



## Report to South Area Planning Committee

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<b>Application Number:</b>	PL/22/2940/FA
<b>Proposal:</b>	Day room amenity buildings and associated works for 2 existing Gypsy/Traveller pitches.
<b>Site location:</b>	Thorney Stables, Thorney Lane North, Iver, Buckinghamshire, SL0 9BD
<b>Applicant:</b>	Mr & Mrs A Davies
<b>Case Officer:</b>	Richard Regan
<b>Ward affected:</b>	Iver
<b>Parish-Town Council:</b>	Iver Parish Council
<b>Valid date:</b>	17 August 2022
<b>Determination date:</b>	15 December 2022
<b>Recommendation:</b>	Conditional permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the erection of 2 day room amenity buildings, along with associated works to serve the 2 existing Gypsy/Traveller pitches.
- 1.2 Planning permission (ref. PL/22/0308/FA) was recently granted for 2 permanent Gypsy and Traveller pitches on this site following a previous temporary permission that had expired. It is common for buildings such as those currently proposed to be provided on Gypsy and Traveller pitches. They were not previously provided due to the temporary nature of the previous permission. The proposed buildings would each serve their respective pitch.
- 1.3 It is considered that the proposal constitutes inappropriate development within the Green Belt, but it is considered that there are very special circumstances that exist in this instance that outweigh the harm to the Green Belt and justify their erection.
- 1.4 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllrs Matthews, Griffin and Sullivan.
- 1.5 Recommendation – Conditional Permission.

## **2.0 Description of Proposed Development**

- 2.1 The application proposes the erection of 2 day room amenity buildings, along with associated works to serve the 2 existing Gypsy/Traveller pitches.
- 2.2 The proposed day room buildings would be identical in terms of their size and appearance, measuring 8.5m x 5.4m in terms of their footprint, and displaying an eaves and ridge height of 2.6m and 3.85m respectively. The accommodation within the buildings would comprise of a bathroom, lounge/kitchen room, and a store room. The buildings would be sited in close proximity to the respective mobile homes that they would be associated with.
- 2.3 Along with the actual day room building, it is proposed to create a grassed garden area around the buildings, enclosed by new post and rail fencing.
- 2.4 The proposals also include the replacing of the existing entrance gates and piers.
- 2.5 The application is accompanied by:
  - a) Planning/Design and Access Statement
  - b) Environmental Report
  - c) Hydrology and SUDS assessment
- 2.6 Amended plans have been received during the course of the application which reduced the size and scale of the proposed day room buildings.

## **3.0 Relevant Planning History**

- 3.1 12/01969/FUL – Conditional Permission, 1 February 2013 - Erection of stable block and associated works on land including schooling paddock and parking/turning area for vehicles, post and rail fence and formation of vehicular access. Use of the land for the keeping of horses.
- 3.2 14/00414/FUL – Conditional Permission, 2 October 2014 - Mixed use of the land for the keeping of horses and the stationing of two mobile homes for residential purposes as two gypsy pitches incorporating hard surfacing and ancillary works.
- 3.3 14/02180/FUL – Refused Permission, 31 March 2015 - Retention of outbuilding for use in conjunction with adjacent mobile home.
- 3.4 PL/22/0308/FA – Conditional Permission, 22 June 2022 - Mixed use of the land for keeping of horses and the stationing of two mobile homes for residential purposes as two traveller pitches incorporating hard surfacing and ancillary works.

## **4.0 Summary of Representations**

- 4.1 No letters of objection have been received from the general public or neighbouring properties. Iver Parish Council object to the proposal on the grounds that it is contrary to Green Belt policy and the emerging Neighbourhood Plan. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

## 5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), July 2020.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Local Plan Appendix 5 (Conservation Areas)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020
- The Ivers Neighbourhood Plan 2021 – 2040 (Referendum Plan). This is currently awaiting referendum and carries significant weight.

