



Report to Buckinghamshire Council – Strategic Sites Committee

Application Number:	22/01750/APP
Proposal:	Diversion of overhead cables
Site location:	Link Road Between A413 Wendover Road and the B4443 Lower Road, Stoke Mandeville
Applicant:	Buckinghamshire Council
Case Officer:	Sue Pilcher
Ward affected:	Wendover, Halton and Stoke Mandeville
Parish-Town Council:	Stoke Mandeville
Valid date:	11 th May 2022
Determination date:	6 th July 2022
Recommendation:	The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the receipt of the NatureSpace report in respect of Great Crested Newts and the agreement to the use of the District Licence, subject to the receipt of no new material representations, and the conditions as proposed and any others considered appropriate by Officers, or if this is not achieved for the application to be refused

1.0 Summary, Recommendation and Reason for Planning Committee Consideration

- 1.1 This application has been submitted by Buckinghamshire Council and as such it must be referred to committee for a decision. In this case the application relates to the diversion of overhead cables to underground cable ducts which is required as a result of the South East Link Road (SEALR phase 2) which affects the route of the lines. On the basis that the development is required as it relates to a scheme providing major infrastructure it is considered appropriate for the application to be referred to the SSC for determination.
- 1.2 Planning permission is sought for the diversion of overhead lines. It has been evaluated against the adopted Development Plan and the guidance set out in the NPPF and whether or not the proposal delivers sustainable development.

1.3 In this case, given the nature of the development it is not considered that there would be any long-term harm following the conclusion of the construction period, subject to suitable conditions. Taking all the relevant factors into account, all policies of the VALP, and advice within the NPPF, it is considered that the proposal would accord with an up-to-date development plan and it is recommended that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the receipt of the NatureSpace report in respect of Great Crested Newts and agreement to the use of the District Licence, subject to the receipt of no new material representations, and the conditions as proposed and any others considered appropriate by Officers, or if these are not achieved for the application to be refused.

2.0 Description of Proposed Development

- 2.1 The site is located to the west of the B4443, Lower Road and runs in a south-west and north-east direction to the north of Hall End Farm. The works are required in order to facilitate the diversion of overhead cables to underground cable ducts which is required as a result of the South-East Aylesbury Link Road (SEALR phase 2). This development comprises part of the early works for the link road. SEALR phase 1 will connect the Wendover Road with Lower Road and SEALR phase 2 will connect Lower Road with the future Stoke Mandeville relief road.
- 2.2 The application site, which is 8652m² in size, comprises agricultural crop land which is currently farmed. Surrounding the site to the north is the Bloor Homes housing development and the Belmore Centre, and beyond this are further residential areas and the Booker Park School. To the south of the site, beyond Hall End Farmhouse, lie further agricultural fields. To the east of the site lies the B4443, Lower Road, then more agricultural fields before reaching Wendover Road. To the west of the site lies a large expanse of agricultural land. Construction work relating to HS2 can currently be seen taking place to the west of the site.
- 2.3 The site is located adjacent to Hall End Farmhouse which is a Grade II listed building. To the west of Hall End Farmhouse, to the south of the site, there is a pond which is designated as containing Great Crested Newts. There are two Public Rights of Way (PRoW) located within the site, SMA 16/3 and SMA 17/3, both of which will be affected by the cabling diversion works. This route lies to the south of the proposed link road (phase 2).
- 2.4 The works themselves would involve the construction of trenches and laying of cable ducts along the length of the diversion route. It is anticipated that the ducting works will take place in August and September and outages to allow the cables to be 'fed through' by UKPN using their statutory powers will take place in September/October. Once the trenches are initially backfilled they will not need to be reopened.
- 2.5 The application is accompanied by:
- Application form
 - Minerals Assessment
 - Written Scheme of Investigation Aecom 10th March 2022

- Covering letter
- Ecology and Trees checklist
- Technical Note (detailing results of badger walkover survey – confidential)
- Location plan Dwg no. 60594170-ACM-HGN-Z_Z_Z_Z-DR-CH-0006
- Early works site plan Dwg no. 60594170-ACM-HGN-Z_Z_Z_Z-DR-CH-0005

3.0 Relevant Planning History

3.1 There is no relevant planning history for the site itself which is of relevance to the determination of this application. Planning permission has been granted for the first part of the SEALR under planning reference CC/20/15.

4.0 Representations

4.1 Statutory site publicity has been given to the application. All responses received have been summarised in Appendix A.

5.0 Policy Considerations and Evaluation

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area”.

5.2 The development plan for this area comprises:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Vale of Aylesbury Local Plan

5.3 The following documents are relevant material considerations to the determination of the application:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

5.4 The issues and policy considerations are the principle of development, design, historic environment in terms of impact on nearby listed buildings, archaeology, the amenity of existing residents, landscape character and visual impacts, highways and access, minerals safeguarding, ecology and flooding.

5.5 The following VALP policies are relevant to the application:

- S1 Sustainable development for Aylesbury Vale
- S2 Spatial strategy for growth
- D1 Delivering Aylesbury Garden Town

- BE1 Heritage Assets
- BE2 Design of new development
- BE3 Protection of the amenity of residents
- NE1 Biodiversity and Geodiversity
- NE3 Chilterns AONB and setting
- NE4 Landscape character and locally important landscape
- NE5 Pollution, air quality and contaminated land
- NE7 Best and most versatile agricultural land
- NE8 Trees, hedgerows and woodland
- C4 Protection of public rights of way
- T1 Delivering the sustainable transport vision
- T2 Supporting and Protecting Transport Schemes
- T5 Delivering transport in new development
- T7 Footpaths and cycle routes
- I4 Flooding

5.6 The following Buckinghamshire Minerals and Waste Local Plan (2019) policies are relevant to the determination of the application:

- Policy 1 Safeguarding of Mineral Resources
- Policy 6 Borrow Pits and Extraction as an Ancillary Activity
- Policy 10 Waste Prevention and Waste Minimisation in New Development

5.7 The Stoke Mandeville Neighbourhood Plan which covers this area is currently being prepared. At this time it has no weight in decision making.

