

Appendix A Consultation Responses

Chalfont St Peter Parish Council

1. Introduction

- 1.1. These representations provide a response, on behalf of Chalfont St Peter Parish Council (CSPPC), to the outline planning application PL22/1411/OA.
- 1.2. The representations identify the relevant planning history for the site, the statutory planning policy and area constraints that are key considerations in determining the appeal. This is followed by a review and discussion of the merits of the application, followed by conclusions and a recommendation.

2. The Planning Application

- 2.1. An application for Outline planning permission is sought for the erection of a Motorway Service Area with all matters reserved with the exception of access from the M25, comprising a facilities building, fuel filling station, electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces, Sustainable Drainage Systems (SuDS)/attenuation, retaining structures and associated mitigation, infrastructure and earthworks/enabling works.
- 2.2. The application site is approximately 35.88 hectares according to the applicant. The site is almost entirely within Chalfont St Peter Parish apart from a small section in the south that is located within Gerrards Cross Parish. The application site is located entirely within the Green Belt and entirely within Colne Valley Regional Park.

3. Planning History

2019 Planning Application for a Motorway Service Area

- 3.1. A planning application for a Motorway Service Area was submitted by Extra (dated 28 June 2019) (Application Ref: PL/19/2260/OA) with the following description:

"The development proposed is the erection of a motorway service area with all matters reserved with the exception of access from the M25, comprising of a facilities building, fuel filling station, electric vehicle charging, up to 100-bedroom hotel, service yard, parking facilities, vehicle circulation, landscaping, woodland and amenity spaces, sustainable drainage systems (SuDS)/attenuation, pedestrian and cycle links, retaining structures and associated mitigation, infrastructure and earthworks/enabling works."

3.2. An appeal was made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission. [Buckinghamshire Council's Strategic Sites Committee resolved \(23rd June 2021\)](#) that the Members were 'minded to refuse' the application for a number of reasons:

- The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.
- The proposal would have substantial harm to the openness of the Green Belt, in both spatial and visual terms resulting in substantial erosion of openness, unrestricted sprawl, closing the gap between neighbouring towns and substantial encroachment into the open countryside. Such harm is afforded very substantial negative weight.
- The proposed development is of a scale and nature on an open green field site which would represent an obtrusion in to open countryside and result in significant adverse landscape character and visual impact on the area of the development site, its immediate setting and the wider area, loss of best and most versatile agricultural land, and would result in less than substantial harm to the setting of the listed buildings at Mopes Farm and the public benefits do not outweigh the harm to the heritage assets.
- Having regard to the benefits arising from the proposal and the harm to the Green Belt and other harm resulting from the proposal, this harm is not clearly outweighed by other considerations. There are therefore no very special circumstances to clearly outweigh this harm.
- The proposal is contrary to the National Planning Policy Framework and Policies CS1, CS3 and CS4 of the Core Strategy for Chiltern District (2011), Policies GB1, GB2, GB30, GC1, LB1 and LB2 of the Chiltern District Local Plan (1997) (including alterations adopted 289 May 2001) Consolidated September 2007 and November 2011.

3.3. The Inspector dismissed the applicant's appeal (Appeal Ref: APP/X0415/W/21/3272171, Decision Date 17 November 2021). The Inspector's conclusions are summarised below:

- Any MSA in the north-west quadrant of the M25 would be highly likely to be on Green Belt land and would cause substantial harm to the Green Belt.
- In this case there is substantial harm to the Green Belt, significant harm to the character and appearance of the area, moderate harm caused by loss of the BMV agricultural land and limited harm caused by aviation safety.
- Conditions and the S106 would not be capable of mitigating the harm to an acceptable level.

- Although there would be some harm caused by the loss of a veteran tree, taken on its own, the need for the MSA and other benefits comprise wholly exceptional reasons to override the loss of a veteran tree.
- The issues of heritage assets, highway safety and accessibility, and pollution are neutral considerations in the planning balance.
- The economic, social and environmental benefits, taken together, are substantial. However meeting the need (for an MSA) is the most important benefit.
- Iver Heath MSA:
 - The other economic, social and environmental benefits from Iver Heath are capable of being similar to the appeal scheme given the availability of more than 35 ha of additional land for off-site enhancement.
 - The harm to the Green Belt and the landscape would be considerably less.
 - There would be no impact on the BMV land and aviation safety.
 - The other potential harms to veteran trees and heritage assets are unlikely to be matters that prevent an MSA coming forward at the Iver Heath site, notwithstanding the great weight that should be given to the conservation of heritage assets, including their setting.
 - There is a reasonable prospect that the Iver Heath site could be delivered in that there do not appear to be any insurmountable obstacles.
 - The CVMSA site may be lagging behind the appeal scheme in terms of resolving some technical issues. But, to my mind, it is worth giving a site, which is likely to be considerably less harmful to the Green Belt, the opportunity to run its course. This is in the context of the Government's imperative of protecting the Green Belt. On the assumption that planning permission is granted in the next 12 months or so, delays to the delivery would not be significant in the greater scheme of things.
- The substantial harm to the Green Belt by reason of inappropriateness and effects of openness and purposes, together with the significant harm to the character of the area, the moderate harm caused by the loss of the BMV agricultural land, and the limited harm caused by the loss of a veteran tree and to aviation safety, would not be clearly outweighed by other considerations to constitute very special circumstances.
- In principle, the need for an MSA in the north-west quadrant of the M25 is a benefit that should be attributed substantial weight, and along with other benefits, is capable of outweighing even a substantial amount of Green Belt and other harm. However, there is a reasonable likelihood that these benefits can be achieved in a

less harmful way by an alternative site. Therefore, the weight to the benefits of the appeal scheme is moderated.

- In addition, the Inspector attributed substantial weight to the harm to the Green Belt in accordance with paragraph 148 of the Framework. In doing there has to be a gradation of harms depending on the scale and particular location of development. In this case, due to the size of the MSA and its particular impacts, the harm is pushing towards the top of the scale of substantial harm.

1996 Planning Application for a Motorway Service Area

3.4. An earlier planning application for a Motorway Service Area submitted for land south of the appeal site. The application was refused. Details are as follows

- 96/08215/CM - Land forming part of Warren Farm, Denham Road and Denham Park Farm, Slade Oak Lane, proposed twin motorway service areas with provision for access from M25 (outline application) (that part being within South Bucks District).
- Reasons for refusal:
 - No very special circumstances have been demonstrated which would justify the reversal of national and local planning policies regarding Green Belt.
 - The site is located within the Colne Valley Park. The proposals would conflict with the aims of the Park and have a detrimental effect upon the amenities of the locality:
 - To maintain and enhance the landscape of the Park in terms of its scenic and conservation value and its overall amenity.
 - To resist the urbanisation of the Park and to safeguard existing areas of countryside from inappropriate development.
 - To conserve the nature conservation resources of the Park
 - The application fails to indicate how emergency and staff access is gained to the site. Any increased use of the narrow country lanes would necessitate road improvements which would be potentially damaging to the character of the area. Furthermore, such an increased use could adversely affect the amenities of the residents in Slade Oak Lane.

4. Planning Policy

National Policy Context

4.1. National Planning Policy Framework (2021)

Local Policy Context

4.2. The Development Plan for Chiltern District within Buckinghamshire currently consists of the following:

- 4.3. The saved policies of the adopted Chiltern District Local Plan 1997 include Policy GB2, which reflects the-then national Green Belt policy. The MSA proposal would not be in accordance with the policy - as inappropriate development that should be refused planning permission – _unless it can be shown that it would ‘preserve the openness of the Green Belt’ and ‘not conflict with the purposes of including land in it’ (criterion (b)(iv)).

Chiltern Core Strategy 2011

- 4.4. The adopted Chiltern Core Strategy 2011 likewise cross-refers to the-then current national Green Belt policy. It does not include a Green Belt, District-specific policy, stating in paragraph 14.4 that with regard to sites for new residential development and the Green Belt’s boundaries:

“As the Council has been able to identify land, there has been no need as part of this Core Strategy to review the review the boundaries of the Green Belt. Within the Green Belt, national policy will continue to apply”

Chalfont St Peter Neighbourhood Plan (adopted in November 2016)

- 4.5. The made Chalfont St Peter Neighbourhood Plan (2016) does not include a Green Belt policy either, referring to its extent – _and to that of the Colne Valley Park - in para. 2.10. Once again, it relies on current national Green Belt policy; one of the Plan’s Objectives (page 43) is to ‘conserve and enhance the Parish’s landscape and views’ and the Plan goes on to confirm:

“The designation of much of the Parish’s area as Green Belt provides strong protection from development...”

- 4.6. Policy PW11 has the objective of supporting the rural economy; together with its supporting text, it reads as follows:

“Proposals that involve the creation of new employment opportunities within the rural area will be supported so long as they accord with policies in the Neighbourhood Plan and higher level policies.

10.2 New employment in rural areas can have a significant impact on the appearance of the open countryside and the Green Belt. It is important therefore that any proposals for new employment accord with policies protecting the landscape and rural areas of the parish”.

- 4.7. The PC concludes from the statutory development plan that the Green Belt’s long-maintained boundaries in Chiltern that have endured throughout – in new plans and through Plan review - in the vicinity of the M25 confirm the site’s contribution to the Green Belt. The approach taken in each Plan has been and still is consistent with ever-evolving national policy.

- 4.8. The Chiltern and South Buck Local Plan (2036) was withdrawn on the 21st October 2020 on the grounds that it did not fulfil Duty to Cooperate with regard to meeting Slough Borough Council's unmet housing need.
- 4.9. CSPPC notes from its comments on the current planning application that the Buckinghamshire Council's Planning Policy team considers that the proposed development is not in accordance with the development plan:

"...the overall Policy conclusion is that the proposed development is not in accordance with the development plan and that very special circumstances will need to be justified to consider allowing an exception to normal Green Belt policy to allow the proposed motorway services."

5. Green Belt

- 5.1. The entirety of this development proposal falls within Green Belt. CSPPC recognises that policy relating to proposals in the Green Belt have not changed since the applicant's appeal that was dismissed in November 2021. Development is proposed on both the western and eastern side of the M25 and despite the applicant's attempts to justify that its proposals are now 'less harmful' in Green Belt terms, the fact still remains that the proposals constitute inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt¹. The proposals do not constitute very special circumstances and the merits (and material considerations) of the proposals do not outweigh the level of harm to the Green Belt². The fundamental aim of Green Belt is to prevent urban sprawl but keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence³. It is clear to CSPPC that the proposals are fundamentally at odds with this aim of the NPPF and forever alter the openness of the area.

Land West of the M25

- 5.2. The land proposed for development west of the M25 is considered to contribute strongly to the Green Belt (as stated within the Buckinghamshire Green Belt Assessment Report, 2016). Parcel 44b, to which the development is located within, also scored '5' (the highest possible score) for its contribution to Purpose 3 (assist in safeguarding the countryside from encroachment) of the NPPF. The parcel also notably scored a '3' (out of 5) against Purpose 1 (preventing urban sprawl) and Purpose 2 (preventing neighbouring towns from merging) due to its role forming a wider gap and visual separation between the settlements of Chalfont St Peter and

¹ NPPF Paragraph 147

² NPPF Paragraph 148

Maple Cross. The parcel was not recommended for further consideration in that study.

5.3. In his report the Inspector for the previous appeal states:

“With regard to the visual dimension of openness, that part of the appeal site to the west of the M25 comprises a chalk valley cutting through rolling farmland. The open land extends between the M25 and Denham Lane, the latter forming the eastern extent of Chalfont St Peter. The MSA would involve a significant incursion of built form and infrastructure into this open landscape together with a marked change in landform.”⁴

Land East of the M25

5.4. The land east of the M25 falls within Parcel 40b in the Green Belt study. In the study it scored a ‘3’ (out of 5) against Purpose 2 (preventing neighbouring towns from merging) as it forms the wider gap between Denham Green and Maple Cross preventing development that may reduce the perceptual and actual distance between the two settlements. The study notes how the parcel maintaining the overall openness of the gap between Denham Green and Gerrards Cross / Chalfont St Peter to the west.

5.5. In respect of Purpose 3 (assist in safeguarding the countryside from encroachment) the parcel scored a ‘3’ noting that *“there is a marked transition in the character of the landscape from north to south”*. It states that *“the north of the parcel retains a largely unspoilt rural character with a rolling landscape characterised by large, open agricultural fields”* and that *“as a result of local topography and the high level of openness, there are often long vistas across the wider countryside”*. The proposals are located within this northern part of the parcel therefore this assessment applies to the development proposed in this location.

5.6. The Inspector considered that with only limited development on the land east of the M25 in the form of slip roads and the bridge over the M25 that it would have some effect on the openness of the land. Clearly with the main MSA facilities now being proposed east of the M25 the current proposals do now have a significant effect on the openness of the land. The Inspector’s consideration of the eastern parcel also assumed that most of the area would remain open with swathes of meadow and woodland planting – not a new MSA development.

“The area to the east of the M25 is already close to major works associated with HS2 and crossed by overhead power lines. Moreover, most of the area would remain open with swathes of meadow and woodland planting. In this context the provision of slip roads and the bridge over the M25 would have some, but not a significant, effect on the openness of this parcel of land.”⁵

- 5.7. As referred to above, the 1996 planning application (96/08215/CM) for a motorway service area slightly south of the planning application in question (although also situated entirely within the Green Belt) was refused on the grounds that *“the proposal involves commercial development in the Green Belt as described in the adopted Buckinghamshire County Structure Plan 1991-2011 and as shown in the adopted Local Plan for South Bucks and the South Bucks District Local Plan Deposit Version 1996 in which there is a general presumption against development in the Green Belt with certain exceptions. Motorway Services Areas are not one of the exceptions. No very special circumstances have been demonstrated which would justify the reversal of central government and local planning policies for the Green belt in this instance”*.
- 5.8. The presumption against development in the Green Belt remains unchanged and therefore any divergence from this would conflict with the recent appeal decision, the local authority’s evidence on Green Belt in addition to local and national policy existing policies.

6. Alternative MSA Proposal at Iver Heath

- 6.1. The Inspector for the MSA appeal at Warren Farm considered the merits of the that proposed scheme as well as the merits of the MSA proposals located between M25 junctions 15 and 16 near Iver Heath (Application PL/20/4332/OA known as the Colne Valley Motorway Service Area (CVMSA). He made a number of key conclusions in his report.
- 6.2. The Inspector considered that the landscape and visual harm of an MSA on the Iver Heath would be considerably less than an MSA in the location of the current application site. And whilst he confirmed that the CVMSA site is for someone else to decide including whether the very special circumstances test is passed his final conclusion was that the CVMSA provides similar benefits but with less harm as referenced below:

“Of particular note is the different relationship with users of the M25 - those passing the appeal site would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.”⁶

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

Therefore, the feasible alternative of the CVMSA site is a weighty other consideration.”⁷

- 6.3. He acknowledged that although the CVMSA site may be lagging behind in terms of delivery that given the fact that it was considerably less harmful to the Green Belt that it should be given the opportunity to “run its course”. He refers to a potential time horizon of 12 months for a planning permission being granted. His report is dated 17th November 2021 therefore it is still within the twelve month period.

