hyde Lane, Joiners Lane and Denham Lane. Construction access should be from the M25
- Concerns regarding Rights of Way Strategy; multi-use link could impact right of way to Warren Farm
- Incentives for walk/travel to work are unrealistic
- Public transport sporadic or non-existent
- Proposed shuttle service is not permanent
- Junction of Joiners Lane extremely congested already
- West Hyde Lane is unfit as an access road
- Employee footpath too narrow
- Loss of local footpaths
- Insufficient cycle parking on site
- No employee parking
- Inadequate access by emergency service vehicles
- Increased risk of traffic accidents
- Contradiction of policy encouraging migration away from petrol and diesel cars

- Employees using the proposed multi user route will end up parking on and around Denham Lane/Joiners Lane
- No evidence to support the applicant's assertion that on-line locations are any safer than junction sites

Other matters

- Previous application for an MSA facility at Warren Farm (land to the south of the application site) was refused by Secretary of State (SoS) at appeal in 1999 (ref: SBD/8215/96). The SoS found the proposal constituted inappropriate development in the Green Belt, and harmful, and that the proposal would detract from the openness of the Green Belt, and lead to encroachment into the open countryside. The SoS refused permission and in doing so did not consider the benefits of a second MSA (in addition to Cobham) to serve the needs of motorists on the M25/M40 would be outweighed by the harm to the Green Belt. This proposal should be refused in line with this earlier decision.
- No demonstration of how the proposal meets the tests for sustainable development
- Existing MSA facilities are sufficient
- No robust evidence of need for a MSA facility in this location
- Alternative Sites Assessment document is flawed and it does not correctly follow the policy approach set out in Circular 02/2013 (a critique of this has been carried out on behalf of Moto, who are applicants for the alternate MSA proposal at junction 20 of the M25 (Kings Langley))
- Development oversized and larger than necessary
- District already benefits from MSA facility at Beaconsfield
- The alternate MSA proposal at junction 20 of the M25 (Kings Langley) is better suited and is more appropriate
- The alternate MSA proposal at junction 20 of the M25 (Kings Langley) ruled out the application site
- No justification for a large hotel
- No benefit to local community
- No benefit to local economy
- Job creation not likely to benefit local community
- Concerns regarding security issues and how the site will be secured and manned
- Concerns that the increased/improved pedestrian access to the MSA site will increase permeability, and this in turn will increase opportunities for crime and anti-social behaviour
- Harm to nearby cemetery
- Harm to Robertswood Primary School
- Harm to PACCAR scout camp
- Harm to local water table
- Increased flood risk

- Harm to existing hotels, guest houses etc.
- Harm to local property prices
- Unhealthy eating contrary to government policy
- Concern regarding impact on adjacent airfield (Denham Aerodrome)
- Activities at Denham Airport have not been given sufficient consideration
- Concern regarding gas from adjacent landfill site coming into contact with flammable fuel
- Existing impact of HS2
- Must be considered alongside proposals for Heathrow expansion
- Concerns regarding construction of proposal
- Concern regarding impact of proposal on Jet fuel pipeline
- Site will likely be increased in size in the future
- Inadequate public consultation and communication carried out
- Application fails to demonstrate sufficient mitigation, and there is no long-term certainty for the proposed mitigation measures
- Haven't demonstrated how the development will achieve carbon neutrality, or contribute to carbon dioxide reduction
- Delivery of this MSA will be delayed while nearby HS2 works are completed, so the alternate proposal at junction 20 of the M25 (Kings Langley) is better placed to meet the need without delay
- Highways England recognises the need for an MSA facility to serve drivers on the western section of the M25 and articulated how it should be best met in their representations to the 2015 Initial Regulation 18 consultation for the emerging South Bucks Local Plan. The representation made by HE referred that the Plan should seek to address this need, and that a new MSA should be developed in the Green Belt of the M25 between the M40 (junction 16) and M4 (junction 15); the location for the proposed application by Colne Valley Motorway Services Ltd (CVS) (application ref; PL/20/4332/OA). In determination of this application full regard must be given to the CVS proposal.
- Submitted that the CVS proposal would better meet the need for an MSA on the western section of the M25; that it would cause less harm to the Green Belt by virtue of comprising materially less inappropriate development, and in a less sensitive part of the Green Belt; and that in overall terms it would cause less other harm
- Submitted that the CVS proposal is a material consideration of such weight that the Warren Farm proposal should be refused
- Proposed development is significantly larger in terms of floorspace than the Moto proposal at junction 20 of the M25 (Kings Langley)
- The Doncaster MSA appeal was a test case. It has clarified the relationship between Circular 02/2013 and Green Belt MSA development, it is clear that the application site performs poorly under the Circular 02/2013 and Moto's alternative site at