Principle of Development

5.8 Policy T1 (Delivering the sustainable transport vision) of the VALP states that the council will assist in delivering amongst other things, public transportation to deliver the Aylesbury Garden Town initiative as well as any required improvements to the transportation network in Aylesbury Vale as required to deliver sustainable, healthy and thriving communities. Policy T3 (Supporting local transport schemes) of the VALP states that the council will actively support key transport proposals including those identified in both the Aylesbury Transport Strategy and Buckingham Transport Strategy. The council will support local transport schemes that provide benefits to Aylesbury Vale in terms of reducing road congestion, providing mode choice and deliver the council's sustainable spatial strategy. The South East Aylesbury Link Road is a protected and supported transport scheme as set out in this policy.

5.9 The proposed works are necessary in order to facilitate the diversion of overhead cables to underground cable ducts which is required as a result of the South-East Aylesbury Link Road (phase 2). This development comprises part of the early works for the link road. The works themselves would involve the construction of trenches and laying of cable ducts along the length of the diversion route.

- 5.10 The proposed development would enable the provision of the SEALR which is a supported transport scheme and as such the principle of the development is considered to be acceptable. The remainder of the report will assess other material considerations and compliance with policy as appropriate.

Impact on Landscape Setting

VALP policies BE2 (Design of new development), NE3 (Chilterns AONB and setting), NE4 (Landscape character and locally important landscape) and NE8 (Trees, woodlands and hedgerows)

- 5.11 Policy NE4 of the VALP requires development to contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside and development should provide net gains in biodiversity. Policy NE8 of the VALP requires the protection and retention of trees, hedgerows and woodland and the implementation of buffers around retained and planted hedgerows and woodlands. Policy NE3 of the VALP seeks to address the impacts of the development in respect of conserving the important landscape characteristics of the Chilterns AONB and its setting.
- 5.12 The application site is located within the Southern Vale Landscape Character which is characterised by flat landscape in the north rising gently to a rolling land form on the southern edge. There is evidence of parliamentary enclosure with streams and ditches draining off the chalk scarp to the south marked by belts of mature black poplar. The landscape continuity is interrupted by development and communication corridors but there is a predominance of large open arable fields, pockets of grazing land and smaller field parcels associated with settlements. Distinctive features comprise mature black poplar, historic moated sites and former fish ponds, the Aylesbury Arm of the Grand Union Canal on the northern boundary, vernacular buildings in Weston Turville, Manor House, Motte and Bailey Site and Church at Weston Turville, moated sites at Aston Clinton, Buckland and Broughton, ancient co-axial trackways and neutral grassland. Intrusive elements in this character area include the Aston Clinton bypass and associated infrastructure, traffic on the A41 and A413, the Aylesbury to Marylebone Railway, ribbon development and associated commercial development along main highway corridors.
- 5.13 During the construction period there would be some harm to the local landscape through the temporary construction works through the presence of machinery, soil storage and construction vehicles in and around the site. The construction works would be visible to users of the 'Round Aylesbury Walk' Public Right of Way (PRoW) and from residential properties to the south and east, as well as the new residential estate to the north. This visual impact would be temporary and would last as long as the construction phase. Due to the short-term nature of the works, the landscape and visual impacts are considered to be minimal.
- 5.14 The Chilterns Area of Outstanding Natural Beauty (AONB) lies approximately 3.2km to the south-east of the application site. Any impact associated with the proposed works would be

short term whilst the construction works are undertaken and as such there would be no long-term harm to the Chilterns AONB.

- 5.15 Having regard to the above matters it is considered that the development would accord with policies NE3, NE8 and NE4 of the VALP and with the NPPF and as such this matter should be afforded neutral weight in the planning balance.

Public Rights of Way (PRoW)

- 5.16 Policy C4 (Protection of public rights of way) of the VALP seeks to ensure there will be no long-term effects on PRoWs, with their integrity and connectivity maintained.
- 5.17 There will be temporary closures (for approximately 2 months) during construction although these will be supported by appropriate diversions and clearly signed existing alternative routes where possible. They will be planned and programmed to minimise disruption to users. The Council's PRoW Officer has commented that there will be a requirement to backfill the trenches at the two footpath crossings to reflect the existing arable farmland use. No objections are raised to the temporary closure and diversion of pedestrians for approximately two months for both footpaths affected and the alternative route would be acceptable. An informative is recommended highlighting that the footpaths should not be obstructed unless previously approved to be diverted.
- 5.18 Having regard to the above and the temporary nature of the impacts the development is considered to have an acceptable impact on PRoWs and as such the development would accord with Policy C4 of the VALP and with the NPPF and this matter should be afforded neutral weight in the planning balance.

Raising the quality of place making and design

- 5.19 Design is considered in terms policies BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) of the VALP. VALP policy BE2 states that new development should respect and complement the character of the site and its surroundings and the local distinctiveness and vernacular character of the locality, as well as important public views. Policy NE4 states that development should consider the characteristics of the landscape character area and have regard to the impact on visual amenity amongst other things.
- 5.20 This application relates to the diversion of overhead lines into cable ducts below ground. As such once the construction works are finalised, associated facilities removed from the site and the trenches backfilled, there will be no adverse impact on the character or appearance of the locality. Indeed, once the overhead lines are diverted underground it would be the case that the visual appearance of the site would be improved.
- 5.21 Having regard to the above and the temporary nature of the impacts through the construction of the development and that the overhead lines would be diverted underground, it is considered that the development would accord with Policies BE2 and

NE4 of the VALP and with the NPPF and this matter should be afforded positive weight in the planning balance.