### Green Belt

Local Plan Saved Policies:

GB1 (Green Belt boundaries and the control over development in the Green Belt)

- 5.1 Whilst the site falls within the Green Belt, it is important to note that planning permission (ref. PL/22/0308/FA) was recently granted for 2 permanent Gypsy and Traveller pitches on this site following a previous temporary permission that had expired. That permission in essence sought to convert the previous temporary permission (ref. 14/00414/FUL) into a permanent one, and therefore sought to obtain permission for all matters that were subject of the temporary permission. Due to the temporary nature of the original application, the provision of an amenity building was not considered appropriate and therefore was not included in the original temporary application. As such, the provision of an amenity building was also not included in the recent application to make the pitches permanent. However, it is common for buildings such as those currently proposed to be provided on Gypsy and Traveller pitches, and usually they are included within any application which seeks to establish a new Gypsy and Traveller site. In this instance, two Gypsy and Traveller pitches have already been established on this site, but without the inclusion of any amenity buildings, hence the submission of the current application which seeks an amenity building for each pitch.
- 5.2 The NPPF states at paragraph 137 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful

to the Green Belt and should not be approved except in very special circumstances.

- 5.3 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are provided in Policy GB1 of the Local Plan and Paragraph 149 of the NPPF.
- 5.4 It is considered however that the erection of the buildings as proposed within this application site do not fall within the list of appropriate forms of development as set out in policy GB1 of the Local Plan or the NPPF. As such, under Local Plan policies and the NPPF, a proposal of this nature constitutes inappropriate development in the Green Belt. The NPPF reiterates that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The issue of whether VCS exist will be addressed later within this report.
- 5.5 As well as constituting inappropriate development within the Green Belt, it is considered that the proposed development would cause additional harm to the Green Belt by way of the introduction of two additional buildings on the site. It is acknowledged however that the proposed buildings are limited in their size, scale and height, and would be positioned close to existing structures on the site so as to consolidate the built form that is present on site. As such, spatially, it is considered that the proposed buildings would have a moderate impact on the openness of the Green Belt. Visually, the site is very well screened, with limited views achievable from the public realm. In light of this, and when combined with the low-level nature and scale of the proposed buildings, it is considered that their visual impact on the openness of the Green Belt would be limited.
- 5.6 Overall therefore, in addition to causing harm to the Green Belt by virtue of its inappropriateness, it is also considered that the proposal would cause other harm to the Green Belt by virtue of a reduction in its openness.

### **Transport matters and parking**

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.7 The proposed development would be directly associated with, and used in connection with the existing pitches, and would not operate independently from them. As such, it is considered that the proposals would not lead to an increase in vehicular movements associated with the site. The Councils Highways Officer raises no objections to the proposals and considers that they

would not have a material impact upon the safety and operation of the public highway.

- 5.8 The Highways Officer also considers that there is sufficient space within the site for vehicles to manoeuvre, and adequate off street parking is provided.
- 5.9 Overall therefore, it is considered that the proposals would not result in any unacceptable highway implications.

### **Raising the quality of place making and design**

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

H9 (Residential development and layout)

- 5.10 The proposed buildings are considered modest in terms of their size, scale and height, and when combined with the level of boundary screening that exists, would not appear overdominant or obtrusive within street scene or wider locality. They are of a domestic design and appearance, and are not considered to appear out of keeping within the site that they would sit.
- 5.11 The comments of the Parish Council are noted regarding their reference to the objectives set out at para. 5.2 of the Ivers Neighbourhood Plan and their concern that it contradicts the objective to protect the semi-rural environment and the Green Belt. Matters relating to the Green Belt are addressed elsewhere within this report, but in terms of the scheme impact on the semi-rural environment, it is considered that the proposal would not harm this objective. This view is based on the fact that the proposal would have little to no visual presence from outside of the site, and given its design and appearance, and it would appear in keeping with the existing character and appearance of the site.
- 5.12 Overall therefore, it is considered that the proposed buildings would not adversely impact upon the amenities of the site or locality in general, and would not appear out of character for the area.
- 5.13 The proposed entrance gates and piers would simply replace the existing wooden gates that are present at the moment. As they are of the same height, it is considered that they would have no greater impact on character of the area.