junction 20 of the M25 should be preferred as it takes only 25% of the land compared to the application proposal

- There can be no justification for more than one MSA development along this section of the M25

15 letters of support:

- In line with government policy concerning the need for a MSA within the gap between South Mimms & Cobham
- The site has direct access to the motorway
- Location of the development is logical and preferable to other sites
- Keeping traffic on the motorway will reduce local pollution
- The site is in a better location than the site near Kings Langley

1 neutral letter:

- No objection in principle to the development but concerns regarding the issue of access for site employees and the impact this will have on the local highway network and parking provision

Full copies of the representations received can be obtained on the Council's website.

Appendix B: Recommended Draft Planning Conditions

The following conditions are suggested ones to be put forward at the appeal, to be broadly in accordance with those below. Any final conditions to be finalised by Officers during the appeal process.

1. Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of 5 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 details of the reserved matters submitted pursuant to this permission shall be carried out in accordance with the Site Location Plan (BIR5351_18-C), Parameter Plan (1740/P(--))100 P4) and Design Principles (July 2020) accompanying the outline planning application and be consistent with the Design and Access Statement (July 2020). The quantum of landscaping to be provided, including existing areas for retention, new areas of planting, central landscape spine and any associated green infrastructure shall be in general accordance with the Parameter Plan (1740/P(--))100 P4).

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. 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.

4. The development hereby permitted shall be carried out in accordance with the approved plans listed.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. No development shall commence until a Phasing Plan has been 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 unless a variation has been agreed in writing by the Local Planning Authority. 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 phase of the development hereby permitted shall be occupied until all parking spaces, internal access roads, turning and manoeuvring areas, and footpaths for that phase have been constructed and laid out in accordance with the approved plans listed in the Plans Schedule. The approved parking areas shall not be used for any other purpose thereafter.

Reason: To ensure appropriate parking provision for each phase of development.

7. No works shall take place for any phase of development until details of the proposed finished slab and floor levels of the development and of finished ground levels, 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 and retained in accordance with these approved details.

Reason: To ensure that construction is carried out at suitable levels.

8. No building works shall take place to each building element until details and sample panels of all the external walling and roofing materials for that element have been submitted to and approved in writing by the Local Planning Authority. Sample panels shall be made available on site prior to the commencement of building works on each element, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works for that building shall be constructed from the materials thereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with the adopted Local Plan saved Policy GC1 and Core Strategy Policy CS20.

9. No phase of building works shall commence until details of the position, design, materials, height and type of all walls and/or fences or permanent boundary/screening treatment, whether or not shown to be erected on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied, and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential and visual amenity and in accordance with adopted Local Plan saved Policy GC1 and Core Strategy Policy CS20.

10. Details of any new fencing or footpath installation situated within the pipeline easement will be required to undertaken in accordance with a schedule of works and method of supervision that has been agreed with the British Pipeline Agency.

Reason: To ensure that works do not interfere with the pipeline.

11. Prior to the commencement of any phase of development approved by this planning permission a remediation strategy to deal with the risks associated with contamination of that phase shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include:

1. A preliminary risk assessment which has identified: all previous uses and proposed uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and 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 and mitigation 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 and mitigation strategy in (3) are complete, this data shall include any waste transfers notes relating to exported and imported soils 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 is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution and to prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area. This condition is in line with paragraph 170 of the National Planning Policy Framework (NPPF) and Local Plan Policies GC9, CS4 and Renewable Energy SPD.

12. Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation and mitigation strategy and effectiveness of the measures 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 and mitigation 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. To prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area. This condition is in line with paragraph 170 of the NPPF and Local Plan Policies GC9, CS4 and Renewable Energy SPD.

13. The development hereby permitted may 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 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. This condition is in line with paragraph 170 of the NPPF and Local Plan Policies GC9, CS4 and Renewable Energy SPD.

14. 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 in liaison with the Environment Agency and Affinity Water) 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 liaison with the Environment Agency and Affinity Water. The remediation strategy shall be implemented as approved with a pre and post development monitoring plan.

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. To prevent further deterioration of a water quality element to a lower status class and prevent the recovery of a drinking water protected area. This condition is in line with paragraph 170 of the NPPF and Local Plan Policies GC9, CS4 and the Chiltern Sustainable Construction and Renewable Energy SPD.

15. No infiltration of surface water drainage into the ground at this site 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 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. This condition is in line with paragraph 170 of the NPPF and Local Plan Policies GC9, CS4 and the Chiltern Sustainable Construction and Renewable Energy SPD.

16. No works involving deep excavations, for example piling and other deep foundation designs/ investigation boreholes/ tunnel shafts/ ground source heating and cooling systems, using penetrative methods shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in liaison with the Environment Agency and 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 developer shall notify the Environment Agency and 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. The development shall be carried out in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority in liaison with the Environment Agency and Affinity Water.

Reason: To ensure that the proposed activities above, do not harm groundwater resources in line with paragraph 170 of the NPPF, the Environment Agency's approach to groundwater protection, February 2018 Version 1.2

<https://www.gov.uk/government/publications/groundwater-protection-position-statements> and Local Plan Policies GC9, CS4 and the Chiltern Sustainable Construction and Renewable Energy SPD. If they have .

Cond 20 whole life maintenance could be part of S106?

17. 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 any part of the permitted development/ of each phase of development and maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed activities above, do not harm groundwater resources in line with paragraph 170 of the NPPF, the Environment Agency's approach to groundwater protection, February 2018 Version 1.2

<https://www.gov.uk/government/publications/groundwater-protection-position-statements> and Local Plan Policies GC9, CS4 and the Chiltern Sustainable Construction and Renewable Energy SPD.

18. Prior to the commitment of any phase of development a scheme to install any underground tanks/substance containers relating to that phase shall be submitted to, and approved in writing by, the Local Planning Authority in liaison with the Environment Agency and Affinity Water. 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 maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority in liaison with the Environment Agency and Affinity Water.

Reason: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 170 of the NPPF, Position Statements D1 and D2 of the Environment Agency's Approach to Groundwater Protection and Local Plan Policies GC9, CS4 and the Chiltern Sustainable Construction and Renewable Energy SPD.

19. No phase of development shall begin until a detailed surface water drainage scheme for the site, based on the Flood Risk Assessment (ref. SH11660, June 2019, Wardell Armstrong), Flood Risk Assessment Technical Note (ref. SH11660_0013A Rev. V1.1, October 2019, Wardell Armstrong), Drainage Strategy (ref. 1620005217, June 2019, Ramboll) and Drainage Strategy Additional Technical Report (ref. 5217_RAM_ZZ_ZZ_RP_D_004, November 2019, Ramboll) has been submitted to and approved in writing by the Local Planning Authority in liaison with the Environment Agency and Affinity Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of the existing surface water flow route using where necessary hydraulic modelling. This must include information on surface water flows and volumes across a suitable catchment area to inform the design of mitigation measures, with priority given to SuDS based solutions.

- 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 included in Drainage Strategy (ref. 1620005217, June 2019, Ramboll)
- 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 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.
- Details of a scheme that prevents oil and hydrocarbons being discharged into the aquifer

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.

20. 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.