Heritage

- 5.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The duties in s.66 of the Act require a local planning authority to give any harm considerable importance and weight in decision making. Policy BE1 of the VALP seeks to conserve heritage assets in a manner appropriate to their significance, including their setting and this reflects the guidance given in the NPPF.
- 5.23 The site itself does not contain any heritage assets in terms of listed buildings, nor is it within or near a conservation area, however, Hall End Farmhouse, which is located to the south of the site, is grade II listed. This building is 17th century (altered) and is noted for its timber frame with white painted brick infill and half-hipped tiled roof with old central chimney, and later chimney to the right with a swept dormer to the centre. The Environmental Summary submitted with the application notes that during construction, the presence of construction machinery will be visible from the listed building. However, this would be temporary and would not affect the significance of the listed building. In addition, best practice measures would be applied during construction. By the nature of the proposed development, it will not have any effects on the setting of the listed building, following the completion of the construction works.
- 5.24 Special regard as outlined in this assessment has been given to the statutory test of preserving the listed building under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It is considered that in terms of the impact of the development itself, the proposal would preserve and not harm the setting of the listed building. The proposal therefore also complies with Policy BE1 of the VALP and with the NPPF in respect of the impact on the setting of the listed building. Neutral weight is attributed to this in the planning balance.

Archaeological impacts

- 5.25 Policy BE1 of the VALP requires archaeological evaluations for any proposals related to or impacting on a heritage asset and/or possible archaeological site.
- 5.26 An assessment of heritage data and desk-based research has identified that there is potential for there to be unrecorded archaeological remains within the site. There is low potential for previously unrecorded archaeological remains of Palaeolithic, Mesolithic, Neolithic, Bronze Age, early medieval, medieval and post-medieval date within the wider SEALR Phase 2 site boundary investigated and also with this application site. There is a high potential for there to be unrecorded archaeological remains of Iron Age and Roman date.

- 5.27 Mitigation measures have been set out in the Written Scheme of Investigation (WSI) submitted with this planning application. The applicants have advised that the WSI has been produced for the SEALR Phase 2 scheme, however, it also includes the site which is the subject of this planning application. The work required will be undertaken as two separate phases of archaeological investigation, for this site and that required as part of SEALR 2. In the case of this application the archaeology work would comprise strip, map and sample investigations.
- 5.28 The Council's Archaeology Team have reviewed the WSI and are content with the measures set out, which have subsequently been approved for use. A condition is recommended that the development is undertaken in accordance with the WSI.
- 5.29 Having regard to the above, and subject to the inclusion of the condition, the archaeological impacts could be managed and therefore the proposal complies with policy BE1 of the VALP and with the NPPF and as such neutral weight is attributed to this in the planning balance.

Effect on Amenity

- 5.30 Policy BE3 of the VALP notes planning permission will not be granted where a proposed development would harm the amenity of existing residents.
- 5.31 The construction phase of the proposed development is expected to take place in July 2022 and August 2022, lasting for approximately two months. Working hours during construction will be the following:
- Monday to Friday:
0700 to 0800 Start-up (restriction on noisy works)
0800 to 1800 Normal working hours
1800 to 1900 Shut down (restriction on noisy works)
 - Saturday:
0700 to 0800 Start-up (restriction on noisy works)
0800 to 1300 Normal working hours
1300 to 1400 Shut down (restriction on noisy works)
- 5.32 The construction activities required during the construction phase will include:
- Enabling works, including any clearance of crops or vegetation;
 - Excavation of a trench to a depth of up to 1.6m and a maximum width of 1.3m;
 - Laying of the ducts;
 - Backfilling of the trench with the soil excavated from the trench immediately behind the laying of the duct; and
 - . Reinstatement of the land back to its existing use.
- 5.33 As discussed above, the number of construction vehicles and plant to be required for the works is expected to be minimal. Greenhouse gas and other pollutant emissions are therefore expected to be minimal. Best practice management measures associated with reducing impacts on air quality and climate change will be followed during construction.

Best practice measures would include matters such as implementing wetting of dust generating activities, covering stockpiles to prevent wind whipping and using road sweepers if needed to reduce dust generation. Vehicles and plant will be switched off when not in use.

5.34 Noise would be generated from the construction machinery and vehicles on site. Construction activities would not include any 'noisy works', such as piling or drilling, but there is expected to be noise generated from the trenching plant and construction vehicles entering and exiting the site. Vibration impacts are not expected as a result of the required construction activities. As a result, there is a potential for some noise impacts on local residents at Hall End, the houses on the opposite side of Lower Road (B4443) and the new residential development along Mozart End and Brahms Lane. There is also The Belmore centre, a commercial property, located to the north of the site. However, these noise impacts would be temporary. Best practice measures would be applied during construction to minimise noise. In addition, the following would be utilised:

- Use of modern plant, complying with applicable UK noise emission requirements;
- Unnecessary revving of engines will be avoided and equipment will be switched off when not in use;
- All construction plant and equipment to be properly maintained, silenced where appropriate and operated to prevent excessive noise;
- Loading and unloading of vehicles or moving equipment or materials around the site to
- be conducted in such a manner as to minimise noise generation, as far as reasonably
- practicable; and
- All vehicles used on-site shall incorporate reversing warning devices as opposed to the
- typical tonal reversing alarms to minimise noise disturbance where reasonably
- practicable.

5.35 The Council's Environmental Health Team have been consulted on the application and have raised no objections. Given the temporary nature of the construction works over a limited time period they do not consider that it would be necessary to condition the construction works. Should a nuisance be caused then this would be addressed under separate Environmental Health legislation. An informative is recommended highlighting the use of best practice.