### **Amenity of existing and future residents**

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

5.14 Due to the significant distances retained to the nearest neighbouring properties, it is considered that the proposals would not adversely impact upon the amenities of any neighbouring property.

#### **Environmental issues**

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

5.15 The Councils Environmental Health Officer raises no objections to the proposals from the point of view of contaminated land.

#### **Flooding and drainage**

Core Strategy Policies:

CP13 (Environmental and resource management)

5.16 The site lies within Flood Zone 1 with a low risk of flooding. The proposals would involve the reduction in hardsurfacing present on site and an increase in nature landscaping, including grassed garden areas. In light of these circumstances, it is considered that the permeability of the site would be increased and any risk of flooding reduced.

#### **Ecology**

Core Strategy Policies:

CP9 (Natural environment)

CP13 (Environmental and resource management).

5.17 The comments of the Councils Ecologist are acknowledged, however, during the Officer site visit it was noted that the proposals do not involve works to an existing building, and the only land which is to be impacted upon is currently covered entirely with hardsurfacing. As such, the land in question does not provide any form of natural habitat, and it is therefore considered that there would be no negative impacts on existing wildlife. The proposals would however be of benefit to the biodiversity of the site by virtue of the additional natural vegetation, planting, and grassed areas that are to be introduced to the site.

5.18 As such, notwithstanding the comments of the ecologist, it is considered in this specific instance that the proposals would not adversely impact upon wildlife or protected species, and would contribute towards biodiversity net gain by an increase of natural planting/landscaping on the site.

### **6.0 Very Special Circumstances**

6.1 The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### Need

- 6.2 As already set out in the report, the need for two permanent Gypsy and Traveller pitches on this site has already been accepted and established with the granting of planning permission PL/22/0308/FA. Again, as already advised within this report, it is common place for Gypsy and Traveller pitches to be served by a day room building, and this view has been supported by Inspectors at appeal. The expectation of Planning Policy for Traveller Sites (PPTS) is that traveller sites will be in the form of residential caravans sites, and this does not rule out buildings for ancillary use, such as a dayroom or utility block.
- 6.3 The Gypsy and Traveller community culturally separate certain aspects of living, with the usual provision of cooking, washing, toilet and laundry facilities being outside of the caravan. In addition to this, given the more limited size of caravans when compared to traditional dwellings, there is also rarely room for the storage of larger items such as deep freezers, and the placing of them within the caravan.
- 6.4 Reference has been made by the applicant to the Governments 2008 publication 'Designing Gypsy and Traveller Sites – A Good Practice Guide' which sets out that the provision of an amenity building of this nature is essential for every pitch. However, it is noted that this document has in fact now been withdrawn, and does not form part of current government guidance on the matter of Gypsy and Travellers sites. Notwithstanding this, it is important to note that there have been a number of appeal decisions that, whilst recognising that this document has been withdrawn, considered that this document provides a usual guide on the need, scale and design of new amenity buildings for gypsy and travellers, and accordingly have taken it into account and attributed it weight in their decision.
- 6.5 In the absence of any relevant policies within the Councils Development Plan that deal with proposals of this nature, and in light of the appeal decisions that recognise the usefulness of the 2008 'Designing Gypsy and Traveller Sites – A Good Practice Guide' document, it is considered that it is appropriate to assess the current proposal against it.
- 6.6 This document sets out that it is essential for an amenity building to be provided on each pitch, and that the building should include, as a minimum, a hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch. It goes on to advise that the inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. A

plan of a typical modern amenity building is provided within the document, and it is on this that the applicant has based their proposals.