21. Prior to the commencement of any phase of development, a Mineral Recovery Plan shall be prepared which will assess the areas of construction where minerals would be potentially recoverable, such as groundworks, SUDS and landscaping areas. The Mineral Recovery Plan should consider the extent to which any minerals available on site would meet the specifications required for construction and record the tonnages of recovered usable minerals where possible. The Mineral Recovery Plan shall be submitted to, and

approved by the Local Planning Authority and adhered to for the duration of construction works on site.

Reason: To ensure any useable mineral resource on site is recovered.

22. No phase of development shall take place, unless authorised by the Local Planning Authority, until the developer, or their agents or successors in title, have undertaken archaeological evaluation related to the approved phase in form of trial trenching in accordance with a written scheme of investigation which has been submitted by the developer, or their agents or successors in title, and approved in writing by the Local Planning Authority.

Reason: To ensure conformity with NPPF paragraph 199.

23. Where archaeological remains are recorded by evaluation and are worthy of recording no development of the approved phase shall take place until the developer, 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 developer, or their agents or successors in title and approved in writing by the Local Planning Authority.

Reason: To ensure conformity with NPPF paragraph 199.

24. 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;

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: To minimise the impacts on biodiversity.

25. An Ecological Management & Mitigation Plan (EMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the EMMP shall include, but not be limited to, the following:

- a) Description and evaluation of features to be managed within the scheme and new compensatory habitat;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of long term management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule;
- g) Details of the body or organization responsible for funding and implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The EMMP 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. Long-term management shall be undertaken for a minimum of 30 years.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMMP 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 fully in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure ecology impacts are minimised and managed.

26. Prior to the commencement of development updated protected species and habitat surveys 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 in conjunction with the Council Ecology Officer. 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: 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).

27. Prior to installation, a “lighting design strategy for biodiversity” for buildings, features or areas within the site to be lit shall be submitted to and approved in writing by the Local Planning Authority. No lighting shall be directed towards existing or new vegetation. The strategy shall 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 light will not adversely impact identified foraging and commuting routes for bats. The strategy will be prepared following guidance set out in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK, Bats and the Built Environment series. All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the strategy unless otherwise agreed in writing by the Local Planning Authority. No other external lighting shall be installed without the prior consent from the Local Planning Authority.

Reason: To minimise any lighting impacts on biodiversity.

28. Prior to the commencement of any phase of development, a detailed scheme of ecological enhancements (and timings for implementation) shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved.

The scheme will include details of artificial roost features, including bird and bat boxes, dedicated swift boxes, hedgehog domes, dead wood habitat for saproxylic invertebrates and other refugia of benefit to wildlife. Full details of planting of known benefit to wildlife shall be provided, including berry-bearing trees and shrubs and night-flowering species.

The biodiversity offsetting metric will be updated to reflect any changes in habitats and in accordance with the finalised masterplan.

Reason: To secure Biodiversity Net Gains are achieved.

29. Prior to the commencement of the relevant phase of development, a detailed specification for the 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.

30. Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include (but is not limited to the following):

- a) Proposed finished levels and/or contours,
- b) Boundary details and means of enclosure,
- c) Car parking layouts,
- d) Other vehicle and pedestrian access and circulation areas,
- e) Hard surfacing areas (e.g. surfacing materials) and their permeable qualities,
- f) Minor artefacts and structures (e.g. furniture, seating, play equipment, refuse or other storage units, signs, lighting etc.)
- g) Proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.)

Soft landscape works shall include (but is not limited to the following):

- h) Planting plans
- i) Written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) Schedules or plants noting species, planting sizes and proposed numbers/densities

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. 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.

31. 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, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Landscape Management Plan shall be carried out as approved thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure successful aftercare of landscaping.

32. a) No works shall commence until all existing trees, hedges, bushes shown to be retained in general accordance with the Arboricultural Impact Assessment (June 2019) and Illustrative Masterplan (BIR5351_09-T) are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) 'Trees in relation to design, demolition and construction', unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

b) No works or development shall commence until a written arboricultural method statement for tree care plan has been submitted to and approved in writing by the Local Planning Authority. Works of development shall then be carried out in accordance with the approved method statement.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

Reason: To ensure trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities.