5.36 Having regard to the above matters, and subject to the informative, it is considered that the proposal would not adversely impact the amenities of nearby residents and as such it would comply with VALP policy BE3 and with the NPPF. Neutral weight is attributed to this in the planning balance.

Highways and Access

- 5.37 In respect of the principle of the development and the justification required, this has been set out in the report above such that the development would accord with VALP policies in this regard. In terms of the technical acceptability of implementing the development, policy T5 of the VALP (Delivering transport in new development) states that transport and new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.
- 5.38 The proposed site access point will be from an existing farm access on Lower Road, directly to the north of the access road for Hall End Farm. A small laydown area for a temporary compound, a ground-hog welfare unit, minor plant storage and surplus excavated material will be cleared adjacent to this access. As discussed elsewhere in this report, the applicants have advised that prior to the works commencing, a Construction Environmental Management Plan (CEMP) would be produced which would set out the best practice and specific mitigation and management measures required to avoid and minimise environmental effects during construction. It would also set out hours of construction/deliveries and the monitoring and auditing activities designed to ensure that such mitigation measures are carried out, and that they are effective.
- 5.39 The Highways Authority has reviewed the submitted information and raised no objection to the application subject to the inclusion of their recommended condition relating to site access and construction management. This would include a construction traffic management plan (CTMP). This is similar to a CEMP but is focussed on traffic matters.
- 5.40 Having regard to the above matters, and subject to a planning condition to secure a CTMP, it is considered that the proposal would not adversely impact highway safety and as such it would comply with VALP policy T5 and with the NPPF. Neutral weight is attributed to this in the planning balance.

Ecology

- 5.41 In terms of biodiversity and ecology, Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). Badgers and their setts are protected under the Protection of Badgers Act 1992.
- 5.42 Policy NE1 of the VALP (2021) states that a net gain in biodiversity on minor and major developments will be sought by protecting, managing, enhancing and extending existing biodiversity resources, and by creating new biodiversity resources.
- 5.43 The application site is currently an arable field with wheat being grown. There is a mixed species hedgerow along the Lower Road frontage adjacent to the proposed access point.

- 5.44 An extended Phase 1 habitat survey was undertaken for the SEALR Phase 2 Scheme on 11th June 2019 by two suitably qualified ecologists and updated on the 5th May 2021. This was undertaken in accordance with the standard survey method. A brief walkover was conducted on 4th March 2022 to confirm there had been no change to the habitats within the site since 2021. The Environmental Summary submitted with the application concludes that no hazel dormice, barn owl or rare and notable species were recorded on the Site.
- 5.45 Evidence of badgers (discussed below), bats and birds were found on the site, however the construction of the proposed development is not likely to pose a significant risk due to the temporary nature and small extent of the works required.
- 5.46 In respect of bats, evidence of foraging activity and commuting of bats was found but numbers were low and no suitable bat roosting habitat was recorded within 10m of the site. The site would be returned to the existing land use post construction, and to minimise disturbance impacts during construction, best practice construction methods would be adopted to avoid unnecessary pollution (e.g. from noise, dust, light, vibration). The Environmental Summary recommends that all works are undertaken during the day, avoiding night works where possible. However, if working at night or security lighting is required, any lighting would be the minimum needed to complete the task and directed towards the ground, avoiding light disturbance onto hedgerows. If required, lighting would be designed in line with the Bat Conservation Trust and Institute of Lighting Engineers best practice guidance. These measures are to be secured within a Construction Environment Management Plan (CEMP) which can be required to be submitted to and approved by the LPA by condition and would be specific to the works required for the cable diversion.
- 5.47 The application is supported by an Ecological Technical Note (confidential) which presents the results of desk-based research and field surveys undertaken, in addition, a walkover badger survey was undertaken in March 2022. The desk-based research identified that there were 5 records of badger within 2km of the site and no records of setts within 2km of the site. From the walkover survey there was evidence of badger activity in the form of a footprint close to Booker Park School and there is a heavily used mammal pathway parallel to Booker Park School and one to the east of the site. The technical note comments that it is likely that the application site is used by badgers for foraging and commuting. Badgers are highly mobile and will readily dig new setts and therefore a pre-commencement check prior to construction is recommended; specific mitigation measures for working practices may be required should the presence of badgers be identified within the site. In addition, any deep excavations should be covered at night to prevent any badger becoming trapped and all excavations should have sloped ends to allow mammal egress. Having regard to these measures it is considered that the development would not result in harm to badgers and the CEMP can ensure that the mitigation required is implemented.
- 5.48 With regard to birds, a total of 37 species were recorded within the surveyed area (including the SEALR Phase 2 site boundary and a 100m buffer). Of these, 22 species were confirmed to have breeding territories within/overlapping with the surveyed area, and a further four species were potentially breeding the surveyed area. As such, a breeding assemblage of up to 26 species was recorded. The assemblage of 26 bird species breeding or potentially breeding within the surveyed area comprised:

- One EC Birds Directive 2009 Annex 1 species: red kite (*Milvus milvus*) (two territories);
- One WCA 1981 (as amended) Schedule 1 species: red kite (two territories);
- Five Species of Principal Importance (SPI) under s41 of the NERC Act: skylark (*Alauda arvensis*) (three territories), song thrush (*Turdus philomelos*) (three territories), house sparrow (*Passer domesticus*) (one territory), dunnock (*Prunella modularis*) (seven territories) and yellowhammer (*Emberiza citrinella*) (one territory);
- Five Birds of Conservation Concern (BoCC) Red List species: skylark (three territories), song thrush (three territories), mistle thrush (*Turdus viscivorus*) (one territory), house sparrow (one territory) and yellowhammer (one territory); and
- Two BoCC Amber List species: stock dove (*Columba oenas*) (one territory) and dunnock (seven territories); and
- Six Local Biodiversity Action Plan (LBAP) species: red kite (two territories), stock dove (one territory), skylark (three territories), song thrush (three territories), house sparrow (one territory), dunnock (seven territories) and yellowhammer (one territory).