“There is a reasonable prospect that the Iver Heath site could be delivered in that there do not appear to be any insurmountable obstacles. The CVMSA site may be lagging behind the appeal scheme in terms of resolving some technical issues. But, to my mind, it is worth giving a site, which is likely to be considerably less harmful to the Green Belt, the opportunity to run its course. This is in the context of the Government’s imperative of protecting the Green Belt. On the assumption that planning permission is granted in the next 12 months or so, delays to delivery would not be significant in the greater scheme of things.”⁸

- 6.4. In any event, Buckinghamshire Council will need to assess whether there are very special circumstances for the CVMSA. In terms of the current application at Chalfont it is already clear from the previous Warren Farm Inquiry and Inspector’s decision that very special circumstances do not exist at this location.

7. High Speed 2 (HS2)

- 7.1. The application site located east of the M25 is adjacent to the HS2 Chiltern Tunnel (southern portal) and within the HS2 area known as the Colne Valley Western Slopes. According to the applicant the application site (east of the M25) is temporarily being used for stockpiling excess material whilst HS2 is being constructed.

- 7.2. The HS2 proposals are clear that the approved HS2 proposals and its design respond positively to the character of the Colne Valley, which is highly valued by the community, and that its proposals seek to conserve, enhance, restore; and transform:

“The design has responded positively to the character of the Colne Valley, which is highly valued by the local community. The design has followed the general approaches (as applicable) in the HS2 Landscape Design Vision, which are to:

Conserve; Enhance; Restore; and Transform.”⁹

- 7.3. The approved HS2 Masterplan (see Figure 1 below) indicates the application as 'Land Returned to Agricultural'. The HS2 proposals were designed carefully through considerable local engagement and independent design review. To clarify, CSPPC opposed the HS2 proposals in this location due to the impact of the development in this sensitive and vulnerable location. Colne Valley Park Community Interest Company (CIC) were also opposed to the HS2 project.
- 7.4. The preparation of the carefully considered design including its landscape, environmental impacts never involved the option of introducing an MSA west of the HS2 site. It was clearly important to restore the land to its natural state to help mitigate the impact of the development. Clearly introducing an MSA in this location conflicts with the HS2 Design Vision and Masterplan and the HS2 proposals were considered and approved with the area in question being restored as agricultural land and not an MSA that will result in a range of additional negative impacts to the area.

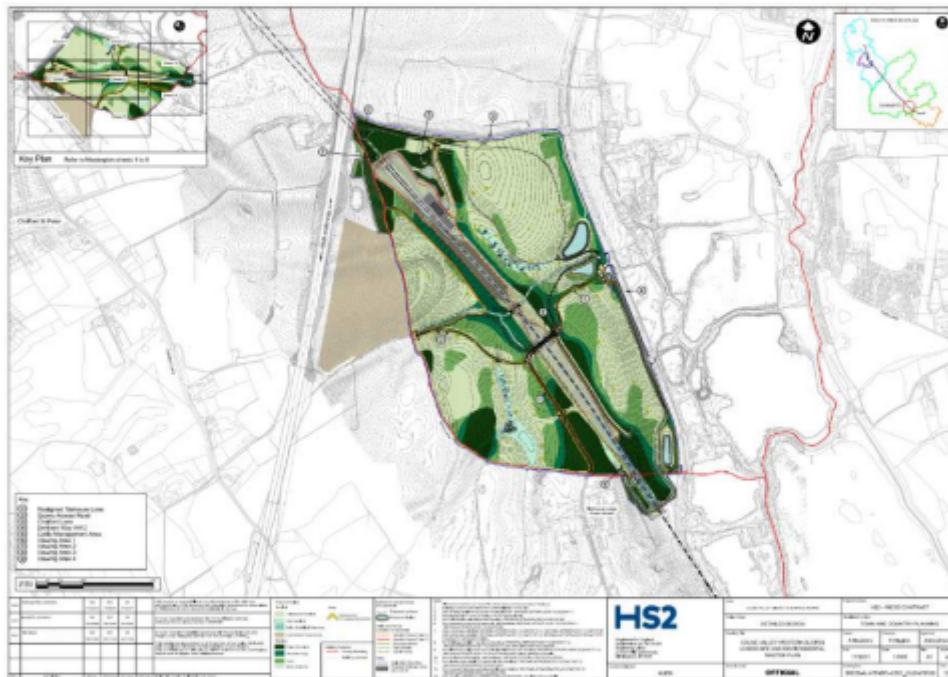


Figure 1: HS2 Masterplan Application Ref: PL/21/0591

- 7.5. The HS2 Colne Valley Western Slopes Legacy Design Vision compares a 'before and after' of the current situation in 2020 with that of 2040 once the restoration of the area has matured (see below). Any introduction of an MSA east of the M25 (along with associated new infrastructure west of the MS25) would clearly conflict with this legacy project and the openness of land both east and west of the M25 where the application site is located.



Figure 2: HS2 Colne Valley Western Slopes Design Vision (Part 2) Application Ref: PL/21/0591

7.6. The applicant claims that only 20% of the land will be capable of being reinstated to its former agricultural quality due to compaction and weather conditions affecting displaced soils:

"The reinstatement of agricultural land after construction works does not usually lead to land of the same quality, due to compaction and weather conditions affecting displaced soils. It is likely that only 20% of such land would be reinstated to the same quality after HS2."¹⁰

7.7. However, this is not corroborated by HS2 as part of its planning application where it states that agricultural soil will be reinstated to similar profiles to those originally present to maintain agricultural quality.

"Where agricultural restoration is proposed, soils will be reinstated to similar profiles to those originally present to maintain agricultural land quality."¹¹

7.8. In any case there does not appear to be any technical assessment provided as to the following details. Instead, it appears the applicant has jumped to a conclusion that most of the land will not be suitable for agricultural

- a) What area of the land is currently being used temporarily used to stockpile materials;
- b) What materials are and have been stockpiled on the site;
- c) How long have the materials been stockpiled;
- d) What impact the stockpiling of materials has had on the land and soil; and

- e) Based on the above a-d what type of agriculture the site could support in the future

7.9. Critically, the site could of course be used for other uses if the above technical analysis were to prove conclusive that the land is not suitable for agricultural use. Alternative uses could be land for the use of biodiversity (for example) and further improve the pedestrian and visitor experience to the area as well as further improve the qualities of the Green Belt and CVRP in this location.

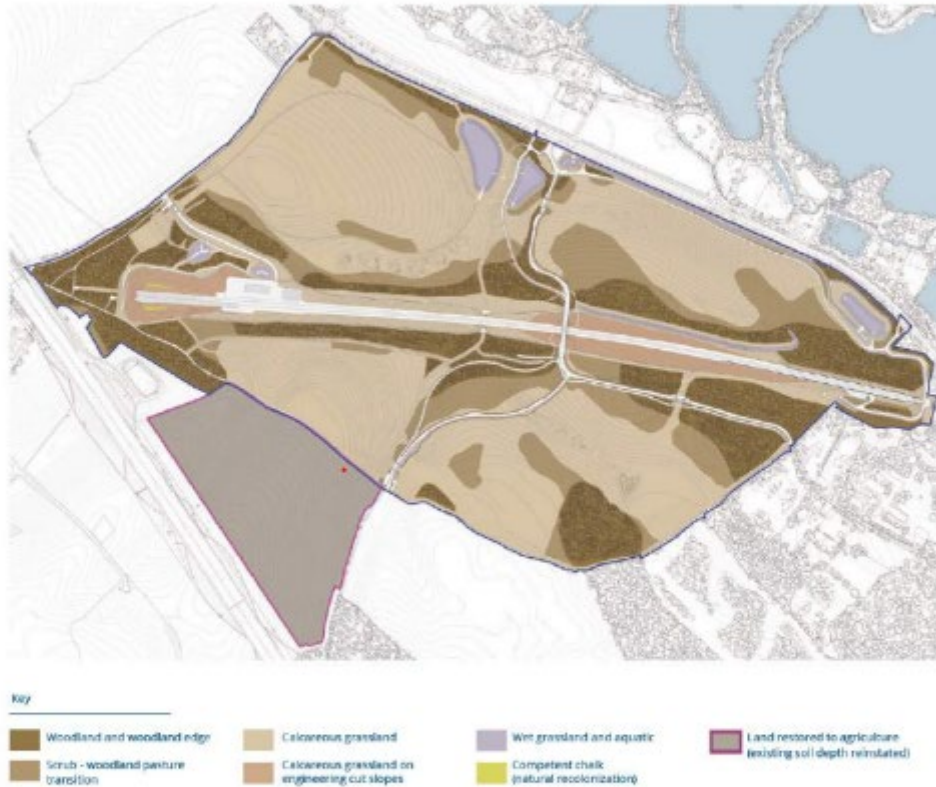


Figure 3: HS2 Environmental Design (Part 1), Soil Profile Plan Figure 5.13 Application Ref: PL/21/0591

7.10. We note from the HS2 Drainage Strategy that the application site is adjacent to the north west quadrant of the Colne Valley Western Slopes and that the runoff from this area will be allowed to 'discharge freely'. It is currently unclear, as far as we can tell, from the applicant's application how the drainage strategy of HS2 and that

of the application site would function together. This is clearly a concern given the sloping character of the area and the likely drainage impacts

“The landscape area to the west of the HS2 alignment (north west and south west quadrant) and runoff from the material placed in the South East Quadrant will be allowed to discharge freely.”¹²



Figure 4: Drainage Strategy for Colne Valley Western Slopes. Written Statement. Application Ref: PL/21/0591

HS2 Comments

7.11. We note from the HS2 response to the current planning application that it has a number of concerns about the proposals. Perhaps most critical of the concerns is that HS2 considers that there are *“key interfaces of concern between HS2 and the revised MSA scheme proposals”* that the applicant will need to consider in cumulative effect terms with HS2 including:

- Contouring
- Noise Impacts
- Light Impacts

7.12. HS2 goes on to say in its comments that "As a committed project in that location, planning policy dictates that the HS2 completed scheme should be fully taken into account by the developer".

- The applicant seems to have overlooked potential synergies regarding retaining existing slip road which could significantly reduce the carbon impact of the proposed development
- The application refers in its Framework Travel Plan (section 4.6) to the existing HS2 access to the north and east of the application site and how the developer will work with the LPA and Highways Authority to retain these local connections. However, HS2 explains that the northern access are the slip roads for which an Undertaking / Assurance is in place to remove once HS2 works are completed and the eastern access is also the quarry access road for which a legal agreement is to be entered into between HS2 Ltd and Three Rivers District Council to remove.
- HS2 states that whilst proposed draft planning conditions included as Appendix 1 of the planning statement now relate to a different site and proposal, the vast majority remain relevant and, crucially from an HS2 interface perspective, the HS2 condition requested in HS2's consultation response to the previous application is still included. The condition is for the requirement of a detailed Design and Construction Method Statement(s) to be submitted and approved by the LPA and that it must include arrangements to ensure any concurrent taking place of both developments that the HS2 works are not impeded. The reason for the condition is "To ensure the works do not prejudice the construction of HS2".

7.13. The comments from HS2 are concerning and strongly suggest that HS2 considers that the applicant has not taken into account the cumulative effect of the HS2 proposals with its own.

8. Colne Valley Regional Park (CVRP)

8.1. At the time of preparing these representations Colne Valley Regional Park has not submitted its response to the planning application and it is understood that these will be submitted in early July. CSPPC makes the following comments in respect of the impact of the proposals on the CVRP without prejudice ahead of CVRP's comments.

8.2. CSPPC considers that the application proposals directly conflict with the Vision and Objectives of the CVRP.

8.3. The Vision for the Regional Park states how it will look by 2050:

"In 2050, the Colne Valley Regional Park is a network of high-quality countryside, villages, green spaces, lakes and waterways.

It forms a unique and precious green buffer immediately to the west of London, centred on the River Colne and the connected waterways, lakes and canals. Water quality, flow and condition throughout is improved and exceeds all statutory requirements. The Park has a high profile and fulfils its enormous potential as a regionally significant destination for recreation and relaxation.

The Colne Valley Regional Park is a vibrant, living entity vital to good health and overall well-being: an important environment, rich in wildlife, in which people live, work and play, and one that actively encourages farming and forestry to thrive."¹³

8.4. The Objectives for the Park are as follows:

- **Landscape:** *To maintain and enhance the landscape, historic environment and waterscape of the park. Comment: the landscape will be significantly impacted by the MSA proposals.*
- **Countryside:** *To safeguard the countryside of the Park from inappropriate development. Where development is permissible the Park will encourage the highest possible standards of design. Comment: The proposals represent inappropriate development both in Green Belt terms and in countryside terms.*
- **Biodiversity:** *To conserve and enhance biodiversity through the protection and management of species, habitats and geological features of the Park. Comment: Clearly the impacts of an MSA east and west of the M25 will have a negative impact on biodiversity.*
- **Recreation:** *To provide opportunities for countryside recreation and ensure the facilities are accessible to all. Comment: The proposals will have an impact on the experience of users of the Public Rights of Way surrounding the proposed scheme and the introduction of an MSA and its infrastructure will detract from the countryside character.*
- **Rural Economy:** *To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of this precious area of the countryside. Comment: The proposals undermine the rural character of the area and conflict starkly with the objective of creating a vibrant and sustainable rural economy including farming and forestry.*
- **Community:** *To encourage community participation including volunteering and environmental education and promote the benefits of health and social well-being afforded by access to high quality green space. Comment: The*

¹³ <https://www.colnevalleypark.org.uk/whats-special/>

proposals will result in the degradation of green space and there is no environmental educational proposals proposed as far as we are aware.

- 8.5. It is clear that the proposals directly conflict with the overall Vision for the Park as well as all of its Objectives. The proposals, if approved and delivered, would create significant harm to the Park and its purposes.

9. Transport, Emergency Access, Sustainability and Parking

National Highways

- 9.1. SPPC notes that National Highways has requested clarification and further technical documentation from the applicant on a number of important matters. As a result, it has issued a 'holding recommendation' and requested that the Council not determine the planning application for a period of 56 days (until at least 27th July) or until such time as National Highways is able to submit an alternative response.
- 9.2. National Highways explains in its response that it is interested in the potential impact upon the M25 and has undertaken a review of the submitted Transport Assessment (April 2022) and other relevant planning documents by the applicant. It is interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN during construction and operation of the MSA.
- 9.3. CSPPC is concerned that such fundamental assumptions and analyses have not been undertaken by the applicant at the point of submitting its planning application.
- 9.4. These include for instance a considerable difference in the number of parking spaces for the staff of the MSA which National Highways estimates is currently 65 parking spaces short which is nearly double what the applicant is providing. It also raises a key point about the need for the applicant to base its daily visitor flows on the latest (post covid) forecasts which is likely to require a significant increase in visitor parking as well.
- 9.5. National Highways rightly points out that there is indeed potential that HS2 and the MSA could have construction works simultaneously and therefore it requires an assessment of how these would interact.
- 9.6. Clearly these changes in assumptions have the potential to have considerably greater and 'severe impacts' on the M25 (and the Green Belt, landscape etc) and have not yet been properly tested by the applicant.
- 9.7. In its current response National Highways raises issues about the applicant's assumptions used and requests further information:
- Turn-in Rates

Recommends that additional sites are considered to gain more confidence in the turn in rates.