- 6.7 The proposed day room buildings are identical and closely follow the guidance set out in the Good Design Guidance, providing only the accommodation that is mentioned as being necessary. The height and bulk of the buildings has been reduced from that which was originally proposed, with a ridge and eaves height being reduced to provide a much lower and less bulky building.
- 6.8 Ordinarily, the provision of amenity buildings of this nature are sought at the time of the creation of a new pitch, and are assessed as part of an overall package of proposals. In this instance, the creation of the existing gypsy and traveller pitches was allowed only on a temporary basis to allow for a review of the Council's 5 year supply of such pitches at the expiry of the temporary period to assess whether a need could still be justified for the pitches. Given the initial temporary nature of the pitches, the provision of facilities such as an amenity building was not considered appropriate on the basis that the use of the site as gypsy and traveller pitches may cease. Planning permission has recently been granted for the permanent use of the site for two gypsy and traveller pitches, and as such, now provides a suitable basis to support the justification and need for such facilities.
- 6.8 Overall therefore, it is considered that the size and scale of the proposed buildings would not be excessive, but rather would be proportionate to meeting the needs of the intended users, physically and culturally, and substantial weight should be attached to the cultural need for such a building.

#### Landscape/biodiversity improvements

- 6.9 The proposals involve the introduction of additional natural planting and landscaping within the site. Two garden areas are to be created which would be partly enclosed by tree and hedging planting. Whilst there is existing natural landscaping along the external boundaries of the site, there is little further natural landscaping within the site. The provision of the additional planting, the specific details of which could be obtained by way of condition, would help to improve the biodiversity of the site and support wildlife. It is considered that this is a benefit of the site and attracts limited weight in favour of the scheme.

### **7.0 Weighing and balancing of issues / Overall Assessment**

- 7.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,



- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 7.2 It is considered that whilst the proposed development would accord with some of the relevant development plan policies, it does not accord with the development plan read as a whole. As such, it is necessary to consider other material considerations, of which the NPPF is a significant one.
- 7.3 When assessing the proposed development against the NPPF, it would constitute inappropriate development within the Green Belt, which is by definition harmful and should not be approved except in very special circumstances. The proposed development would also result in some loss of openness to the Green Belt. The NPPF, when considering planning applications, advises that local 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.
- 7.4 In this case, it is considered that there is a justified cultural need for the provision of facilities proposed, and that they are of a reasonable and proportionate size and scale to meet that cultural need, being in accordance with the government 2008 publication 'Designing Gypsy and Traveller Sites – A good practice guide'. It is considered therefore that this should be attributed substantial weight in favour of the application.
- 7.5 In addition to this, the proposal will improve and increase the level of natural planting within the site, which will benefit the biodiversity of the site. Given the relatively small amount of additional planting however, limited weight is attributed to this benefit.
- 7.6 Overall, it is considered that these would amount to very special circumstances sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and reduction in openness. The proposal is therefore considered acceptable.

#### **Public Sector Equality Duty**

- 7.7 In carrying out its functions the local planning authority must, in accordance with section 149(1) of the Equality Act 2010, have "due regard" to the need to:
  - a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

7.9 Two of the protected characteristics covered by the public sector equality duty are race and religion or belief. The determination of this planning will impact upon the persons of Gypsy and Traveller dissent who occupy the site. To refuse permission is therefore capable of constituting indirect discrimination, unless the Council can show that it is proportionate in pursuit of one or more of the Council's legitimate aims. This is because indirect discrimination occurs regardless of the intentions of the person applying a provision, criterion or practice, if that provision, criterion or practice puts persons who share a protected characteristic at a particular disadvantage when compared to persons who do not share it.

7.10 In this case the Council as local planning authority is assessing the application on the basis of development plan policies and all material planning considerations and on carrying out this planning balance, which is considered to be fair and proportionate, the proposed development is considered to be acceptable.

## **8.0 Working with the applicant / agent**

8.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

## **9.0 Recommendation: Conditional Permission, sSubject to the following conditions:-**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. (SS01)

Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 (or any statutory amendment or re-enactment thereof).

2. A schedule of materials to be used in the elevations of the development hereby permitted shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any construction works above ground level. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard and enhance the visual amenities of the locality. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

3. Notwithstanding any indications illustrated on drawings already submitted, prior to the occupation of the development hereby permitted, there shall be submitted to and approved by the Local Planning Authority in writing a scheme of landscaping which shall include details of all new planting and indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (ST02)

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (Policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999) refer.)