- 5.49 No species were recorded in significant proportions (i.e. counts equating to 1 % or more) of their national or county population estimates. Two possible red kite nests were located in mature trees within 500m of the Site, and the survey area overlapped with at least two red kite territories.
- 5.50 With regards to wintering birds, the works would be undertaken outside of the wintering bird season. Overall, the proposed development is not likely to pose a significant risk to breeding bird populations due to the temporary nature and small extent of the works required, and the small number of breeding birds present within the wider area. The site would be returned to the existing land use post construction.
- 5.51 The Ecology Officer has commented on this application and considers the technical note to provide an accurate account of badgers at the site at the time of the assessment. A planning condition is recommended to ensure that the development is carried out in accordance with the mitigation measures (outlined above). In addition, the submission and approval of a CEMP would ensure that the wider impacts of the development on wildlife is appropriately mitigated.
- 5.52 The covering letter with the application also comments that the development could cause disruption to Great Crested Newts (GCN) located in a nearby pond (outside of the application site, near Hall End Farmhouse). This is in respect of vegetation clearance which could comprise suitable terrestrial habitat such as tall ruderal habitat, notwithstanding that the majority of the site comprises arable crop which is considered sub-optimal for GCN. Therefore, measures are likely to be required to minimise injury to GCN during the construction period.
- 5.53 To meet the pressing timescales of the planned outage, the Applicant has sought to provide reasonable avoidance measures via a District Level Licence from NatureSpace rather than the traditional route of seeking a protected species licence directly from

Natural England. The Applicant has confirmed that discussions are taking place with NatureSpace in terms of completing a GCN report. This will outline appropriate mitigation measures that may be required along with planning conditions that would need to be imposed on any planning permission, should it be forthcoming.

- 5.54 The Environmental Summary indicates that reasonable avoidance measures would be outlined in the District Level Licence report proposed by NatureSpace but are expected to include:
- A 'toolbox talk' - to all site personal
 - Sensitive vegetation clearance
 - Site housekeeping, and
 - Timing of works to minimise impacts to GCN and measures to avoid killing and injury.
- 5.55 For a typical European Protected Species licence from Natural England, the LPA (Buckinghamshire Council) must be satisfied that the impacts of the proposed development on (EPS) have been appropriately addressed and that a protected species licence can be obtained. The applicant would need to provide answers to the 'three licensing tests'. The presence/likely absence of GCN would need to be established in accordance with the Great Crested Newt Conservation Handbook (Froglife, 2001) – comprising a Habitat Suitability Index (HSI) assessment of nearby ponds (typically within 500m of the site unless demonstrated otherwise), eDNA survey and/or great crested newt pond surveys to determine presence/likely absence and population size, where necessary.
- 5.56 In terms of the District Licence route (Buckinghamshire Council District Licence), the three licensing tests would automatically have been met. By applying to use the District Licence through the LPAs delivery partner, NatureSpace, the applicant and the ecologist do not have to undertake further survey work (for great crested newts specifically) and can apply for the licence in the absence of survey information (however they can still use the District Licence if further surveys have been already completed). As explained above the NatureSpace report is outstanding and the three-licensing tests will nonetheless be carried out below.
- 5.57 These tests are:
- 1) A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment.
 - 2) The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".
 - 3) The appropriate authority shall not grant a licence unless they are satisfied 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'
- 5.58 Having regard to the three tests above, it is the opinion of the Local Planning Authority that there is an overriding public interest in this development due to the fact that there are significant social and economic benefits to the development scheme including:

1) the delivery of emerging VALP allocations and related contribution to housing supply (including affordable housing) through the associated delivery of the link road since these overhead lines are required to be diverted underground as a result of the link road; and
2) the economic benefits that the wider scheme would bring, not only in terms of the construction of the development, but also the contribution that future occupiers of the houses and businesses would make to the local economy.

Natural England recommend a proportionate approach is taken in considering the feasibility of alternative solutions relative to the likely harm. The council has considered alternative sites (of the allocations and the link roads) through the local plan process and no satisfactory alternative has been identified. It is considered that the District License would provide for satisfactory mitigation and through this process, the proposal would not be detrimental to the maintenance of the population of Great Crested Newts. As explained above, the agreement to the District License should be obtained prior to the issuing of any decision on this application and appropriate conditions should be imposed on the decision notice.

- 5.59 Having regard to the above, including the comments of the Council's Biodiversity Officer and the mitigation proposed, whilst there is the potential for some harm as discussed, it is considered that with the use of the District Licence and also best practice measures which can be secured by condition within a CEMP, that the development would be acceptable. Whilst the Council would normally look to secure biodiversity net gains for development, in having regard to the nature of this development, it is not considered that it would be appropriate in this instance to secure net gains. The Council will ensure that net gains are secured as part of the SEALR phase 2 scheme when it is submitted and net gains have been secured as part of the SEALR phase 1 planning application. On this basis it is considered that the proposal would accord with policy NE1 of the VALP and with the NPPF and that as such this matter should be afforded neutral weight.

Flood risk and drainage

- 5.60 Policy I4 of the VALP seeks to minimise the impacts of and from all forms of flood risk.
- 5.61 The site falls within Flood Zone 1 and is therefore considered to be at a low risk of flooding (less than 0.1 % chance of flooding in any year). Given the nature of the development it is not considered that there would be any increased risk of flooding and as such the development would accord with Policy I4 of the VALP and with the NPPF and this matter should be afforded neutral weight in the planning balance.