- **Parking Requirements:**

Considers that 38 staff car parking spaces is not adequate explaining that there will be a maximum of 411 staff on site at once. This would require a car driver mode share of 9% which is not reasonable. It points to the Colne Valley MSA car driver mode share assumptions which are 25% - this would result in the need for 103 staff car parking spaces.

Parking provision for visitors to the MSA are based on pre Covid daily flows (DfT Circular 02/2013). However, the applicant should be using the 2025 forecasts which shows a daily increase of 178,000 of which 20,100 are HGVs. This will increase the number of parking spaces required.

- **HS2 Traffic:**

The Transport Assessment assumes that HS2 will be completed by late 2024 and that key civil engineering works there will have been completed before the construction of major works of the MSA. However, National Highways considers there is potential for there to be a short period where both HS2 and the MSA are being constructed concurrently and it requests an assessment of how both would interact in terms of traffic impacts and the source data for information regarding the assumptions of the HS2 activities.

- **Construction Traffic:**

National Highways requests a draft version of the applicant's detailed Construction Traffic Management Plan is made available so it can review the haulage route.

- **Swept Path Assessment:**

No vehicle tracking exercise has been undertaken or provided with in the TA. National Highways recommends that these assessments illustrating the access arrangements are provided.

- **Highway Drawings:**

Further details are requested regarding the access and grade separated junction that crosses over the M25 (including AutoCAD format) so that proper checks can be conducted and design standards / guidance used can be established.

Emergency / Secondary Access

9.8. The application does not include emergency or secondary access. As explained in the Transport Assessment *"once operational, all access, including employees and emergency vehicles will from the mainline"*. There appears to be no detailed consideration of emergency access in the Transport Statement or any justification for not including one. Given the very detailed consideration of this topic at the previous Inquiry it seems odd to CSPPC that the current proposals are almost absent from its consideration. We request further information and request that justification is provided by the applicant on this matter.

Sustainability

9.9. The NPPF states that *"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued"*¹⁴

9.10. With no secondary access there is no potential opportunity for employees to access the site by public transport, walking or cycling. The applicant estimates that there will be 310 FTE jobs at the MSA who will need to drive to work.

9.11. In its Sustainability Statement¹⁵ the applicant explains that it *"will encourage the use of the surrounding network of footpaths, in addition to increasing pedestrian accessibility to the Site area. This could include:*

- *Onsite footways, pedestrian / cyclist access;*
- *Provision of secure cycle parking;*
- *Provision of improvements to the surrounding existing cycle and pedestrian pathways, connecting the site to surrounding areas and wider cycling routes"*

9.12. However, according to the Transport Assessment all employees must use the M25 for access to the site. Therefore, it is entirely unclear from the documentation whether access to footpaths and cycle paths are proposed or not.

9.13. The applicant's Sustainability Statement states that *"due to the nature of the Proposed Development to provide facilities for existing motorway users, additional trips will not be generated beyond staff movements. The proposed MSA may generate some road traffic (e.g., staff trips), however this is likely to be small and not significant"*.¹⁶

9.14. Firstly, there are an estimated 411 staff that will be on site at once. This is not a 'small and not significant' additional number of trips each day. Additionally, there will be delivery vehicles accessing the site therefore we consider the applicant has not seriously considered the actual transport impacts of the proposals.

Parking & Electric Vehicle Charging Points

¹⁴ NPPF Paragraph 104

¹⁵ Sustainability Statement, Table 11.1

¹⁶ Sustainability Statement, Paragraph 11.2.1

-
- 9.15. Notwithstanding the valid points raised by National Highways regarding the unreliable assumptions made by the applicant regarding parking requirements, there are significantly less parking spaces proposed than that of the previous appeal application. The current application proposes a total of just over 1,000 parking spaces (by our estimation) whereas the appeal application proposed around 1,300 parking spaces. The most notable difference is that the current application proposes around 270 less light vehicle spaces. There are 58 less HGV spaces proposed, and 4 less coach spaces proposed. If the National Highways representations result in further work demonstrating that more parking capacity is required, this will undoubtedly alter the non-parking related development capacity of the site and have knock on impacts to the masterplan with less land available for mitigation measures.
- 9.16. We note that the Transport Assessment does not provide a parking plan that contains any detail for one to review or assess. It states that *"The illustrative masterplan is provided in Appendix D"*. When one views that masterplan document the key for all "Proposed parking and road network" is coloured grey and there is no further breakdown or indication which area is proposed for any of the different parking facilities including 759 light vehicle spaces, where the 38 disabled spaces will be located or where the 142 HGV space are located. Without such information one cannot ascertain whether there will be the required capacity or whether the potential layout is suitable.
- 9.17. The Transport Assessment fails to specify the number of EV charging points that will be provided with the scheme. It simply states that "Electric Vehicle Charging Points within the light vehicle parking area". It then suggests that a planning condition handles this issue. However, the quantum and location of EV charging points should be clearly stated and illustrated in the current application.

Denham Park Farm Quarry

- 9.18. We note that the Denham Park Farm Quarry is located to the south of the site. The applicant's Transport Assessment makes no mention of the quarry despite the fact that the quarry has been operational since 2017 and as we understand it (and as noted in the applicant's planning statement) has a permitted phased plan for extraction and restoration over a 20 year period.
- 9.19. It is entirely unclear as to how the operation of the quarry and associated movements have been considered in the applicant's proposals and documents submitted.

10. Public Rights of Way

- 10.1. The appeal Inspector concluded that the previous proposals which, like these current proposals, involve a significant incursion of built form and infrastructure into the open landscape together with a marked change in landform, would be clearly perceived by users of the footpath and by the many motorists on the M25. The Public

Rights of Way (PRoW) around the application site are also significant in this location (both east and west of the M25).

- 10.2. As stated in the Design and Access Statement the area around the site has a high density of existing PRoW and are very well used by the local community and visitors.

“The area around the site has a high density of public rights of way that are enjoyed by the local community and visitors. These are illustrated on the figures showing Existing Public Rights of Way (below).”¹⁷

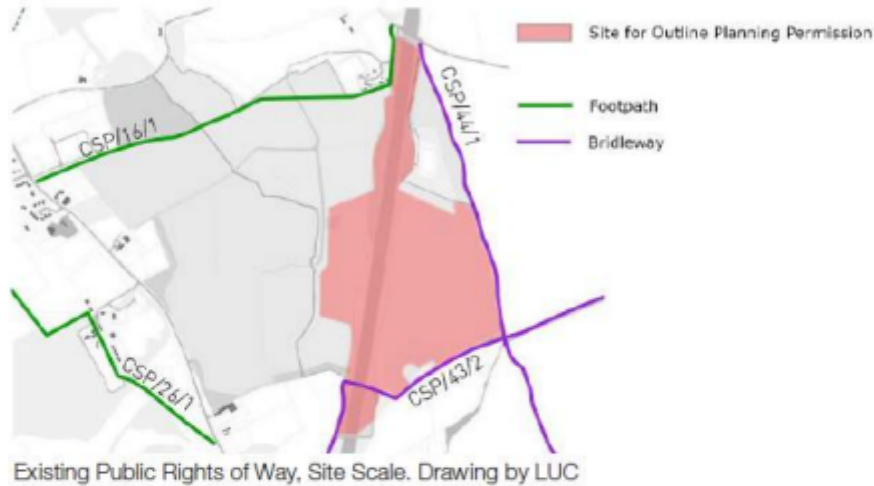


Figure 5: Existing Public Rights of Way (PRoW), Design and Access Statement

“There are two recreational routes along the eastern (CSP/44/1 – Old Shire Lane) and southern site boundaries (CSP/43/2 – South Bucks Way), a local route along the northern boundary (CSP/16/1). The South Bucks Way continues east of the site from Denham Lane (CSP/26/1), see figure Existing Promoted Public Rights of Way, Site Scale”¹⁸

¹⁷ Design and Access Statement (Section 2.1)

¹⁸ Design and Access Statement (Section 2.1)



Figure 6: Existing Promoted Public Rights of Way, Design and Access Statement

11. Landscape and Visual Impact

- 11.1. The application includes a Landscape and Visual section of the Environmental Statement (Vol 1 Chapter 7).

Landscape

- 11.2. Within that report it states that:

“All physical changes are limited to the area of the Site and will not have a direct impact on the wider landscape”¹⁹

- 11.3. CSPPC considers that the introduction of an MSA which develops both the west and east side of the M25 will clearly have an impact on the wider landscape.

- 11.4. The applicant’s report also argues that:

“In terms of landscape character, the scale of disturbance to the Site is relatively limited and will be experienced in the context of the existing motorway corridor and HS2. Furthermore, parts of the landscape which

¹⁹ Environmental Statement Vol 1, Chapter 7 Landscape and Visual Paragraph 7.9.19

*were subject to the HS2 construction activity (which includes the Site) will be relatively 'new' in their appearance*²⁰

11.5. CSPPC questions how the scale of disturbance to the Site could be determined by the applicant as 'relatively limited'. The west of the M25 is undeveloped Green Belt and countryside which is proposed for development as roads with a constant stream of motorway and service vehicle traffic. The applicant also appears to downplay the restoration measures HS2 will be implementing at the Colne Valley Western Slopes saying that they will be relatively 'new' in their appearance. This assumption and statement fail to consider and appreciate the design vision by HS2 for the restoration and improvement of the area in question. The applicant should be assessing landscape impact on the basis of the HS2 restoration work being fully delivered and not on its 'new' appearance – particularly given that the application site itself is part of the restoration project.

11.6. As stated above, the proposals do indeed extend into the surrounding areas in terms of landscape impact. The applicant attempts to argue that the impact beyond the application site is limited due to it being well contained by existing well defined boundaries however there is little evidence demonstrating these boundaries:

*"For a localised section of the motorway network, the associated infrastructure of the slip roads, operational MSA, layout and related elements (such as lighting) will each extend the character of the motorway infrastructure into the adjacent landscape, however this is very limited and both to east and west is contained by existing, well-defined boundaries. Such impacts are balanced by the approach to the design, which seeks to integrate the Proposed Development into the landscape through use considered mitigation."*²¹

Visual

11.7. The applicant concludes that views of the Site and of the Proposed Development are restricted to a relatively limited areas in the immediate context of the Site and from locations close to the Site boundaries conceding that there are some cross valley views from the east. The applicant identifies a number of 'representative visual receptors' including the following²²:

- Near distance recreational receptors such as walkers using the network of rights of way adjacent, and in close proximity to, the Site. Largely restricted to the public footpath to the west (CSP/16/1) and public bridleway to the east (CSP/44/1) (also the route of the Old Shire Lane and South Bucks Way);

²⁰ Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.20

²¹ Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.21

²² Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.24-25

- Recreational receptors such as walkers using the network of public rights of way further afield, particularly the routes (and common land) to the east near Harefield, but also to the north, on the edges of Maple Cross;
- Receptors associated with the edges of the local settlements, including Maple Cross and Harefield, and to a lesser extent South Harefield and Chalfont St Peter; and
- Users of the local transport network, but largely limited to Denham Lane, the M25 and Denham Way, as well as Park Lane further to the east.

11.8. The applicant concludes that the highest magnitude of visual impact and significance of effect are from locations directly adjacent to the Site or very close to the site stating that:

*“Notwithstanding the significance of effect from close proximity to the Proposed Development, all views show that the landscape and visual strategy has the potential to avoid or minimise visual (and landscape) impacts and result in a reduction in the significance of visual effect in the medium to long term (i.e. as landscape proposals become fully established)”.*²³

11.9. The experience of users of walkers using the Public Rights of Way (PRoW) and common land along with views from the edges of settlements and the M25 should not be underestimated by the applicant or by the Council. The Inspector for the Warren Farm MSA Appeal considered these points in his report:

*“These changes would be clearly perceived by users of the footpath which runs near to and across the northern part of the site and by the many motorists on the M25. Drivers on the M25 would have their eyes on the road ahead and would also anticipate seeing MSAs at regular intervals. That said drivers would have some appreciation of the surrounding open landscape. Moreover, passengers would be more likely to enjoy the passing open countryside preserved by Green Belt.”*²⁴

11.10. The Inspector concluded that the development would lead to “inevitable major landscape and visual effects which it not possible to mitigate and that it would result in significant harm to the character and appearance due to its landscape and visual effects.

“However, notwithstanding these factors, the particular location of the development leads to inevitable major landscape and visual effects which it is not possible to mitigate. In this case the development would result in significant harm to the character and

²³ Environmental Statement Vol1, Chapter 7 Landscape and Visual Paragraph 7.9.30

²⁴ Warren Farm MSA Appeal Decision Reference: APP/X0415/W/21/3272171, Paragraph 15

appearance of the area, by reason of its landscape and visual effects.”²⁵

- 11.11. He also concluded that it was not compliant with the Local Plan (Policies GC1 and GC30) as it failed to recognise the intrinsic character and beauty of the countryside and would not relate well to landscape features, not integrate into the rural setting and not conserve the scenic beauty or amenity of the landscape:

“As a result, the development would not recognise the intrinsic character and beauty of the countryside and would conflict with Policies GC1 and GB30 of the Chiltern District Local Plan (CDLP) as it would not relate well to landscape features, would not be well integrated into its rural setting and would not conserve the scenic beauty or amenity of the landscape.”²⁶

- 11.12. CSPPC considers that the current application should be refused on the same landscape and visual impact grounds.

12. Air, Noise and Light Pollution

Cumulative Impact (HS2, Denham Park Quarry)

- 12.1. National Highways and HS2 have submitted in their representations to this application fundamental concerns about whether / how the applicant has taken into account in its assessments and plans the construction of HS2 alongside the impacts of the construction and operation of the MSA if they were to coincide. CSPPC shares these concerns of National Highways and HS2. CSPPC has raised the same issue in relation to Denham Park Quarry which has a permitted phased plan for extraction and restoration over a 20 year period.

- 12.2. CSPPC would like to point out the need for the applicant to take into account the proposed MSA, HS2 and Denham Park Quarry in its assessment of Air, Noise, and Light Pollution as the impact of the MSA will result in a serious impact on its own but in reality, the impact of all three of these developments being constructed / in operation simultaneously will clearly be far greater in terms of its impact on the area. CSPPC requests evidence from the applicant on the cumulative effect of the development in this area to be provided.

Transport Assumptions

- 12.3. As set out in these representations National Highways has requested and challenged the applicant on its assumptions and reports in relation to the SRN. One of its queries is in relation to an apparent gross underestimate of employee parking provision. If the application is to be altered to include, for example, more parking

²⁵ Warren Farm MSA Appeal Decision Reference: APP/X0415/W/21/3272171, Paragraph 33

²⁶ Warren Farm MSA Appeal Decision Reference: APP/X0415/W/21/3272171, Paragraph 34

and additional movements then clearly the air, noise and light pollution evidence also needs to be updated to reflect this.