5. The day room amenity buildings hereby permitted shall be used solely for purposes entirely ancillary to the primary use of the site as two gypsy and traveller pitches, and shall at no time be used as independent residential units.

Reason: To ensure that additional independent residential units are not created, in the interests of protecting the Green Belt and amenities of the locality. (Policies and GB1 and EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

6. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

**List of approved plans:**

<b><u>Received</u></b>	<b><u>Plan Reference</u></b>
17 Aug 2022	220187(01)001
21 Nov 2022	220187(02)003 A
21 Nov 2022	220187(02)002 A
21 Nov 2022	220187(02)004 A

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

*Cllr Paul Griffin:*

“Can this be called in or is it too late? This requires further scrutiny given that it is Greenbelt and was only given permission for two temporary dwellings. Buildings are not required for a Stables to my knowledge so I'd like a better understanding of the purpose the buildings will be needed for. If this is to be refused under delegated powers that will be acceptable.”

*Cllr Wendy Matthew:*

“As this is a green belt site it would benefit from public scrutiny so I would like to call it in.”

*Cllr Sullivan:*

“In agreement with fellow ward councillors that this application be called in for local committee scrutiny, as the site is within green belt designation.”

### Parish/Town Council Comments

“The Parish Council request a call in due to the following objection: Green belt policy applies and contradicts objective 5.2 (to protect the semi-rural environment and the Green Belt) in the emerging Neighbourhood Plan.”

### Consultation Responses

#### **Highways Officer:**

“Thorney Lane North is a ‘C’ class road, which in this location is subject to a speed restriction of 40mph. Proposals include construction of day room amenity buildings and associated works for the existing gypsy/traveller pitches. I note that the day room amenity buildings will be used in association with the existing pitches; thus I do not expect this development will lead to a significant increase in vehicular movements over what is currently generated from the permitted use of the site. Therefore, I am satisfied the proposal will not have a material impact upon the safety and operation of the public highway. Furthermore, whilst I note addition space will be provided for the touring caravans that are associated with the pitches, I am satisfied with the parking and manoeuvring arrangements of the site. Mindful of the above, the Highway Authority raises no objections and in this instance no conditions to include on any planning consent that you may grant.”

#### **Environmental Health Officer:**

“Historical mapping is limited for this area, the site is shown as rough grassland until the 1970s, a large irregular shaped feature, a track and some trees are shown on the map for this period, the site is featureless on map for the 1980s, with the exception of the track.

I believe that there was a gravel pit on site in the late 19th century.

Our records show that the development is situated on the site of a historic landfill (hld\_ref EAHLD12520, site\_name Thorney Lane North, site\_add Thorney Lane, wrc\_ref 0400/0117, site\_name Thorney Lane North, site\_add Thorney Lane, wrc\_ref 0400/0117, site\_ref

WDA/195, 1090/10, lic\_hold Wimpey Construction UK Limited, siteopname Wimpey Construction Limited, easting 504000, northing 180600, lic\_issue 15/08/1983, lic\_surren 30/03/1995, firstinput 31/08/1983, lastinput 31/12/1986, inert). The landfill is depicted as a brown polygon on the map overleaf:

Our records indicate that the site has also been used for oil, petroleum & gas refining & storage. There are sites in close proximity that have had a previous potentially contaminative use.

I have previously reviewed the Walkover Survey and Desk Study prepared by Sub Surface South East Limited (Report ref. SE1249).

The report is dated March 2013. The environmental consultant recommended that an intrusive investigation be undertaken.

I have previously advised that a laboratory certificate of analysis, and ground gas and groundwater monitoring results sheet had been submitted. This suggests that an investigation was undertaken, however an interpretative report has not been submitted.

Despite this, it would appear that Environmental Heath accepted this information when it was submitted in 2014, as they made no objections and did not recommend any conditions to be added to any permission granted.