Agricultural Land Quality

- 5.62 Policy NE7 of the VALP (2021) seeks to protect the best and most versatile farmland for the longer term. The Natural England Agricultural Land Classification (ALC) defines the Best and Most Versatile (BMV) agricultural land as grade 1, 2 and 3a with lower grade land at 3b, and 4, defined by wetness and gradient of the land. Development of BMV land (1,2 and 3a) should be avoided and development directed towards land of lower grades 3b and 4.

- 5.63 According to the Natural England Agricultural Land Classification, the site contains Grade 3 agricultural land. This source does not distinguish between Grade 3a (Best and Most Versatile, BMV, land) and Grade 3b, so it is not possible to discern whether the site consists of BMV land or not without further soil investigation, noting that it is currently in arable use. However, the works will be temporary and although they will take the site out of agricultural production for three months (one season), after construction, the land will be returned to its original state. The works will therefore not result in a permanent loss of any agricultural land. Furthermore, outside of the construction area, it has been confirmed that the remainder of the arable field will continue to be farmed.
- 5.64 Having regard to the above it is considered that the development would accord with VALP policy NE7 and with the NPPF and as such this matter is afforded neutral weight in the planning balance.

Mineral Safeguarding Area

- 5.65 Policy 1: Safeguarding Mineral Resources of the BMWLP seeks to prevent the sterilisation of mineral resource within the County and Policy 6: Borrow Pits and Extraction as an Ancillary Activity states that should minerals be found on site the Council should be notified of this in order to keep record of windfall sand and gravel resource.
- 5.66 The application site lies within a Minerals Safeguarding Area (MSA). A minerals assessment has been submitted which states that, according to the BGS Geology of Britain Viewer, there are no records of superficial deposits underlying the site. The few boreholes in close proximity to the site (on Lower Road and the access track leading to Hall End Farmhouse) show that there are no extractable reserves in these locations. The Minerals and Waste Local Plan also acknowledges that the most significant primary resources in Buckinghamshire that warrant protection are the sand and gravel deposits situated in the southern half of the county, rather than around Aylesbury, in the northern half of the county. There are superficial deposits of alluvium (presumably including sand and gravel) associated with an unnamed minor watercourse located approximately 100m southwest of the site boundary. A small area of the site does fall within an MSA for alluvium/sand and gravel, however, comparing this to the outcrop of alluvium on the BGS Viewer, it appears that this is because a buffer has been applied to the boundary of these superficial deposits and included within the MSA. As such, given the nature of the scheme and the distance between the deposits and the site, it is considered the deposits will not be disturbed by the proposed scheme. There is no economically extractable safeguarded mineral present within the site boundary or its immediate vicinity. The Minerals Assessment concludes that no mineral resources within or adjacent to the site would be permanently sterilised by the scheme, nor would the scheme unduly restrict the extraction of mineral deposits or negatively affect the viability of exploiting any mineral resources in future.
- 5.67 The Council's Minerals and Waste Team have reviewed the Minerals Assessment undertaken by the applicant and concur that they have demonstrated that it is unlikely that economically viable minerals will be found as the site and the development is unlikely to sterilise any resource. However, should any minerals be found on site the authority should

be notified of this in order to keep record of windfall sand and gravel resource in accordance with Policy 6: Borrow Pits and Extraction as an Ancillary Activity. Should any uneconomically viable resource be found, it is encouraged that where appropriate this resource is used on site. This is so that the development has less reliance on primary aggregate and an informative is recommended to highlight this.

- 5.68 The assessment meets the requirements of Policy 1 (Safeguarding of Mineral Resources) of the BMWLP and having regard to the above matters it is considered that the development would accord with this policy and with the NPPF. As such neutral weight is therefore attributed to this in the planning balance.

Waste mitigation measures

- 5.69 Policy 10: Waste Prevention and Minimisation in New Development Proposals, of the BMWLP states that new development should support the efficient use and recovery of resources throughout the life of the development including construction and operation and/or occupation through:
- Design principles and construction methods that minimise the use of primary minerals and encourage the use of building materials made from recycled and alternative materials; and
 - Construction and demolition methods that minimise waste production, maximise the re-use and recovery of materials (as far as practicable) on-site and minimise off-site disposal; and
 - Design and layout that complements sustainable waste management by providing appropriate storage and segregation facilities.
- 5.70 It is anticipated that minimal waste would be generated as a result of the proposed development. Much of the material excavated to create the trench to lay the ducts would be segregated and stored on site before being backfilled to reinstate the land. However, there would be some displacement of excavated material from the space that the ducts take up within the trench itself. The volume of excess material that would be displaced by the ducts that cannot be used to backfill the trench is expected to be minimal. The contractor would seek to reduce waste that requires final disposal to landfill, looking to reuse the waste on site where possible, including potentially for the SEALR 1 development. If this is not possible then the material would be removed off site for storage and options of recycling considered prior to landfill.
- 5.71 Having regard to the above, it is considered that the development would accord with the aims of Policy 10 of the BMWLP and with the NPPF and that this matter should be afforded neutral weight in the planning balance.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section

143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

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

6.2 The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the NPPF, require in this case that a balancing exercise be made to weigh the benefits of the development against the identified harm. The following matters, as detailed in the report must be taken into consideration:

Positive weight:

- Impact on visual amenities through diversion of overhead lines underground

Neutral weight:

- Flooding/sustainable drainage
- Minerals safeguarding
- Highways
- Public rights of way
- Landscape
- Ecology
- Residential amenity
- Archaeology
- Heritage
- Loss of agricultural land

6.3 The application has been assessed against the development plan as a whole and all relevant material considerations. Given the nature of the development it is not considered that there would be any long-term harm following the conclusion of the construction period, subject to suitable conditions.