Air Pollution

12.4. The applicant states that it considers that HS2 *“key civil engineering works are due to be completed late 2024...with the current South Portal compound being demolished in early 2025”* and that the MSA is likely to be in construction in 2025 following the hand over²⁷. It then goes on to say that due to lack of overlap between major works that the cumulative impacts of HS2 in combination with the MSA are not significant:

“Due to the lack of overlap between major works, it is not considered that the cumulative impacts of HS2 in combination with the MSA scheme will be significant”²⁸

12.5. As stated previously, the applicant should not rely on the assumption that HS2 will be effectively completed in late 2024 and ‘handed over’ in 2025 and as a result it feels it can ignore the cumulative impact of the two developments in its assessments.

12.6. On the basis of the application only being in outline, there seems to be less than expected information on pollution matters. Consideration seems to have only been given to the impacts of dust, fine particulate matter and for pollution concentrations of NO₂, PM₁₀ and PM_{2.5} have only been considered for the nearby existing sensitive human receptor (Orchard Caravan Park). Air quality impacts for the wider Denham Lane area in the Chalfont St Peter area seem not to have been considered. It would appear that the mitigation proposed focuses on an appropriate Construction Environmental Management Plan and EV charging points – disproportionately small measures in the PC’s estimation.

Noise Pollution

12.7. The applicant’s Noise and Vibration Assessment identifies the ‘Noise and Vibration Sensitive Receptor Locations’ which includes locations up to 1.2 km from the proposals. It only identifies one location west of the M25 (Avery Cottage, Denham Lane) presumably as the applicant is measuring distances from the main MSA area and not the proposed transport infrastructure west of the M25. This surely cannot be a robust approach given the noise impacts that will result from the infrastructure being constructed and operated west of the M25.

12.8. As one can see from our basic measurement from the proposed transport infrastructure west of the M25, a 1.2 km distance is nearly in the centre of Chalfont St Peter Village.

12.9. CSPPC therefore considers that the findings of the Noise and Vibration Assessment cannot be relied upon and will need to be revisited. There will clearly be

²⁷ Environmental Statement, Vol 1 Chapter 15 Air Quality Paragraph 5.2.2

²⁸ Environmental Statement, Vol 1 Chapter 15 Air Quality Paragraph 5.2.2

considerable noise and vibration impacts from the MSA development both west and east of the M25 which does not appear to have been properly assessed.

Table 14.5: Existing Noise and Vibration Sensitive Receptor Locations

Receptor	Bearing from Site	Approximate Distance Between Development Area and Receptor	Grid Reference		
			x	y	
Nearest to the location of the Proposed MSA					
ESR1	The Orchards Gypsy and Traveller Site off Shire Lane	North	220m	501996	191421
ESR2	Aviary Cottage, Denham Lane, Gerrards Cross. SL90 0QH	South-west	340m	501570	190234
ESR3	Hill House, Chalfont Ln, West Hyde, Maple Cross, Rickmansworth. WD3 9XN	North East	810m	502960	191516
ESR4	Corner Hall, Old Uxbridge Rd, Rickmansworth. WD3 9YA	East	990m	503379	190975
ESR5	2 Colne Cottages, Old Uxbridge Road, West Hyde. WD3 9YB	South East	1.2km	503547	190393
ESR6	Cedar Grange, Tilehouse Lane, Denham. UB9 5DG	South East	1.1km	503234	189993

Figure 7: Environmental Statement, Noise and Vibration, Table 14.5



Figure 8: 1.2km Distance Measurement from development west of M25 (Source: Google Maps)

Light Pollution

12.10. It was not possible to locate a detailed Light Pollution study in the applicant’s submission setting out a detailed lighting impact of the proposals and proposed

mitigation. This is concerning to CSPPC given the likely severe light pollution impacts of a new MSA that will be running 24 hours a day.

- 12.11. The applicant's 'Sustainability Statement' includes a table titled 'Air Quality and Environmental Pollution Initiatives' which includes five brief bullet points explained as "*The following measures will be considered at the detailed design stage in order to align with industry best practise for the mitigation of impacts of external lighting*":
- *Use of optimised optics, minimal inclination, and minimal heights.*
 - *Non-essential lighting is switched off (occupancy sensing) at a pre-determined curfew time, suggested as 23:00.*
 - *All lighting used around the perimeter will be mounted so the photometric distribution is towards the task area, preventing artificial light spillage.*
 - *Consideration of ecological habitats and the direction of luminaire away from these areas. Adopting a light quality in form of LEDs (<2700K and >550nm) to emit minimal UV and blue light. Post installation shielding could also be used.*
 - *Retention of trees around the site perimeter.*"²⁹
- 12.12. Whilst these measures would be welcomed, they are generic mitigation measures and place all the emphasis on the detailed design stage which is clearly too late in the process to assess the development's lighting impact at the outline stage.
- 12.13. The applicant's Landscape and Visual Assessment discusses potential light impacts in landscape and visual terms. It concludes that the lighting effects for each of the landscape character areas and visual impacts are not considered to be 'significant'. CSPPC seriously questions these conclusions and questions what lighting design the consultant used as a basis to make such conclusions as the new lighting associated with the MSA east of the M25 and transport infrastructure west of the M25 will clearly lead to considerable additional light pollution in the area.

Ecology & Biodiversity Net Gain

Badgers

- 12.14. The applicant has provided a Badger Survey Report³⁰ however most of the important information is redacted making it almost impossible to understand its contents. However, it does state at Paragraph 4.1.2 that "Since the 2019 surveys the activity and sett creation on site and in the surrounding land has increased overall.

²⁹ Sustainability Statement, Table 12.1

³⁰ Environmental Statement, Appendix 8.2 Badger Survey Report

CSPPC requests a non-redacted version of this report to better understand its contents.

Bats

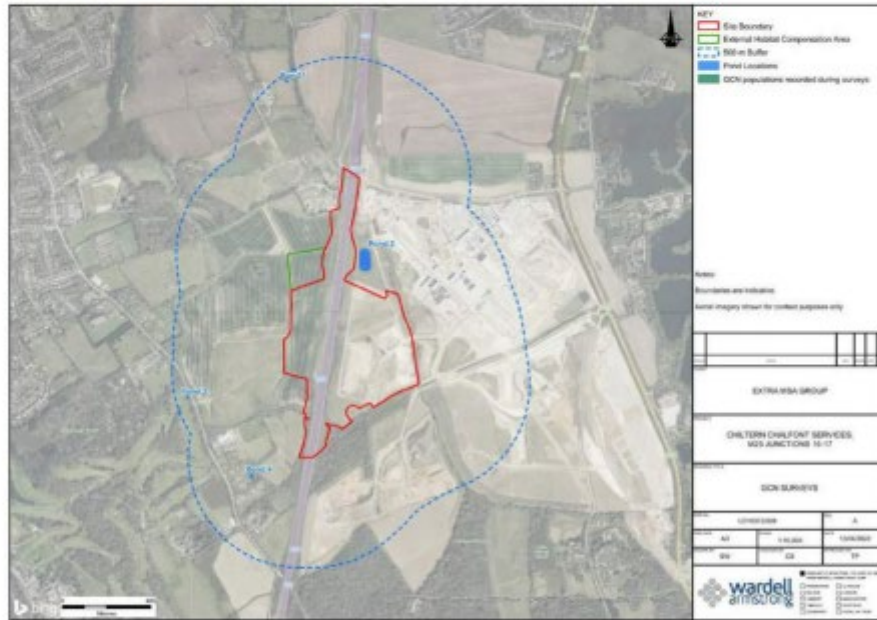
12.15. CSPPC notes that all species previously recorded (in 2018/19) were also recorded in 2021 and that there has been an increase in activity for some of the species:

“The results of the survey generally concur with the findings of the previous survey. All of the species recorded by the 2018/2019 surveys have also been recorded on site during the 2021 surveys. Levels of activity for some species such as Noctule/Nyctalus sp have increased marginally”³¹

Great Crested Newts

12.16. It is noted that the Great Crested Newt population has increased significantly at Pond 3 located west of the M25 and that it has been assessed as having a ‘good’ Habitat Suitability Index Assessment (HSI).

12.17. Pond 4 was assessed as having ‘Average’ HIS.



³¹ Environmental Statement Vol 2, Appendix 8.3 Bat Survey Report

Wintering Birds

12.18. It is noted that the following criteria were considered by the applicant in terms of evaluating the survey area for its significant to wintering birds³²:

- **A:** The occurrence of large or notable population of an individual species, particularly *if these comprise a significant proportion (i.e. 1% or more) of the national breeding (or wintering) population. No wintering populations recorded within the survey area comprised 1% or higher of the national breeding population*
- **B:** *The species-richness of the bird assemblage of the survey areas (i.e. how many different types of species does the survey area or development area support); In accordance with the criteria provided by Fuller (1980); with 37 species recorded by the survey, the site is considered to currently support a wintering assemblage of at least Local importance*
- **C:** *The assemblage of species listed on Schedule 1 of the Wildlife & Countryside Act 1981, Annex 1 Birds Directive, NERC listed species, LBAP species and species determined to be of either red or amber status in BoCC 4, and therefore of conservation concern. The surveys indicate that the survey area supports a range of wintering Red listed BoCC, Amber listed BoCC, NERC listed and LBAP species considered likely to be of at least District importance.*

Biodiversity Net Gain

12.19. The applicant's Biodiversity Net Gain Report covers two scenarios: **Scenario A)** the current habitats baseline, including land within a HS2 construction site for the Chiltern Portal to the east of the M25; and **Scenario B)** described as a 'dynamic' baseline Scenario, it assumes that all land within the HS2 controlled area is remediated to arable farmland with no hedgerows, analogous to its former agricultural use.

12.20. Preliminary results for **Scenario A** (based on indicative landscaping proposals): the development could deliver 15.41 net gain in biodiversity (habitats) and 29.35% net gain for linear habitats (hedgerows). This would require two new hedgerows on a parcel of external habitat compensation land to the north of the application site (through a legal agreement).

12.21. Preliminary results for **Scenario B** (based on indicative landscaping proposals): the development could deliver 14.35% net gain in biodiversity (habitats) and 29.35% net gain for linear habitats (hedgerows). This would require two new hedgerows on a parcel of external habitat compensation areas to the north of the application site and the conversion of arable habitats within the external habitat compensation area to neutral grassland.

³² Environmental Statement Vol 2, Appendix 8.5 Wintering Birds Survey

- 12.22. Whilst CSPPC welcomes the maximising of biodiversity net gains in the parish, it is currently unclear as to how the biodiversity net gain proposals link with the ecological surveys undertaken for badgers, GCNs, bats and wintering birds and how the proposals will result in a net gain for these species.
- 12.23. CSPPC queries why there is a reliance on 'External Offset Land' to deliver the necessary biodiversity net gains and whether these locations are the most suitable.
- 12.24. It is noted in Paragraph 4.5.7 of the applicant's Biodiversity Net Gain Report that a 'Biodiversity Management Plan' will be required in order to confirm the habitat creation, management and monitoring requirements over the 30-year management period. Buckinghamshire Council should require this Management Plan to be provided with the current planning application otherwise it is not possible to confirm that the stated biodiversity net-gains are realistic and achievable.
- 12.25. Linked to CSPPC's overall concerns regarding the lighting impact of the scheme is the impact of light pollution in relation to wildlife including birds and bats.
- 12.26. CSPPC would like to point out that much of the scrubland and some of the cereal crop fields located southwest of the application site are home to skylarks which are on the 'red list'. Also, the existing tunnel under the M25 is used by deer – not just muntjacs.

13. Heritage & Archaeology

- 13.1. The applicant identifies two heritage assets within the vicinity of the application site³³:
- A group of three Grade II Listed Buildings at Mopes Farm lie c.290m – 315m south-west of the site and comprise the farmhouse, barn to the north-west and the barn and cottage to the south-west (NHLE ref. 1124829, 1124830, 1158470). The applicant concludes that:
 - *"The proposed development within the site is focused within the eastern extent of the site, beyond the M25, and comprises motorway services, associated buildings and road networks. There is no clear intervisibility between the Listed Buildings at Mopes Farm and the land within the site due to the topography of the site, the landscape and the presence of intervening vegetation along the southern site boundary. However, glimpsed views of the upper extents of buildings at Mopes Farm, are possible from occasional parts of the site, such as the PRoW on the southern edge of the site."*
 - *"The land within the site is not considered to contribute to the heritage significance of the Listed Buildings at Mopes Farm. On this basis, the proposed development within the site is considered to result in no harm"*

³³ Environmental Statement Vol 2, Appendix 9.1 Heritage Statement

to the significance of the Grade II Listed Mopes Farmhouse, the Grade II Listed Barn to northwest of Mopes Farmhouse and the Grade II Listed Barn to southwest of Mopes Farmhouse and Mopes Farm Cottage."

- The Scheduled Monument Moated site 200m north-west of Chalfont lies c. 635m south-west of the site on Gerrards Cross Golf Course (NHLE ref. 1014602). The applicant states that: *"There is no intervisibility between the site and the asset, and on the basis of that, distance and a lack of historical association, the site is not considered to contribute to the heritage significance of the asset, and the proposed development is considered to result in no harm to the significance of the Scheduled Monument. It has not been assessed further."*

13.2. It also identifies three Grade II Listed Buildings lie along Old Uxbridge Road 1.03km east of the site, comprising the Church of St Thomas of Canterbury; May Cottage and Corner Hall (NHLE ref. 1173848, 1173843, 1348255). However, it states that at the time of the site visit, these assets were not clearly visible in views east from the site. Any potential intervisibility between the land within the site and these assets is not considered to comprise key views, and the site does not contribute to their heritage significance. Therefore, the proposed development is not considered to result in any harm to these heritage assets, and they have not been assessed further.

13.3. CSPPC looks forward to reviewing the response from Buckinghamshire Council's Conservation Officer on the applicant's Heritage Assessment and its conclusions. CSPPC is concerned that the applicant may have overlooked the amount of development proposed west of the M25 in its assessment due to the revised scheme now proposing the main proposals east of the M25. However considerable development is still proposed west of the M25 in the form of considerable highways infrastructure.

13.4. The applicant does identify views of Mopes Farm, from parts of the sites including the PRow on the southern edge of the site yet dismisses the potential for any harm to Mopes Farm. This needs much further investigation and assessment by the Council.

Archaeology

13.5. CSPPC notes that the Buckinghamshire Archaeology consultee considers that the area west of the M25 requires an archaeological assessment. CSPPC supports that such an assessment is required and takes issue with the fact that Heritage Statement downplays the fact that considerable highways infrastructure is being proposed west of the M25 (our emphasis added):

"A large amount of prehistoric activity has been recorded in the study area, and activity has been recorded within the site during works prior to the construction of the M25, comprising a buried soil surface and pit containing finds of prehistoric to Bronze Age date, and various findspots of prehistoric

date. The geophysical survey which was undertaken within the western part of the site in 2019 did not record any anomalies indicative of prehistoric archaeological remains. The potential for significant, prehistoric archaeological remains within this part of the site is considered to be low. Development proposals are focused in the eastern extent of the site, on land to the east of the M25³⁴

14. Conclusions and Recommendations

- 14.1. The proposed development is wholly unjustified on the grounds that the development proposal does not constitute 'very special circumstances' to warrant strategic inappropriate development in the Green Belt, and as such continues to conflict with paragraphs 147 – 150 of the NPPF.
- 14.2. As Buckinghamshire Council will have read from CSPPC's detailed representations there are, in addition to Green Belt, a multitude of additional grounds for refusal that we trust will be fully considered by the Council in its assessment of the application.
- 14.3. Based on the above findings, the Parish Council is unable to support the development proposal and therefore request that the planning application is refused.