The site received inert waste, this should mean an absence of material that can cause generation of significant volumes of landfill gases. The generation potential for this type of landfill is likely to be low, the level of risk for on site development is likely to be low and the risk of lateral migration is also likely to be low.

Contamination could be present on site, for example an inert landfill could have received construction waste, it is possible that asbestos containing materials could be present within the body of the waste.

The site appears to be mostly covered by hardstanding, this will serve to break the pathway between the residents (receptor) and any contamination that may be present (source).

The addition of the day room amenity buildings is unlikely to increase the level of risk associated with the site, those involved in the construction works may encounter waste materials, contaminants of concern may be present in the underlying soils. The risks to construction workers should be able to be controlled by employing good construction practices, the provision of appropriate personal protective equipment and adherence to good hygiene practices.

Any unexpected contamination encountered during the development shall be reported to the LPA.

Based on this, the following condition is recommended on this and any subsequent applications for the site.

The application requires the following condition(s):

1. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors”

### **Ecology Officer:**

#### *Summary*

#### *Objection, further information required*

There is no ecological information provided. Prior to determination of this application the development site should be surveyed by a qualified ecologist to establish the ecological value of the site and the potential for the presence of protected species and priority habitats. The application does not include an assessment to show the development would deliver a measurable biodiversity net gain.

#### *Comments*

#### *Preliminary Ecological Appraisal*

A Preliminary Ecological Appraisal (PEA) is required in order to establish the ecological value of the site and the sites potential to support protected or priority habitats and species, including use of standard habitat classification techniques such as Phase 1 Habitat Survey (JNCC, 2010). A PEA must be completed by a suitably qualified ecologist and reported in accordance with CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017), the British Standard BS42020:2013 Biodiversity — Code of practice for planning and development, and the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017). The purpose of such an appraisal is to:

- identify the likely ecological constraints associated with a project
- identify any mitigation measures likely to be required, following the ‘Mitigation Hierarchy’;
- identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- identify the opportunities offered by a project to deliver ecological enhancement. The appraisal needs to include the most up-to-date biodiversity data, sought from the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC), in accordance with the Guidelines for Accessing, Using and Sharing Biodiversity Data (CIEEM, 2020).

Please note that the PEA is not time-constrained but if further surveys are recommended, these may be restricted to optimum periods throughout the year dependent upon the

target habitat and/or species. The PEA must provide a clear summary of losses and gains for biodiversity, and a justified conclusion of an overall net gain for biodiversity. These measures will need to be set out in detail in the report and be stated definitively so they can be conditioned if the application is approved. Further details are provided below.

### *Biodiversity Net Gain*

A Biodiversity Net Gain Assessment is required to ensure that the development demonstrates measurable net gains for biodiversity in accordance with Buckinghamshire Council Biodiversity Net Gain – Supplementary Planning Document (Adopted July 2022).

Biodiversity Net Gain (BNG) is an approach to development that leaves biodiversity in a better state than before. BNG protects existing habitats and ensures lost or degraded habitats are compensated for by restoring or creating habitats that are of greater value. This development needs to demonstrate measurable net gains for biodiversity and the following evidence submitted:

- Biodiversity Impact Plan. Produced using the information from the Preliminary Ecological Appraisal or Ecological Impact Assessment. The plan should clearly show the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site).
- Proposed Habitats Plan. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available). The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable and the area of each habitat type should be quantified in hectares. Other proposed biodiversity enhancements should also be shown on this plan.
- A copy of the completed Biodiversity Metric. The information in the metric should be directly related to the Biodiversity Impact Plan and the Proposed Habitats Plan. A copy of the metric (i.e. the completed spreadsheet) or the full calculations included in the metric should be submitted and not just a summary. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report.
- Biodiversity Net Gain Good Practice Principles for Development (CIEEM, CIRIA, IEMA, 2016). Full justification of how the principles have been applied as part of the net gain assessment.

A monitoring and management plan will be required for biodiversity features to ensure their long-term suitable management (secured through planning condition).”

### Representations

*None Received at time of drafting report*