33. 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

34. The development shall be carried out in accordance with the Offsite Highway Works General Arrangement shown on 255375-ARP-ZZ-ZZ-DR-CH-0066 Rev P05 or such other scheme of works or variation substantially to the same effect, as may be approved in writing by the Local Planning Authority (in consultation with Highways England) and the approved scheme of highway works shall be completed fully prior to first occupation of the development hereby permitted unless otherwise agreed 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.

35. The improvements set out in the drawings listed below (or such other scheme of works or variation substantially to the same effect, as may be approved in writing by the Local Planning Authority (in consultation with Highways England)) shall be constructed and open to traffic prior to first occupation of the development hereby permitted:

- 255375-ARP-ZZ-ZZ-DR-CH-0099 Rev P02 (Proposed Highway Works, Sheet 1 of 8);
- 255375-ARP-ZZ-ZZ-DR-CH-0100 Rev P02 (Proposed Highway Works, Sheet 2 of 8);
- 255375-ARP-ZZ-ZZ-DR-CH-0101 Rev P02 (Proposed Highway Works, Sheet 3 of 8);
- 255375-ARP-ZZ-ZZ-DR-CH-0102 Rev P03 (Proposed Highway Works, Sheet 4 of 8);
- 255375-ARP-ZZ-ZZ-DR-CH-0103 Rev P03 (Proposed Highway Works, Sheet 5 of 8);
- 255375-ARP-ZZ-ZZ-DR-CH-0104 Rev P03 (Proposed Highway Works, Sheet 6 of 8);
- 255375-ARP-ZZ-ZZ-DR-CH-0105 Rev P03 (Proposed Highway Works, Sheet 7 of 8);
- 255375-ARP-ZZ-ZZ-DR-CH-0106 Rev P02 (Proposed Highway Works, Sheet 8 of 8); and

- 255375-ARP-ZZ-ZZ-DR-CB-0004 Rev P01 (Option 2 Tied Arch Overbridge General Arrangement).

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.

36. Prior to commencement of construction of any phase of the development, a Construction Traffic Management Plan (CTMP) for that phase of the development shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). This shall include, but not be limited to, the following:

- The proposed construction traffic routes to the site, to be identified on a plan;
- Construction Traffic Management (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) 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 including an agreed daily maximum for HGV movements;
- Details of, and agreement to, traffic management proposals on the M25 between Junctions 16 and 17;
- The 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);
- The proposed maintenance and aftercare of the site;
- 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 as a result of the construction programme;
- Protection measures for hedgerows and grasslands;
- Risk Assessments and Method Statements for the works;
- Contact details of personnel responsible for the construction works;
- Soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use; and
- Details of the size and location of the construction site compound to be established and the access arrangements to and from this.

The approved CTMP 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: To manage impacts on the M25 throughout the construction period of the proposed development and 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.

37. No phase of development shall take place until a Construction Traffic Management Plan (CTMP) relating to the temporary construction access from the local road network has been submitted to and approved by the Local Planning Authority, in conjunction with the Local Highway Authority. The CTMP shall include details of:

- i) A construction programme for the MSA, including timetable for the use of the temporary construction access
- 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 CTMP shall be adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents.

38. No surface water shall be permitted to run off from the development hereby permitted 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 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 (in consultation with Highways England). 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 thereafter unless otherwise approved in writing by the local planning authority (in consultation with Highways England).

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.

39. Prior to the installation of any external lighting full details of lighting, the associated levels of luminance, timing of its provision, and its location shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England). 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 otherwise agreed in writing by the Local Planning Authority (in consultation with Highways England).

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.

40. Prior to first occupation of the development, a Travel Plan shall be submitted to and approved by the Local Planning Authority (in consultation with Highways England). This Plan shall also be in general accordance the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. 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, unless otherwise agreed 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 and to reduce the need for future employees to travel by private car to the Motorway Service Area.

41. Not to commence the development, until a Security Framework has been submitted to and approved by the Local Planning Authority (in consultation with Highways England). The Security Framework will detail the measures that will be required, in perpetuity, to prevent use of this non-motorised user access being abused.

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.

42. Vehicular access to the development hereby approved shall, at all times, be from the M25 only.

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.