³⁴ Environmental Statement Vol 2, Appendix 9.1 Heritage Statement Paragraph 7.2

Denham Parish Council – 13th January 2023

Denham Parish Council strongly objects to this application. The site immediately adjoins the boundary of the Parish. Construction of the proposed facility appears to have to access the site from roads within the Parish, which are already badly congested and thus will adversely affect traffic flow and highway safety.

The proposal will clearly impact on the openness of the Green Belt and the applicant has made no very special circumstance case to justify why the proposal be allowed. Denham Parish Council calls for the application to be refused.

There is no emergency access and support the comments that have been made by ThamesValley Police

Three Rivers District Council

This Council has considered the above application and has NO COMMENT to make.

This is on the basis that the application documents state that all access, including construction, would be from the M25 Motorway. It is requested that your authority ensures that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained within the National Planning Policy Framework if minded to approve, to ensure the proposed development does not generate additional noise which would be harmful to the amenities of residents in Three Rivers, and would not adversely affect the character, appearance or openness of this part of the Green Belt countryside.

Furthermore, you are requested to ensure that any design including landscaping scheme has regard to the intended landscape restoration works at the adjacent HS2 site

Hertfordshire County Council Highways

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Following a review of the details provided to Hertfordshire County Council for review it is noted the proposed Motorway Service Area will not have an impact upon the local highway network through the Hertfordshire County Council highway area.

For this reason we do not wish to raise any objection at this time.

Hertfordshire County Council Spatial Planning

As Chief Planner for Hertfordshire County Council I wish to raise concerns over the application reference- PL/22/1411/OA.

While we are not objecting to the application we would request that as part of your assessment you give consideration to the cumulative impact of development within this area and the impacts of noise and lighting upon residents and ecological habitat. Akin to this we would request you give consideration to emergency access to the proposal as there appears limited reference within the application documents.

We note that the development is proposed within the Green Belt. In this context I would expect the applicant to thoroughly justify the development in the context of demonstrating very special circumstances.

I would be grateful if you can please keep me updated with any further information that may be submitted, or with regard to the decision.

London Borough of Hillingdon

REPORT

LBH Ref No. 39707/APP/2022/1605 - BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH

Development:

Land between Junctions 16 and 17 of the M25, near Chalfont St Peter, Buckinghamshire. Outline Application for the erection of a Motorway Service Area with all matters reserved with the exception of access from the M25, comprising a facilities building, fuel filling station, electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces, Sustainable Drainage Systems (SuDS)/attenuation, retaining structures and associated mitigation, infrastructure and earthworks/enabling works (Consultation by Buckinghamshire County Council).

SUMMARY

The approximately 35.88 hectares site lies entirely within the administrative area of Buckinghamshire County Council (BCC) on land to the east of the M25 between Junctions 16 and 17, near Chalfont St Peter, Buckinghamshire, approximately 3.2km north of the M40 interchange with the M25 (Junction 16) and 2.4km south of Junction 17 of the M25.

The site lies within the Green Belt and the Colne Valley Regional Park and is adjacent to the HS2 Chiltern Tunnel (southern portal). The application site is currently being used by HS2 as a temporary stockpiling area.

Within the vicinity of the site an outline application for an MSA previously submitted on land to the west of the M25 at Warren Farm. BCC does not appear to have consulted LBH about the previous outline application. The previous application was taken to appeal on grounds of non-determination and dismissed by an Inspector given the presence of what he perceived to be a less harmful alternative site for an MSA.

The Warren Farm proposal was supported by Planning Officers at Buckinghamshire Council who recommended approval. Significant work has been undertaken between the applicants, the Local Planning Authority, National Highways and other stakeholders as part of the Warren Farm application. Draft planning conditions have been agreed between the applicants and the Local Planning Authority and were interrogated by a Planning Inspector with no objections from other interested parties at the appeal. Much of this work has been utilised with many of these conditions and planning obligations remaining relevant to the current application.

The current application primarily involves re-locating the proposed MSA to the eastern side of the M25 and reducing its overall scale. All matters are reserved apart from access from the M25.

A competing and larger alternative MSA proposal submitted on land to the west of the M25 between Junctions 15 and 16 at Iver Heath in 2021, is considered, by comparison, more harmful overall than the current application. The alternative MSA proposal is considered, by comparison, more harmful in relation to Green Belt, landscape character and appearance, heritage assets, loss of veteran trees and priority habitats.

Outline application for an MSA between M25 junctions 15 and 16 near Iver Heath

LBH received an Out of Borough consultation ref. 39707/APP/2021/177 from BCC in Jan 2021 for the outline application for an MSA between M25 junctions 15 and 16 near Iver Heath, which was described as follows:

Out of Borough consultation for outline application for a Motorway Service Area between M25 junctions 15 and 16 near Iver Heath with all matters reserved, comprising vehicular access from the M25, a controlled vehicular access from the A4007 for staff and emergency vehicles only, facilities buildings, Drive-Thrus, fuel filling stations, electric vehicle charging, hotel, parking facilities, service yard, vehicle circulation, landscaping, woodland and amenity spaces, a Sustainable Drainage Systems, a diverted public bridleway; together with associated mitigation and infrastructure and with earthworks / enabling works including mineral extraction.

The Out of Borough consultation ref. 39707/APP/2021/177 report included the following recommendation:

That delegated powers be given to the Deputy Director of Planning and Regeneration to issue the following response to BCC: OBJECTION.

Objection:

The London Borough of Hillingdon objects to the application which is an inappropriate development within a large area of the Green Belt requiring very special circumstances to be robustly justified. The Applicant has failed to provide evidence that there is a need for commercial development to the scale proposed. It is requested that further detail is provided on the need for the scale of scope of commercial development and traffic routing for the construction. Further information is required in relation to the minerals extraction work and the importation of inert material for site restoration. The London Borough of Hillingdon should be consulted on the additional information provided. Further details relating to construction traffic is also required. It is recommended that a strategic approach is taken by Buckinghamshire Council and Hertfordshire County Council in consultation with relevant authorities to identify the need for an MSA and allocate a suitable site through the local plan process.

Outline application for an MSA between M25 junctions 16 and 17 near Chalfont St Peter

Although the current application is considered, by comparison, less harmful than the alternative MSA proposal, it is still located in the Green Belt and in conflict with the development plan overall.

The proposal would cause significant harm to the openness of the Green Belt. It is also evident that objectively the site meets the purposes of including the site within the Green Belt and the presumption should be that it should be retained in line with national policy. Whilst alternative sites continue to be progressed that have the potential to have less harm to the Green Belt and less harm from other aspects of the proposal, it is deemed impossible to conclude that very special circumstances exist that would overcome the substantial weight that must be given to any harm to the Green Belt. Logically, such a comparison would be best achieved through the plan-making process and it is considered that this would be the appropriate opportunity to establish the best location for a new MSA, if one is required.

The London Borough of Hillingdon has no material Highway objection to the creation of the proposed M25 MSA. The London Borough of Hillingdon would like to ensure that a Construction Management Plan and Travel Plan is put place to understand any impacts on the local road network and to ensure this.

CONSIDERATIONS

Site and Locality

The approximately 35.88 hectares site lies entirely within the administrative area of Buckinghamshire County Council (BCC) on land to the east of the M25 between Junctions 16 and 17, near Chalfont St Peter, Buckinghamshire, approximately 3.2km north of the M40 interchange with the M25 (Junction 16) and 2.4km south of Junction 17 of the M25.

The site lies within the Green Belt and the Colne Valley Regional Park and is adjacent to the HS2 Chiltern Tunnel (southern portal). The application site is currently being used by HS2 as a temporary stockpiling area.

Proposed Scheme

The proposed development comprises the following:

Access:

- A grade separated Junction that crosses over the M25;
- New on and off slips serving both northbound clockwise and southbound anti-clockwise directions;
- A single point of access to the MSA from the M25; and
- Associated drainage and landscaping.

Facilities Building:

- Up to 4,700sqm building footprint (ref Parameter Plan).
- Maximum height of 9.5m above proposed ground level (ref Parameter Plan).
- Food court and ancillary retail, incorporating facilities for the sale and consumption of hot and cold food and beverages on and off the premises;
- Business Centre comprising a Business Lounge with a range of different sized meeting rooms;
- Free toilet and hand washing facilities for all drivers and their passengers;
- Showers and washing facilities for HGV drivers; and
- Staff areas including kitchen, catering storage, staff rooms, retail storage, refuse areas, office space.

Fuel Filling Station:

- Up to 480sqm building footprint (kiosk) (ref Parameter Plan).
- Maximum building/canopy height of 7m above proposed ground level (ref Parameter Plan).
- The Fuel Filling and Electric Vehicle Charging Station will include the main forecourt and HGV forecourt together with an ancillary forecourt sales building including toilets.

Parking Facilities:

- Up to 759 light vehicle spaces (including 38 disabled);
- Up to 38 staff spaces;
- Up to 142 HGV spaces;
- Up to 19 coach spaces;

- Up to 23 caravans/motor homes/vehicle and trailer (including 1 disabled);
- Up to 23 motorcycle spaces; and
- Up to 1 abnormal load space.
- Electric Vehicle Charging Points within the light vehicle parking area (120 passive and 20 active at the time of opening – with increased provision in response to future demand);
- Structured and natural landscaping.

All matters are reserved apart from access from the M25.

MAIN PLANNING ISSUES

Government Guidance

The Department for Transport (DfT) Circular 02/2013 – The Strategic Road Network and the Delivery of Sustainable Development ('the Circular') currently sets out government policy regarding the role, function and provision of MSAs on the Motorway Network. It notes that "A well-functioning strategic road network enables growth by providing for safe and reliable journeys".

Paragraph B4 of the Circular emphasises that "Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements."

Paragraph B6 of Annex B provides guidance about the maximum distances between MSAs, advising that this should "be no more than 28 miles (or 30 minutes)" which "should be the equivalent of 30 minutes driving time." Paragraph B8 adds that these distances "are considered appropriate for all parts of the strategic road network and to be in the interests and for the benefit of all road users regardless of traffic flows or route choice".

Need was a matter considered at the August 2021 inquiry for the MSA proposals at Warren Farm. Prior to giving consideration as to how each alternative site addressed the need, it was agreed between all parties involved in the inquiry that "there is a need for a new MSA on this part of the motorway network, specifically the Northwest quadrant of the M25, between Junctions 15 and 20."

Green Belt

The site is located within the Green Belt. Buckinghamshire Council are in the early stages of preparing a new Local Plan for the whole of Buckinghamshire. It will set the visions and objectives for development in the area, a spatial development strategy, guiding development up to 2040. The formal plan process is expected to run from 2022 to 2024. The site has not been allocated for use as an MSA.

The proposed MSA has been re-located to the eastern side of the M25, outside of the localised chalk valley and rolling farmland to the west of the Motorway. The eastern side of the M25 has been subject to recent and extensive disturbance (on site and in the surrounding landscape) from development associated with HS2; notwithstanding HS2 restoration, this is no longer an established part of the landscape. The development is proposed to be set down on the eastern side using

natural and man-made features along with planting to reduce views of the main areas of built development and parking.

Taken together these measures seek to minimise the impact on the perception of openness. The MSA will not be viewed from local properties and whilst the new MSA may be perceptible from rights of way to the east and south with some longer views into the site from edge of Harefield to the east, it is considered overall that there would be less harm to the perception of openness when compared to the previous Warren Farm proposals.

Officers would generally agree that the current proposal would have less impact on the Green Belt than the previous Warren Farm proposals. However, the proposal would cause significant harm to the openness of the Green Belt. It is also evident that objectively the site meets the purposes of including the site within the Green Belt and the presumption should be that it should be retained in line with national policy. Whilst alternative sites continue to be progressed that have the potential to have less harm to the Green Belt and less harm from other aspects of the proposal, it is deemed impossible to conclude that very special circumstances exist that would overcome the substantial weight that must be given to any harm to the Green Belt. Logically, such a comparison would be best achieved through the plan-making process and it is considered that this would be the appropriate opportunity to establish the best location for a new MSA, if one is required.

Traffic Impact

Access will be gained via a new designated MSA Junction on the M25. This will connect to the MSA development by way of a dedicated access link. There will be no secondary access connecting to the local road network. Once operational, all vehicle access, including employees and emergency vehicles will be from the mainline.

The access is materially unchanged from that proposed as part of the previous Warren Farm proposals which was signed off by National Highways in 2020, albeit it is now reversed to accommodate the MSA development on the eastern side of the M25.

The MSA proposes 38 staff parking spaces. A Framework Travel Plan has also been submitted which sets out measures to reduce single-occupancy vehicle trips, encourage car sharing between employees and commitment to explore the viability and provision of a dedicated employee shuttle bus and/or shared transport, working with transport operators to tailor any provisions to employee's home locations and shift times. These could be to nearby residential areas or train stations and bus stops.

The London Borough of Hillingdon has no material Highway objection to the creation of the proposed M25 MSA. The London Borough of Hillingdon would like to ensure that a Construction Management Plan and Travel Plan is put place to understand any impacts on the local road network and to ensure this.

CONCLUSION

On that basis, regarding the current application, the Interim Head of Planning, Transportation and Regeneration issues the following response to BCC:

OBJECTION.

The site is located within the Green Belt. The proposal would cause significant harm to the openness of the Green Belt. It is also evident that objectively the site meets the purposes of including the site within the Green Belt and the presumption should be that it should be retained in line with national

policy. Whilst alternative sites continue to be progressed that have the potential to have less harm to the Green Belt and less harm from other aspects of the proposal, it is deemed impossible to conclude that very special circumstances exist that would overcome the substantial weight that must be given to any harm to the Green Belt. Logically, such a comparison would be best achieved through the plan-making process and it is considered that this would be the appropriate opportunity to establish the best location for a new MSA, if one is required.

The London Borough of Hillingdon has no material Highway objection to the creation of the proposed M25 MSA. The London Borough of Hillingdon would like to ensure that a Construction Management Plan and Travel Plan is put place to understand any impacts on the local road network and to ensure this.

Buckinghamshire Fire and Rescue

In response to your request to consult on the outlined planning permission for the subject development, the fire authority offer the following comments or observations:

- The applicant must give due consideration to the inclusion of an appropriate Automatic Water Suppression System within the MSA
- The applicant must give due consideration to Approved Document B Vol.2, specifically, Section 15, Vehicle Access, and Section 16 Fire Mains & Hydrants
- Emergency vehicle access to site must be provided and maintained at all material times
- Particular attention must be given to prevent chronic parking issues, which could ultimately affect emergency service attendance

Further comment will be made via the Building Control Body under Building Regulations as and when detailed plans are submitted for consultation. A pre-consultation meeting is highly recommended.