7.0 **Recommendation**

7.1 As explained in the report above, the recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the receipt of the NatureSpace report in respect of Great Crested Newts and the agreement to the use of the District Licence, subject to the receipt of no new material representations, and the conditions as proposed and any others considered appropriate by Officers, or if these are not achieved for the application to be refused. The conditions are currently in draft form until such time as they are finalised following receipt of the NatureSpace report and any recommended conditions listed therein.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location plan Dwg no. 60594170-ACM-HGN-Z_Z_Z_Z-DR-CH-0006
- Early works site plan Dwg no. 60594170-ACM-HGN-Z_Z_Z_Z-DR-CH-0005

Reason: To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The development will be undertaken in accordance with the Aecom Written Scheme of Investigation for Strip Map and Sample for Early Works to Facilitate the Diversion of Overhead Cables, March 2022.

Reason: In order to record or safeguard any archaeological evidence that may be present at the site and to comply policy BE1 of Vale of Aylesbury Local Plan and the advice within the NPPF.

4. No development shall take place, unless a Construction Traffic Management Plan (CTMP) is submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority, and the approved CTMP shall be adhered to throughout the construction period. The CTMP shall include the following details:
 - The routing of construction vehicles, including temporary directional signage where appropriate.
 - Co-ordination and management of deliveries to avoid multiple deliveries at the same time and spread HGV movements.
 - Delivery hours outside of highway network peak periods.
 - The parking of vehicles of site personnel, operatives, and visitors off the highway.
 - Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway.
 - The erection and maintenance of security hoarding.
 - Wheel-washing facilities.
 - Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.

The approved CTMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: The reason for this pre-start condition is to minimise danger and inconvenience to highway users prior to construction and to accord with Policy T5 of the Vale of Aylesbury Local Plan and with the NPPF.

5. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
 - a. Risk assessment of potentially damaging construction activities.
 - b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. Use of protective fences, exclusion barriers, escape ramps from trenches/holes and warning signs (including their specification, location and timing for erecting and dismantling).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The reason for this pre-start condition is to ensure that development is undertaken in a manner which ensures important wildlife are not adversely impacted and to accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

6. All temporary construction yards and temporary access tracks required to provide temporary storage of materials, parking and access in conjunction with the development shall be removed within three months of the completion of the construction works.

Reason: To protect the character, appearance and quality of the countryside in which the development is positioned in accordance with policies NE1, NE4, NE8, BE1, and BE2 of the Vale of Aylesbury Local Plan.

7. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: In the interest of human health in accordance with Policy NE5 of the Vale of Aylesbury Local Plan.

8. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR22-2020-1) and with the proposals detailed on NatureSpace Partnership Limited plan XXX, dated XXX.

Reason: In order to ensure that adverse impacts on great crested newts are mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR22-2020-1 and to accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

9. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR22-2020-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts and to accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

10. No development hereby permitted shall take place except in accordance with Part 1 of the GCN (Great Crested Newts) Mitigation Principles, as set out in the District Licence WML-OR22-2020-1 and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to adequately mitigate impacts on great crested newts and to accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

11. The development shall be implemented in accordance with the agreed mitigation measures detailed in the Ecological Technical Note from Aecom dated March 2022.

Reason: In order to ensure that any adverse impacts on wildlife are adequately mitigated and to accord with policy NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

Informatives

1. The applicant should be advised that a highway license will be required before any works are carried out on any footway, carriageway, verge, or other land forming part of the highway, and for any temporary signage on the highway. The applicant should contact the Transport for Buckinghamshire Streetworks Team at the following address for information.

Transport for Buckinghamshire (Streetworks),
10th Floor, New County Offices,
Walton Street, Aylesbury,
Buckinghamshire,
HP20 1UY,
01296 382416
streetworkslicences@buckinghamshire.gov.uk

2. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
3. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
4. This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall remain open and available unless diverted temporarily by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984.
5. In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

In this case, no pre-application advice has been sought. The applicant/agent was informed of the issues arising from the proposal and was given the opportunity to submit additional and revised information. This was found to be acceptable so the application is recommended for approved.
6. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
7. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
8. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR22-2020-1) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.
9. Construction/Demolition Noise:

Buckinghamshire Councils has guideline times for construction and demolition works which are:

Monday to Friday: 7.30am to 18.00pm.

Saturday: 8.00am to 13.00pm.

Sunday/Bank Holidays: No noisy work.

Outside of these hours the company are allowed to be on site, but the noisiest work should not be carried out. Reasonable measures should be taken to prevent dust from the site or ancillary works related to construction/demolition works for the site. These measures may include but not be limited to, wetting and sweeping access and egress routes to site, wetting off road access and egress points as well as temporary access ways or roads, used in relation to the project.

10. During construction, should any minerals be found on site you should notify Buckinghamshire Council in order to keep record of windfall sand and gravel resource in accordance with Policy 6: Borrow Pits and Extraction as an Ancillary Activity. Should any uneconomically viable resource be found, the Council would encourage that where appropriate this resource is used on site. This is so that the development has less reliance on primary aggregate.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received.

Parish/Town Council Comments

At its meeting on 24th May, the planning committee offered no objections to this application. But wish to add that all movements of contractor vehicles on and off of the Lower Road should be properly managed as to minimise disruption to the traffic using the Lower Road.