43. No part of the development hereby approved shall be open for public use at any time until a Strategic Highway Traffic Signs Agreement has been entered into between the Developer and Highways England and fully implemented and no part of the development be used in breach of the terms of such an agreement, unless otherwise agreed in writing by the Local Planning Authority in consultation with Highways England.

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.

44. The development hereby approved shall not be commenced until such time as an agreement under section 278 of the Highways Act 1980 between the developer and Highways England has been completed in relation to the proposed works on the M25 between Junctions 16 and 17 as shown Offsite Highway Works General Arrangement shown on 255375-ARP-ZZ-ZZ-DR-CH-0066 Rev P04 or such other scheme of works or variation substantially to the same effect, as may be approved in writing by the Local Planning Authority (in consultation with Highways England).

Reason: To ensure that the respective highway Statutory Agreements and Orders are in place before the commencement of development and 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.

45. Prior to the commencement of any phase of the development a scheme shall be submitted to and be approved in writing by the Local Planning Authority to include minimum vehicular visibility splays of 215m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Denham Lane within land under the developers control and the visibility splays shall be provided in accordance with the approved details and kept clear from any obstruction between 0.6m and 2.0m above ground level.

In the event that the developer is not able to secure the land required for full visibility, an alternative access would need to be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved details, prior to commencement of the development.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

46. Prior to commencement of any phase of the development a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority for alterations to the existing access onto Denham Lane and the provision of passing bays along the temporary construction access for temporary construction purposes (in general accordance with drawing 255375-ARP-ZZ-ZZ-DR-CH-0083 P03) and the access, including the passing bays, shall be constructed in accordance with the approved details and Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

47. Within 1 month of the construction access being made available from the M25 the temporary construction access off Denham Lane is to be formally closed to construction traffic other than that directly related to the creation of the Thames Valley Police/employee non-motorised emergency access. Once closed the access is not to be re-opened at any time for vehicles (other than those associated with Thames Valley Police) without written agreement from the Local Highway Authority.

Reason: In order to provide a safe and suitable route for all users of the proposed access.

48. Prior to the commencement of any phase of the development a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority for the Thames Valley Police access route, including amendments to the existing access onto

Denham Lane, to enable safe and suitable access following the temporary construction period. The scheme shall include a construction programme in order to deliver the approved Thames Valley Police access route. Approved works to create the route are to be carried out in accordance with approved details unless otherwise agreed in writing.

Reason: In order to provide a safe and suitable route for all users of the proposed access.

49. The multi-user employee route between Denham Lane and the application site shall remain available for use by employee pedestrians and cyclists to access the development, within daylight hours, and shall be maintained in perpetuity.

Reason: In order to minimise inconvenience to highway users.

50. Prior to occupation of the development, a scheme of off-site works for a new pedestrian crossing on Denham Lane shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the offsite works have been laid out and 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.

51. Prior to commencement of any phase of development further details of cycle parking (minimum no 40 cycle parking spaces), motorcycle parking and disabled vehicle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained in accordance with the approved details.

Reason: To ensure satisfactory provision on site for cycle users, motorcycle users and disabled drivers.

52. Prior to the first occupation of the development, details of Electric Vehicle Charging provision to include up to 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), shall be submitted to and approved in writing by the Local Planning Authority.

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 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.

53. Prior to first occupation 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 accordance with the approved details.

Reason: To ensure the free and safe use of the highway.

54. No phase of the 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 in liaison with HS2 Ltd. 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 in liaison with HS2 Ltd.

Reason: To ensure the works do not prejudice the construction of HS2.

55. Prior to commencement of the Building Phase, a Fire Strategy that considers the risk of delayed response times shall be submitted to the Local Planning Authority in consultation with the Fire Authority. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Fire Authority, the Fire Strategy should include a form of automatic suppression to the Amenity Building of the MSA and subject to the risk analysis in the Fire Strategy a form of automatic suppression system in whole or part, may be considered for the hotel if this is deemed necessary to address the risk of delayed response times.

Reason: To minimise the risk from fire to the development.