Heathrow Airport

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, we would like to make the following observation:

Wind Turbines

Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 5, 'Renewable Energy & Impact on Aviation' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety>)

NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

BPA – 22nd December 2022

Your proposed works are in close proximity to a high pressure pipeline system operated by BPA. Please find attached our GIS map. Before any work (including hand trial holes) starts on site you must consult with BPA.

Email landsteam@bpa.co.uk to arrange a free site meeting with one of our Technicians.

Your safety is paramount to BPA. In order to protect you from potential injury or death we ask that this safety information is passed to the person that will be carrying out the work.

BPA regularly monitor the pipelines and we ask that the following procedures are observed:

- Before any work (including hand trial holes) starts in the vicinity, a BPA Technician must locate and mark the pipeline(s) on site.
- All works within 6m of the pipeline require prior approval by BPA and a BPA Technician must supervise all works within 6m of the pipeline(s). The technician will determine whether a written method statement is necessary before any works proceed.
- BPA require a minimum of 7 days' notice to arrange supervision (under normal circumstances).
- Heavy vehicle crossing points to be approved before use across the easement.
- Any works involving the exposure of the pipeline/s requires a continuous site presence until backfilled (this may mean a security arrangement out of hours).
- BPA may require proof of liability insurance depending on the proposed works.
- Utility crossings may require a formal crossing consent
- No buildings can be located within the pipeline easement.
- BPA do not charge for the first three days of supervision (this includes site meetings). After that, BPA will charge for any future supervision.

When planning works which involve crossing or working within the easement of the pipeline, the following will be requested before works can start:

- A confirmed or proposed programmed start date for the works
- A detailed description of the proposed works
- A plan of the work area
- Drawings and a method statement for the written approval of BPA.

For more information about working in close proximity to pipelines please visit <http://www.linewatch.co.uk/downloads.php>.

Buckinghamshire Waste Development

We in waste consider this as commercial consultation and therefore we currently do not consult on commercial developments. We provide consultation for domestic settings only.

Archaeology – 25th May 2022

Thank you for re-consulting the Buckinghamshire Council Archaeological Service on the above application. We understand that due to the nature of the proposed works preservation in situ would not be practical, as this is the case, we have amended our advice. We maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 194 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

Historic Environment Record (HER) information

We have consulted the Buckinghamshire Historic Environment Record (HER) and note that the following records which lie within or close to the site are relevant:

HER reference	Designation Status*	Description
0532300000	PLN, HER	Neolithic to Bronze Age flint scatter and features found on the surface and in salvage excavation near Mopes Farm
0532400000	HER	Four Neolithic to Bronze Age flint flakes found on the ground surface near Mopes Farm
0532500000	HER	Neolithic to Bronze Age flint scatter found near Warren Farm
0436200000	HER	Suggested route of a Roman road from Chorleywood to Langley Park.

0532300001	HER	Nine Neolithic to Bronze Age flint flakes found on the surface near Mopes Farm
0532301000	HER	Old ground surface exposed in excavation near Mopes Farm
0419800000	HER	Neolithic to Bronze Age flint flakes found in fieldwalking survey near Warren Farm
0508500000	HER	61 Mesolithic to Bronze Age flint artefacts found building the M25 at Marsh farm
0996900000	HER	Roman pits, ditches and furnace, and pottery identified during evaluation trial trenching and phased open excavation.
0996700000	HER	Iron Age pits, postholes, pottery and possible ditched enclosure found during evaluation trial trenching
0996600000	HER	Remains of post-medieval farm building found during evaluation trial trenching
0508505000	HER	Late Bronze Age flint flakes found building the M25 at Marsh Farm
0030500000	PLN, HER	Possible medieval moat

Archaeological and related interests

The proposed site lies within an area where numerous discoveries of multi-phase archaeology have been recorded. Archaeological investigation, construction-works and field walking have combined to reveal a landscape occupied from the Mesolithic period onwards, and it is considered that development of the proposed site has a high potential to impact on further buried archaeological remains.

Archaeological Solutions (AS) carried out an archaeological excavation at a mineral extraction site adjacent to the south of this proposal. The OASIS Summary Sheet includes the following for this site:

No Bronze Age activity has previously been recorded in the immediate vicinity of the site and, similarly, very little material associated with human activity during the Roman period has been recorded locally, despite the purported route of a Roman road running nearby. It was, however, to these periods that the majority of the archaeology recorded during the various phases of excavation dated.

One hundred and six features can be attributed to the late Bronze Age; all of these features were concentrated on a small area in the western part of the site. They consisted of two ditches, representing boundaries or enclosures and a large number of pits and post holes, including at least one concentration which may represent a structure. The Roman archaeology consisted of a set of boundary ditches representing a field system or a set of enclosure and associated pits located in the 0532300001 HER Nine Neolithic to Bronze Age flint flakes found on the surface near Mopes Farm

0532301000 HER Old ground surface exposed in excavation near Mopes Farm 0419800000 HER Neolithic to Bronze Age flint flakes found in fieldwalking survey near Warren Farm 0508500000 HER 61 Mesolithic to Bronze Age flint artefacts found building the M25 at Marsh farm 0996900000 HER Roman pits, ditches and furnace, and pottery identified during evaluation trial trenching and phased open excavation.

0996700000 HER Iron Age pits, postholes, pottery and possible ditched enclosure found during evaluation trial trenching 0996600000 HER Remains of post-medieval farm building found during evaluation trial trenching 0508505000 HER Late Bronze Age flint flakes found building the M25 at Marsh Farm 0030500000 PLN, HER Possible medieval moat western part of the site. Further Roman features were sparsely distributed across the eastern part of the site. To the north of the Roman enclosures was a focus of industrial activity associated with iron smelting. This has been tentatively dated as Roman due to its proximity to the concentration of Roman activity; dateable ceramic evidence from these features, however, is of late Bronze Age date which clearly must be residual. Worked flint considered to be of early Neolithic date has been identified as potentially residual material. However, the lack of further evidence of this date suggests that this material may be later in date and contemporary with the more well-represented activity recorded at the site. A single feature of late Neolithic date has been recorded along with Bronze Age activity, both of which may be a more likely source for the worked flint. Post-Roman archaeology consisted of a single medieval layer and post medieval and modern boundaries.

We welcome the inclusion of the Heritage Statement produced by Pegasus and the Geophysical Survey Report produced by SUMO. While the SUMO report includes, No magnetic responses have been recorded that could be interpreted as being of probable or possible archaeological origin.

Geophysical surveys can have variable results within Buckinghamshire.

The Pegasus report conclusions include:

Known areas of previous disturbance within the site comprise the route of the M25 which would be disturbed or removed any below-ground archaeological remains. Whilst there are historic planning for the extraction of below ground material in the south-east and north-west of the site, it is not considered that these have been implemented.

The Colne River Valley is known to have significant potential for Palaeolithic and later prehistoric remains from the lower gravel deposits. A large amount of prehistoric activity has been recorded in the study area, and activity recorded within the site during works prior to the construction of the M25 comprising a buried soil surface and pit containing finds of prehistoric to Bronze Age date. The

geophysical survey, which was undertaken within the western part of the site in 2019, did not record any anomalies suggestive of prehistoric date. Numerous find spots of prehistoric date have been recorded in the vicinity of the site, and evaluation and excavation to the south of the site recorded a large number of prehistoric flint flakes, a pit containing Neolithic Grooved Ware pottery, and activity of Bronze Age and Iron Age date. Overall, the potential for prehistoric archaeological remains within the entire site is considered to be moderate. Development proposals are focused in the northern extent of the site, on land to the west of the M25. The potential for significant archaeological remains within the development area is considered to be low.

The significance of any archaeological remains within the proposed development site cannot be known until further investigation has been undertaken. The recorded archaeology in the vicinity of the site may not have warranted preservation in situ but it can be argued to be quite significant. If significant archaeological remains are recorded through evaluation it is likely that they would require full excavation, as preservation in situ does not appear to be practical.

If planning permission is granted for this development then it may harm a heritage asset's significance so conditions should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following conditions:

No development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Where archaeological remains are recorded by evaluation and are worthy of recording no development shall take place, unless authorised by the local planning authority, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

The archaeological investigation should be undertaken by a professionally qualified archaeologist working to the agreed written scheme(s) of investigation which should be based on our on-line template briefs.

Lead Local Flood Authority – 9th January 2023

Following the previous consultation response by the Lead Local Flood Authority on 19th May 2023, the drainage submission by the applicant has been updated:

- Environment Statement Volume 1 – Chapter 12: Water Resources (2nd Addendum, Pegasus Group)
- Flood Risk Assessment (ref. 0010 Rev.V1.2, November 2022, Wardell Armstrong)
- Drainage Strategy (ref. 1620005217 Rev. 2.0, 14.04.2022, Wardell Armstrong)
- Technical Note (ref. LD10372, 23.11.2022, Wardell Armstrong)

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the above information and has no objection to the proposed development subject to the following planning conditions listed below being placed on any planning approval.

Assessment of site level changes and the implications on groundwater flood risk and the proposed surface water drainage strategy in the post development scenario.

The amended Flood Risk Assessment (FRA) presents anticipated groundwater levels based on the Groundwater Flood Risk Map - Chilterns Model from the Strategic Flood Risk Assessment. Within Table 4, it is understood that predicted groundwater depths vary from 44m AOD to 54m AOD (Basin A) and 43m AOD to 52m AOD (Basin B) meaning that based on anticipated depths of the pond bases, 71.34m AOD (Basin A) and 69m AOD (Basin B) there is an anticipated freeboard of between 17.3m and 17m respectively. This information satisfies the Lead Local Flood Authority's concern on groundwater levels and the interaction with the surface water drainage scheme.

Infiltration rate testing conducted by James & Milton Drilling Ltd. This should comprise of a report providing an analysis of the observed ground conditions, trial pit logs, infiltration rate logs, calculations etc.

The infiltration report has been included in Appendix A of the FRA. This details the infiltration rate tests and trial pit logs for the site. The investigations demonstrate that where Chalk is encountered good infiltration potential was observed as infiltration rates varied between $1.07 \times 10^{-4} \text{m/s}$ and $1.44 \times 10^{-4} \text{m/s}$. In addition, from reviewing the borehole logs hosted on the British Geological Survey, chalk is present at varying depths within the site boundary and therefore infiltration into the underlying Chalk is feasible. This is supported by investigations from neighbouring development, the Technical Note (5.2.2) sets out that the chalk layer is consistently within less than 7m of the existing ground levels and this reduces eastwards. In addition, infiltration rate testing indicated that where clayey gravel (Reading Beds) geology was encountered a rate of $7.47 \times 10^{-6} \text{m/s}$ was observed. This suggests that infiltration is possible in these locations but will be slower than in the underlying Chalk.

In response to the observed infiltration rates, the drainage strategy adopts a conservative approach and uses design infiltration rates of $5.55 \times 10^{-5} \text{m/s}$ for soakaways and $1.39 \times 10^{-5} \text{m/s}$ for infiltration trenches.

Assessment of how infiltration potential may vary as a result of any site level changes The Technical Note (3.4.4.1) states that the Ponds will either be in direct contact with the Chalk or encounter (in Pond A) the Reading Beds as indicated on drawing no. RAM-XX-XX-SK-C-00015 –

Proposed Drainage Sections. Based on the analysis of infiltration potential due to site level changes, there has been some amendments to the design of basins to improve connectivity with the underlying chalk. The design base level of the ponds will be confirmed following detailed site investigations. This information satisfies the Lead Local Flood Authority's concern of infiltration as a means of surface water disposal.

I would request the following condition(s) be placed on the approval of the application, should this be granted by the LPA:

Condition 1

Development shall not begin until a surface water drainage scheme for the site, based on the approved Flood Risk Assessment Flood Risk Assessment (ref. 0010 Rev.V1.2, November 2022, Wardell Armstrong) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Demonstrate that water quality, ecological and amenity benefits have been considered
- Ground investigations including:
 - Infiltration in accordance with BRE365 in the locations of the proposed infiltration devices
 - Groundwater level monitoring over the winter period
- SuDS components as shown on drawing no. RAM-XX-XX-SK-C-0013 (Rev. P04, Ramboll) and in line with the design parameters set within 2.1 of the Drainage Strategy (ref. 1620005217 Rev. 2.0, 14.04.2022, Wardell Armstrong)
- Assessment of the feasibility for including permeable paving within the parking areas and reasonable justification provided for any exclusion
- Full construction details of all SuDS components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

Condition 2

Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

NB: We would recommend that the “whole-life” maintenance and management plan for the surface water drainage system is secured by a Section 106 Planning Agreement. The use of a planning obligation (as opposed to a planning condition) would help to safeguard the maintenance and management of these features over the lifetime of the development. The BC Strategic Flood Management team are of the opinion that this is a reasonable approach due to the residual risk of

surface water flooding to the site should the systems not be adequately maintained.

Buckinghamshire Highways – 31st May 2022

Thank you for your letter dated 12th May 2022 with regard to the above planning application.

I note the Highway Authority has provided previous comments for this site under application number PL/19/2260/OA, which in a final response dated 15th October 2020; the Highway Authority had no objection subject to obligations and conditions. It is noted that the previous application proposed an emergency vehicular access from the highway on Denham Lane as well as the upgrading of the existing public right of way network to provide a multi-user route, also off Denham Lane, which provided non-vehicular access into the site for staff members. However, the current application instead proposes for all access to be taken from the M25, including during the construction period, and I have therefore provided my response below based on these changes.

Trip Generation

It should be noted that the current application has amended the location of the proposed motorway service area to the east side of the M25. As such, the site is no longer accessible via public rights of way networks on the west side of the M25 which connect to Denham Lane and therefore the risk of parking concerns within the previous application have been eliminated.

Given the amendments to the application which propose all access to be taken from the motorway network, including during the construction period, and no connection is to be made to the local highway network, I can confirm that no vehicular movements will be generated onto the local highway network as a result of the proposals.

The Highway Authority is therefore satisfied that no further information is required.

Parking and Layout

The Transport Assessment uses the current policy, (DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development) for proposed developments impacting the Strategic Road Network, (SRN) and the provision and standards for roadside facilities to assist in assessing and determining the design requirements for the MSA. The circular sets out the method of calculating the number of parking spaces required at a MSA. This method is based on the proportion of traffic volume passing the site. It is also noted in the circular that provision may be adjusted to reflect local conditions.

The Transport Assessment sets out the minimum of parking spaces required at an MSA. This has been calculated using the method outlined in the current policy, (DfT Circular 02/2013), and I have confirmed that these calculations are correct. Please see extract of the minimum parking requirements taken from the applicants transport assessment:

Table 9: Minimum Parking Requirement for Proposed Development (Circular 02/2013)

Vehicle Type	Spaces
Total Light Vehicle spaces	759 (including 38 disabled spaces)
Total HGV spaces	95
Total Coach spaces	19
Total Caravan spaces	23
Total Motorcycle spaces	23
Abnormal load space	1
Total number of parking spaces	920

The application proposes 142 HGV spaces, which is significantly above the minimum requirements as set out above. However, the applicant has provided justification for this overprovision through demonstrating the level of utilisation of HGV parking at local MSAs across the South East. This is also the approach taken within the aforementioned previous application, although a slightly different level of parking has now been proposed to reflect the current traffic flows on the motorway. The Highway Authority concludes that a future proof level of HGV parking is important at the MSA. A lack of suitable HGV parking leads to drivers parking in unsuitable locations such as hard shoulders, local roads or outside marked HGV parking bays which could lead to safety problems, so it is important sufficient spaces are provided. As such, I can confirm from the perspective of the Highway Authority that the applicant has justified the need for the higher level of HGV parking.