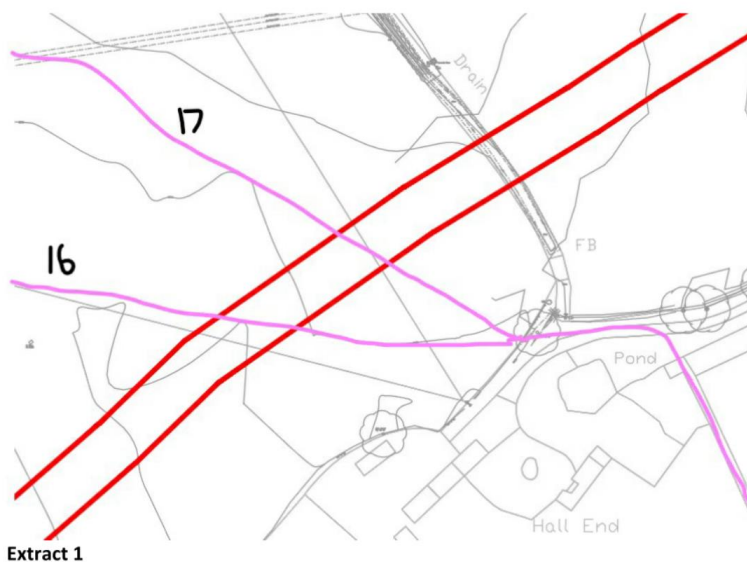
Consultation Responses

Archaeology Officer – The inclusion of a Written Scheme of Investigation for Strip Map and Sample for Early Works to Facilitate the Diversion of Overhead Cables produced by Aecom. This WI has been approved and it is recommended that this work is undertaken by condition along the following lines:

The development will be undertaken in accordance with the Aecom Written Scheme of Investigation for Strip Map and Sample for Early Works to Facilitate the Diversion of Overhead Cables, March 2022.

Environmental Health: No objections.

Rights of Way Officer - Footpaths SMA/16/3 and SMA/17/3 cross the proposed trench as sketched below in pink.



The cover letter confirms [p.6 under Policy C4; and paragraph 6 - Annex 1] there will be no long-term [negative] effects on the two footpaths. There will clearly be a requirement to backfill the trench at the two footpath crossings to reflect the existing use, which is arable farmland.

A temporary closure and diversion of pedestrians for approximately 2 months is proposed covering both footpaths and an informative is recommended. The applicant indicates an alternative route around the works [p.7]. The 'work stream' seems slightly closer to Hall End Farm than indicated on Extract 1 above, but the principle of the pedestrian diversion to Lower Road and back again [north and south sides] is acceptable.

Informative: This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall remain open and available unless diverted temporarily by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984.

Heritage Officer - To be reported.

Highways Authority – The construction traffic associated with these works is expected to be minimal with an average of approximately 4 plant movements per day over a two-month period. Construction traffic would access the site via an existing field access off Lower Road adjacent to Hall End. Whilst there are no in-principle highways objection to the use of this existing field access and the B4443 Lower Road as a construction traffic route, a Construction Traffic Management Plan (CTMP) is required to minimise the highway impacts. This should include details of any potential temporary access alterations which may be required to accommodate construction traffic, and measures to minimise the impact on the highway network, e.g. avoiding highway network peak periods and routing agreements. Provision of contractor parking, loading and unloading space, and wheel-wash facilities should also be included within the CTMP, which should be secured by planning condition.

The Highway Authority has no objection from a highway perspective, subject to the following suggested planning condition and highway informatives being included in any planning permission that may be granted:

Prior to the commencement of any development works on the site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- Construction access details.
- Delivery hours to avoid highway network peak periods.
- Construction traffic routing details.
- The parking of vehicles of site operatives and visitors off the highway.
- Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway.
- Wheel-washing facilities.
- The erection and maintenance of security hoarding.
- Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

Highway Informatives:

1. The applicant should be advised that a highway license will be required before any works are carried out on any footway, carriageway, verge, or other land forming part of the highway, and for any temporary signage on the highway. The applicant should contact the Transport for Buckinghamshire Streetworks Team at the following address for information.

Transport for Buckinghamshire (Streetworks),
10th Floor, New County Offices,
Walton Street, Aylesbury,
Buckinghamshire,
HP20 1UY,
01296 382416
streetworkslicences@buckinghamshire.gov.uk

2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

Ecology Officer – This application is supported by an Ecological Technical Note from the consultant ecologist Aecom dated 13.03.2022. Desk and field research was undertaken at the site specifically for badgers. Further ecological assessments are being carried out for the road widening project which has largely been granted planning permission. Further survey effort was required specifically for badger during the construction phase due to this species transient nature.

The submitted report is considered to be an accurate account of this species at the time of the assessment. A series of recommendations and working practices are contained in the Aecom 03.2022 report and will need to be secured with a planning condition to ensure they are established on site during the proposed works. In doing so the applicant will be ensuring they are compliant with the relevant legislation protecting this species during the construction phase of the proposed works. A planning condition is provided below.

The development shall be implemented in accordance with the agreed mitigation measures detailed in the Ecological Technical Note from Aecom dated March 2022.

Minerals and Waste - Part of the site lies within the Minerals Safeguarding Area (MSA) identified in the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP). Therefore, Policy 1: Safeguarding Mineral Resources of the BMWLP seeking to prevent the sterilisation of mineral resource within the County should be applied. The proposed development does not meet the exemption criteria set out in the plan, which means a minerals assessment is required.

Upon reviewing the assessment undertaken by the applicant they have demonstrated that it is unlikely that economically viable minerals will be found as the site and the development is unlikely to sterilise any resource. However, should any minerals be found on site the authority should be notified of this in order to keep record of windfall sand and gravel resource in accordance with Policy 6: Borrow Pits and Extraction as an Ancillary Activity. Should any uneconomically viable resource be found, it is encouraged that where appropriate this resource is used on site. This is so that the development has less reliance on primary aggregate (informative recommended).

Representations

None received.

Appendix B – Location Plan