A further 38 parking spaces have been provided for employees. Given that this specific use is not contained within the Buckinghamshire Countywide Parking Guidance, the applicant has justified this provision through the balance of needs of employees accessing the site at different times due to shift patterns and ensuring the number of trips can be managed through the Framework Travel Plans. I am satisfied that this is appropriate.

It does appear that a level of electric vehicle charging spaces are to be provided within the site, although the exact number has not been specified. As per the previous application, it is recommended that 5% at a minimum are provided, with an additional 5% available for passive provision so that they may retrospectively fitted on occupation or at a future time when they may be required.

An indicative layout has been submitted as part of the application which appears to demonstrate that all requirements can be achieved within the submission of a reserved matters application, should outline consent be granted. It is also strongly recommended that the applicant consider the provision of parent and child parking within the overall provision which should have a safe route into the building. The final layout will be subject to condition however it is also acknowledged that National Highways will have their own opinion regarding the final layout of the site.

Framework Travel Plan

A framework travel plan has been submitted which is similar to that submitted for the previous application, however, removes the potential for public transport and active travel modes due to the amendments to the proposed development which include taking all access from the motorway.

However, it is noted that the applicant discusses the potential of retaining the connections to the local highway network following the completion of the HS2 works north and east of the site through downgrading the access to a public right of way, connecting to A412 Denham Way. Having briefly

reviewed this, it appears that the distance across the field to the A412 is considerably longer than that proposed within the previous application with no surveillance. In addition, the A412 is a high-speed road classified road which is not suitable for drop-off/pick-up. It is also unclear whether the applicant would be able to obtain access rights across this land. As such it is the Highway Authority's position at this stage that this is something which is not practical to pursue and instead the travel plan should put greater focus on other sustainable opportunities, such as the provision of a staff mini-bus.

I will secure the submission and monitoring of a full travel plan through a s106 obligation below.

Conclusion

Mindful of the above, based on the premise that all access is to be taken from the motorway resulting in minimal, if any, impact on the local highway network, the Highway Authority does not object subject to the following obligations and conditions.

Should at any time the application be amended to include any access, pedestrian or vehicular, from the local highway network, the Highway Authority should be re-consulted in order to assess the impacts.

S106 Obligations

The obligation for a full Travel Plan, including the payment of a £5000 developer contribution towards a

Travel Plan monitoring fee which is calculated as £1000 per annum for 5 years.

Obligations	Support	Regulation 122 Justification
Full Travel Plan	NPPF Section 9 Paragraphs 104 (c), 110 (a) and 112 (a) Buckinghamshire Council's Sustainable Travel Plans – Guidelines for Developers	Necessary – Given the material levels of vehicular movements expected by staff, influenced by the nature of the development, the travel plan is required to promote the use of sustainable modes of transport to and from the site. Directly related – Reducing the reliance on the private car for staff travelling to and from the site. Fair and reasonable – The requirement for a travel plan for developments of this size is supported within local and national policy and guidance. The annual fee of £1000 covers the cost of supporting and monitoring developer travel plans which requires a specific monitoring tool. The developer therefore pays a contribution per year towards the maintenance and licence fees of the monitoring tool. This is a standard fee applied to all travel plans within the county as set out within our developer travel plan guidance (https://www.buckscc.gov.uk/media/4515148/4510664-developer-travel-plan-guidelines-01.pdf).

Condition 1: No part of the development shall commence until a comprehensive framework Travel Plan for the site has been submitted to and approved by the Planning Authority. No part of the development shall then be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

Condition 2: The details to be submitted for the approval of the Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for parking and manoeuvring in accordance with Buckinghamshire Council's Buckinghamshire Countywide Parking Guidance policy document. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To ensure an appropriate level of parking is provided across the development.

Buckinghamshire Highways – 31st January 2023

I write further to my comments dated 31st May 2022 in which I had no objection to the proposals, subject to obligations and conditions. Since these comments, the applicant has submitted amended plans which I will review below. These comments should be read in conjunction with my aforementioned previous comments for this site.

The amended plans submitted now include a controlled staff link between the proposed facilities building and the public right of way network adjacent to the site. In my previous response, it was highlighted that the distance across the field to the A412 is considerably longer than that proposed within the previous application with no surveillance or lighting. This is also the situation for the route to Chalfont Lane. As such, it is unlikely that this will be an attractive route for staff to access the site on foot. However, this route may be more attractive for staff seeking to cycle to the site from surrounding residential areas or nearby railway stations. As such, the Highway Authority has no objection to the creation of the staff link.

Thames Water -2nd June 2023

Waste Comments Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the

information provided. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-yourdevelopment%2Fworking-near-ourpipes&data=05%7C01%7Cplanning.comments.csb%40buckinghamshire.gov.uk%7C639532e6c796484e0bc708db635fff92%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C638213036181924705%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=UIZRBT91%2FILburw0SeTbvqywSc3cH8WvAotfElmn754%3D&reserved=0> Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fgroundwater-protection-positionstatements&data=05%7C01%7Cplanning.comments.csb%40buckinghamshire.gov.uk%7C639532e6c796484e0bc708db635fff92%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C638213036181924705%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=691FDqh7UyLWdjvsUhp2YgYIwjVelWZotcDTu0pg%2FU%3D&reserved=0>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Affinity Water – 08 June 2022

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Stations (NORO & WESY). These are for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

We currently are not objecting the application on the basis of discussions with the applicant and projections to enter into an operating agreement; however, we reserve our right to object in the case that an operating agreement is not reached. Our concerns for this development are set out as conditions below and are included for your reference:

1. Contamination including turbidity

Due to the presence of contaminated land in this area, any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition A) Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.

iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Infiltration

Due to the presence of contaminated land and planned use of the site for vehicles and a petrol station, surface water should not be disposed of via direct infiltration into the ground via a soakaway.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme that does not include infiltration shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: To provide confirmation that direct infiltration via soakaways will not be used due to the risks associated with opening up direct pathways into the aquifer within an SPZ1 of a public water abstraction borehole, and the potential presence of unknown contaminated land with the risk for contaminants to remobilise potentially impacting public water supply.

4. Drainage The onsite drainage system should incorporate an oil/water interceptor to prevent petrol/oil being discharged into the surface and groundwater network.

Condition

D) Prior to the commencement of development, details of the Drainage Scheme confirming the use of an oil/water interceptor shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: To provide confirmation that an oil/water interceptor will be used to prevent oil and hydrocarbons from particular areas of the development being discharged into surface water and/or groundwater.

5. Bunding If any tanks, generators and filling areas are to be installed as part of the development, they will need to have secondary containment which can hold 110% of the volume the tank or generator is designed to contain.

Condition E) Prior to the commencement of development, details of all substance containers confirming bunding of 110% capacity shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity

Water.

Reason: To prevent contaminants being discharged into the surface and groundwater network in the event of a spill.

6. Substance Storage (e.g. Petrol Station or Fuel Pipeline) The installation of a leak detection system should be considered, and a procedure should be adopted that includes directly notifying Affinity Water along with the Environment Agency immediately if any leak is suspected.

Condition

F) Prior to the commencement of development, details of all substance containers confirming the presence of a leak detection system and methodology that includes immediate notification to Affinity Water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: To enable Affinity Water and the Environment Agency to immediately assess the impact on public water supply and implement protection measures if necessary.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Affinity Water – 12th October 2022

As an update to our response dated 08/06/22 (also attached), we would like to confirm removal or discharge (if this has been added as a condition) of item 'C' infiltration. After discussions with the developer and recently updated information on source protection zones, this point is no longer a concern.

Environment Agency - 13th June 2022

Thank you for consulting us on the above application on 12 May 2022.

The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- within source protection zone 2
- located upon a principal aquifer with solution features

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the

developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Environment Agency Position

In light of the above and based on a review of the submitted information, the proposed development will only be acceptable subject to the following conditions.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Please also include the following informatives in any permission given. We also offer the following advice.

Conditions

Condition 1: Remediation Strategy

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2: Verification report

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

Reason To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3: Long-term monitoring

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

Reason To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4: Previously Unidentified Contamination

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

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 5: SuDS Infiltration of surface water into ground

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

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 6: Piling/boreholes/tunnel shafts/ground source heating and cooling systems

Piling and other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

Condition 7: Underground storage tanks

The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework, and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and chapter D Position Statements of the 'The Environment Agency's approach to groundwater protection'.

Condition 8: Decommission of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

Advice to Local Planning Authority/Applicant

After reviewing the documentation, we have some concerns regarding the proposal and implications regarding current waste legislation. please see our comments below.

Environmental Impact Assessment Scoping Report

- This original EIA proposal was for a new service station to the west of the M25, the new proposals have this located to the East of the M25, therefore the assumptions and assessments need to be reconsidered in regard to waste
- Considering the redline site boundary, the site is located in an area surrounded by landfill and controlled waste deposits, it is disappointing a section on waste has not been proposed for inclusion in the EIA. Additionally, this subject has not been identified in section 5 of topics scoped out of the Environmental Statement indicating it has either been overlooked or deliberately excluded. Within the scoping, previous waste disposal has been touched upon in several sections but there is no coherent strategy to identify existing waste already present on site, waste streams to be generated by the development, or how these wastes will be recovered or disposed of on or off site. The site itself holds no authorisation to recovery or dispose of waste and the scoping does not indicate the

development is looking to do so. This is highly relevant to the materials management (cut and fill) and the Construction Management Plan. Where waste is present, this cannot be “recovered” as fill on this basis. The proposal has moved the site further to the east and this may have reduced possible impacts from waste but there is still overlap with previous landfill activities.

- Section 2.1.4 identifies Warren Farm Inert Landfill site to the south (now to the west) and Denham Park Farm Inert Landfill (now directly south) that are regulated in line with Environmental Permits. It suggests none of the permitted landfills lie within the redline scoping boundary, which would require further clarification as the access road and related earthwork structures may encroach on Warren Farm landfill. This could impact the landfill and will destroy important downstream monitoring boreholes for the landfill which will impact the ability to surrender their permit. This will also change the surface water drainage and conceptual model introducing new receptors; therefore this will need to be considered in more detail and may require an Environmental Permit variation, this must be discussed with the permit holder.

Please be aware the boundary indicated in these reports does not reflect the current extent of the permitted area or associate landfill infrastructure. The EIA does not provide any clarification for the historic landfill which may be impacted by the development. Where landfill haul roads and tracks crossed the site, these were constructed and remain controlled waste. Where area have been excavated and backfilled, these are also likely to be controlled waste. Where any of this material is excavated, it must be handled and treated in line with relevant waste legislation.

- 3.1.1 Part 5 must also consider the existing waste status of excavated materials and the legislative requirements for the handling, treatment, recover and disposal of such materials. Even inert wastes such as hardcore or “suitable fill material” must comply with waste legislation if it has previously been disposed or classified as a waste and the required environmental permits for the redeposit and recovery of waste must be factored into the construction programme.

- In section 4.12.18, although care has been taken to try and exclude areas of permitted and historic landfill from the red line boundary, as indicated above, it is likely there is controlled waste within the proposed site. The SI has focussed on risk to human health therefore is not appropriate to identify what has been deposited as waste. The summary of geology within this section has identified “made ground”, this is likely controlled waste that has been deposited. It is not appropriate to use contaminated land terminology, methods and legislation to landfill and disposal/recovery sites which contain controlled waste. Anthropogenic contamination from historic landfill activities must be managed and controlled in line with waste legislation.

- As indicated in 4.12.30 to 4.12.39, considerable further work is required understand the site, however the proposals must delineate the landfills and previous waste deposits and not rely on out of date or inaccurate polygons. This is this is critical to ensure any excavation is clean natural soils (non-waste) which may be appropriate for reuse. Where contamination is present this is likely to be controlled waste. The “recovery” of excavated controlled waste on the site will require an Environmental Permit. It is critical these activities and investigations do not compromise any containment systems (either specifically engineered or developed naturally) which would open pathways for contamination to impact controlled waters.

- 4.13.29 needs to identify sensitive surface waters in addition to groundwater receptors and consider surface water safeguard zones and protected areas.

- Section 4.14.16 to 4.14.19 must be updated to consider the waste status of materials and ensure they are excavated stored treated and recovered/disposed in line with waste regulatory requirements. This has not been clarified in the scoping document.

Environmental Statement – 11 Ground Conditions

- A main aim identified in 11.1.2 should be to delineate any areas of waste deposits within the proposed development area.
- 11.2 the methodology is only considering the site in line with contaminated land legislation, this should also look at waste legislation and where this is relevant it should be applied instead of contaminated land.
- 11.3.21 indicate Denham park farm is 225m from the site, we can confirm it is much closer, with the permitted landfill area within 85m of the new proposed development and the current Landfill access adjacent to the proposed red line boundary. This landfill will be operating during the proposed construction and opening of the services and continue to run as a landfill for another 20 to 30 years

Informatives

Informative 1: Land contamination: risk management and good practice

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Land Contamination: Risk Management, dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Informative 2: Waste on-site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused onsite providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Informative 3: Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Informative 4: Use of Section 106 Town and Country Planning Act 1990 planning obligation

The type and nature of contamination on this site is such that it will require extensive monitoring. We advise that early engagement between the developer, local authority and ourselves is made to discuss the opportunities available through planning obligation (Section 106 of the Town and Country Planning Act 1990) agreements to ensure that this site will be appropriately monitored in order to protect controlled waters.

Informative 5: National Quality Mark Scheme for Land Contamination Management. This development site appears to have been the subject of past activity which may pose a high risk of pollution to controlled waters.

However, we note that the application is accompanied by a report prepared under the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines

- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations. We therefore assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us.

We recommend that you take account of the conclusions and recommendations within the NQMS report.

If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management.

Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 174 of the National

Planning Policy Framework.

We also recommend that you consider the merits of advising the developer to continue to handle any further land contamination management work that may be required under the NQMS.

Informative 6: Request for consultation on discharge of condition Please consult us on the details submitted to your authority to discharge these conditions and on any subsequent amendments/alterations.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation. "<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Development in close proximity to activity regulated by an Environment Agency permit

New development within close proximity of an authorised landfill could result in impacts including being exposed to odour, noise, and dust. The severity of these impacts will depend on the size of the facility, the nature of the activities or prevailing weather conditions. Planning policy requirements (paragraph 187 of the National Planning Policy Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing authorised landfill could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development

to minimise exposure to the neighbouring authorised landfill and/or through financial contributions to the operator of the facility to support measures that minimise impacts. Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local resident's concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 187 of the NPPF. When a new development is built near to an existing authorised landfill this does not automatically trigger a review of the permit.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Environment Agency – 1st November 2022

Thank you for re-consulting us with the additional information for the above application on 3 October 2022.

The additional information does not change our position with regard to the proposed development and our comments and conditions recommended in our original response (reference NE/2022/134497/01) still stand.

Advice

Where waste is excavated as part of the works this cannot be "reused" as part of the development, it must be sent off site for recovery and/or disposal elsewhere as the current proposals for the site will not include the required authorisation to recover the waste as part of the earthworks and materials management. This must be recognised in the Remedial Strategy and Remediation Management Plan.

The status of the material deposited on the site by HS2 is of concern. Where the end use for the land has changed, this deposit is likely to be regarded as a waste activity and therefore the proposed development must comply with waste legislation. This cannot be reused under contaminated land legislation or DoWCoP and would either need an Environmental Permit for Recovery of waste or it would need to be sent off site as a waste. This would have significant implications to the proposed development.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Environment Agency – 21st February 2023

Based on a review of the submitted information, we have no objection to the proposed development. Our previous comments and conditions recommended in NE/2022/134497/01 and NE/2022/134497/02 remain valid. However, we have the following advice to add.

Drainage

When finalising the drainage system, we advise the applicant to follow our guidance –

The Environment Agency's approach to groundwater protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. The design of the drainage systems should be in line with chapter G position statements

<https://www.gov.uk/government/publications/groundwater-protection-positionstatements>

The following points should be noted whenever infiltration systems are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks.
- Clean uncontaminated roof water should drain directly to infiltration systems entering after any pollution prevention methods.
- No infiltration systems should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration systems and the water table

At the petrol filling station, the applicant should ensure that:

- only clean water, such as roof water, will discharge into the ground,
- surface water run-off from roofs does not discharge through an interceptor,
- there is sufficient capacity for all surface spills,
- contaminated site water doesn't discharge to surface watercourses, soakaways or the ground; if connection to a sewer system is not possible, then contaminated water must be contained and disposed of off-site,
- contaminated water from wash bay areas must discharge to foul sewer after passing a silt trap to retain grit (or contained and disposed of off-site),
- contaminated water from dispensing areas and road tanker discharge area must also connect to the foul sewer (or contained and disposed of off-site) after passing through an appropriately designed oil-water treatment system, such as a separator, with shut-off valve,
- materials used are resistant to attack by hydrocarbons, this includes both the hardstanding and pipework.

Environmental Permit

An environmental permit will be required for the treatment, recovery or deposit for soils or other materials which may be waste and are proposed as part of this scheme. This would include landscaping or construction works associated with the motorway or creating a development

platform. We can provide Environmental Permit pre-application advice through our website at Get advice before you apply for an environmental permit -GOV.UK (www.gov.uk) this can ensure the construction programme stays on track and avoid lengthy delays.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Natural England

Thank you for your consultation on the above dated 12 May 2022 which was received by Natural England on 12 May 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Annex A – Additional advice

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Annex A – Additional advice

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Newts Officer - 23 June 2022

Summary

No Objection subject to condition regarding the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents.

For all other matters relating to Ecology please refer to the Ecology Officer's Comments.

Discussion

The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.

- There are 5 ponds within 500m of the development proposal. The closest pond is located adjacent to the eastern site boundary. There are 2 ponds located 225m and 230m to the south-east and south-west. There is 1 pond located 490m to the west. The last pond is located 490m to the north-west of the site.

4.1.2 Medium populations of GCN were recorded in Pond 3. The eDNA surveys returned negative for waterbodies 1, 2 and 4 during the 2021 surveys, therefore these points were not subject to conventional surveys.

I am not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

There are works taking place on the western side of the M25 and Denham Lane is not considered a significant barrier between Pond 3 and the proposed development site. Aerial photography suggests there is a pond located 225m to the south-east of the site that has not been surveyed. Should GCN be present within this nearby pond they may well use the site during their terrestrial dispersal phase.

As it is considered that the habitat on site is mostly unsuitable and the likelihood of GCN is low then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist should be acceptable to reduce the risks to GCN at this site. A pre-commencement condition for the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) for great crested newts has been provided below.

A great crested newt informative has also been provided below.

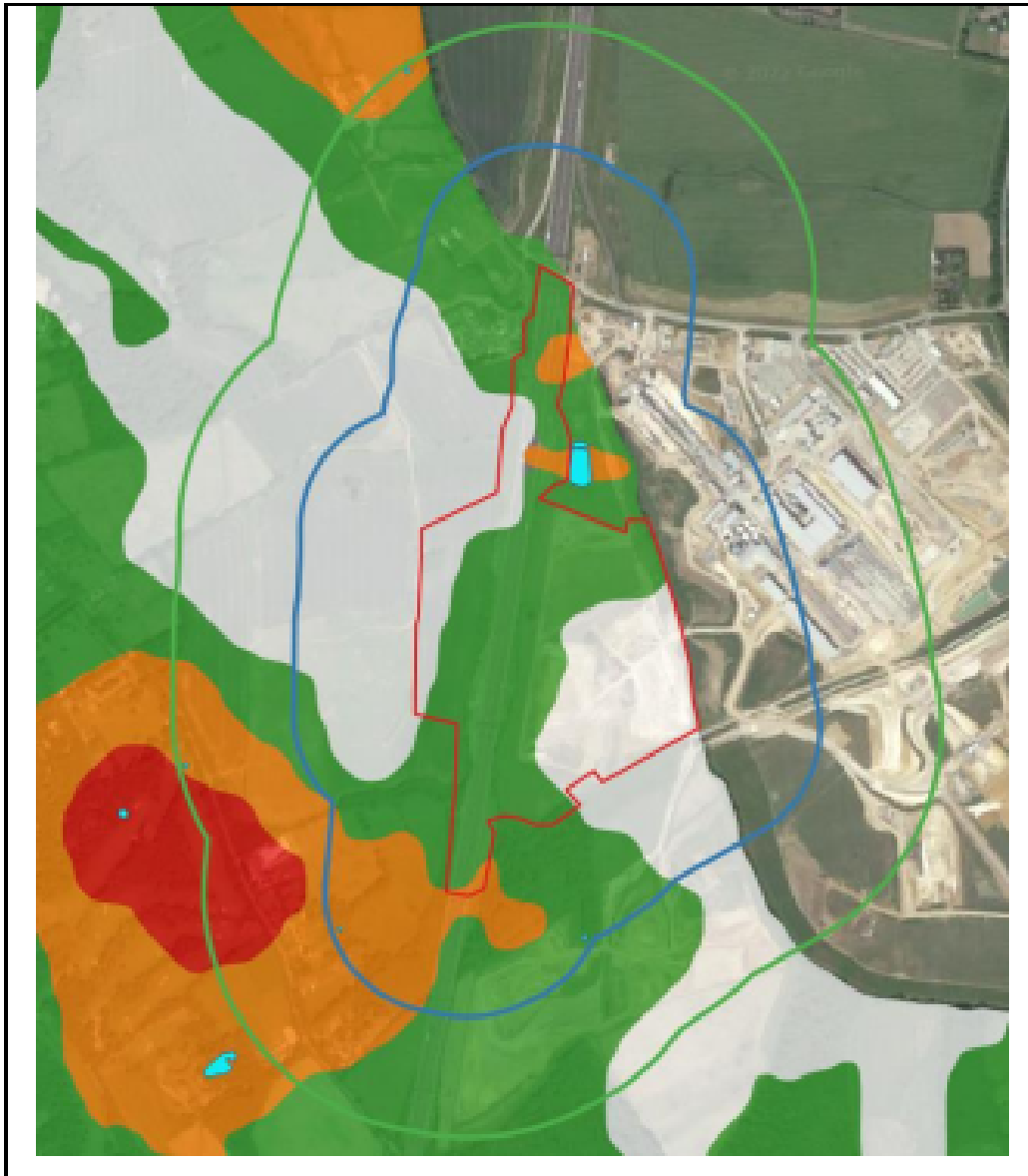
The applicant must be aware that should a GCN be discovered during works all operations must cease immediately and Natural England and/or a great crested newt licensed ecologist must be contacted immediately to provide further advice. A Natural England European Protected Species Mitigation Licence (EPSML) or Buckinghamshire Council's Organisational District Licence might be required before works can recommence.

If the applicant wants to remove the risk of works ceasing should a GCN be found on site, then they should consider applying for the Council's Organisational District Licence for GCN. More details on the district licensing scheme operated by the council can be found at www.naturespaceuk.com

For all other matters relating to Ecology please refer to the Ecology Officer's comments.

Contact details: charley.scales@buckinghamshire.gov.uk

The image below shows a rough outline of the site (red) in the context of the surrounding landscape, including the impact risk zones. Ponds are shown in light blue. A 250m buffer is shown around the site in blue and a 500m buffer in green.



Conditions

Restrictions on commencement of development until specific protection measures are agreed
Prior to the commencement of any development a precautionary working method statement shall have been submitted to, and approved in writing by the Local Planning Authority. This is to include details of reasonable avoidance measures for great crested newts. The development shall proceed in accordance with the approved measures, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the survival of species protected by legislation and notable species that may otherwise be affected by the development.

Informatives

Protection of great crested newts and their breeding/resting places

Informative: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Buckinghamshire Council have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result GCN and their habitats are a material consideration in the planning process.

Tree Officer- 17th January 2023

Various revised documents have been submitted that include an amended Illustrative Landscape Masterplan which shows slight changes to the road layout and drainage infiltration ponds, and consequent changes to various other documents.

The additional information provided includes a further revision to the Arboricultural Impact Assessment, which is now dated December 2022. This refers to minor additional tree loss, which would have little impact of the overall scheme.

However, these changes would not affect my previous conclusion: Generally, it appears that the proposed access arrangements would only involve the loss of one large tree and the proposed replacement planting should compensate for this loss so I would not object to the application.

Forestry Commission – 13th June 2023

Thank you for consulting the Forestry Commission. As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on: the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to mitigate impacts and result in overall gains wherever possible.

We advise that the planning authority should consider the following policy and guidance as part of their decision-making process for this application:

1. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 180(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF. If the proposed development is likely to result in the any of the following:

Development within the Ancient Woodland boundary or within the buffer zone.

Loss or damage to veteran or ancient trees including within hedgerows

Direct or indirect impacts to ancient woodland, ancient trees or veteran trees (see Standing Advice including Assessment Guide to check this)

or the Council feel our input is particularly required for this application, then we ask that the Council please email us at planningconsultationSEL@forestrycommission.gov.uk for the attention of Richard Cobb so that we can work with the Council and provide more detailed advice. Please include any specific information or questions that you.

2. Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 131 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.

If the proposed development is likely to result in the any of the following:

Large scale loss of non-ancient trees

Loss of non-ancient woodland (especially where it's long-established)

Development on recently felled woodland, especially if there is a risk that this may have not happened lawfully

A significant opportunity to expand, connect, increase tree and woodland cover or enhance existing woodland eg bringing it into management or improving its condition.

Then please contact us as above.

For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.

Biodiversity Net Gain (BNG):

Paragraph 174(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. A requirement for most development to deliver a minimum of 10% BNG will become mandatory from November 2023. The planning authority should consider the wide range of benefits trees, hedgerows and woodlands provide as part of delivering good practice biodiversity net gain requirements. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through BNG.

We would also like to remind applicants that if tree felling is undertaken that it may require a felling licence from the Forestry Commission. Please refer to Annex 1 attached for further guidance and advice that we hope you find helpful. If you have any particular concerns that are not covered by the above, please contact us again highlighting any specific issues for us to consider in more detail

Thames Valley Police – 5th January 2023

The National Planning Policy Framework 2021 demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. (Ref. paragraphs 92b, 112c and 130f). With this in mind it is important to consider all appropriate crime prevention measures when viewing the proposals to safeguard the community, its occupant and prevent the development negatively impacting police resources.

I refer to our response submitted in June of last year asking for an appropriate additional access from the local road network onto the development to address public and officer safety and the original concerns raised about a single point of access from the motorway network. Whilst there is an additional access into the site for staff this is not suitable for the purpose of emergency services due to the lack of vehicular access.

In terms of this new staff pedestrian access, it is unclear how this will operate. Robust access controls would need to be present to prevent this becoming an unauthorised point of entry and exit from the site benefitting offenders without the risk of being observed. Further details relating to the physical security and access controls must be provided to ensure this access will not increase the potential for crime and anti-social behaviour to occur at the site.

Environmental Health- Contaminated Land

I have reviewed Chapter 11 of the Environmental Statement and the Phase 1 Geoenvironmental Desk Study prepared by Wardell Armstrong (Report ref. LD10372).

The PRA has identified a number of plausible contaminant linkages that require further investigation.

The Environmental Consultant has recommended that a site investigation be undertaken to allow the site to be fully characterised.

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

The application requires the following condition(s):

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A site investigation, based on the Phase 1 Geoenvironmental Desk Study prepared by Wardell Armstrong (Report ref. LD10372), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

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

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

HS2

Thank you for your email regarding this matter and for your attached consultation letter dated 12 May. Before providing HS2 Ltd's formal comments on the planning application I have liaised with the Area Town Planning Manager and the plans and specifications submission for the Colne Valley Western Slopes earthworks should assist with your assessment of the MSA proposals.

From an HS2 land restoration perspective, the approved landscape masterplan and proposed contours sheets are probably the most helpful information for you. The reference number for the approval under Schedule 17 of the High Speed Rail Act 2017 is PL/21/0591/HS2 on the Council's online portal and here is a link for ease: <https://pa.chilternandsouthbucks.gov.uk/onlineapplications/simpleSearchResults.do?action=firstPage>.

Now turning to the consultation on the revised MSA planning application itself, which was fully expected following the appeal dismissal last Summer. The supporting material, including illustrative masterplan and supporting statement have been reviewed by HS2 and its appointed contractor (Align JV) and following key observations are made:

- New on-line MSA proposals informed by findings of the Planning Inspector and previous comments raised by the LPA and other key stakeholders.

- In response, the proposed MSA is relocated from the western side (Warren Farm) to the eastern side of the M25 (on land adjacent to the HS2 Chiltern Tunnel currently being used by HS2 as a temporary material stockpiling area).

- This, combined with a smaller scale of development now being proposed (i.e. the 100 bedroom hotel element has now been removed) concludes that the proposals are: “considerably less harmful than the previous Warren Farm proposals”, and “notably less harm in relation to Green Belt openness etc.....”

- HS2 have acquired the area subject to Safeguarding Directions under Schedule 16 possession and the land would not be handed back to the landowner until our works were concluded.

- Area is currently being utilised as a stockpile for chalk cake material and whilst this is needed predominantly to restore the HS2 site, it is also a material that the developer may have interest in (as their proposed design indicates a calcareous grassland landscape post MSA construction).

- There may be synergies regarding retaining existing slip roads to this development that seem to have been overlooked (albeit outside of the application site boundary and may need to be privately secured) yet could significantly reduce the carbon impact of the proposed development.

- Further collaboration with the developer would be welcomed as there could be some mutually beneficial agreements (regarding excavated materials at least) that could be reached.

- Under section 4.6 of the Framework Travel Plan headed “Further Opportunities”, reference is made in the second paragraph to the existing HS2 access to the north and east of the application site and how the developer will work with the LPA and Highway Authority to retain these local connections, “albeit downgraded to PRoW use only once HS2 construction works is completed.” However, in those respects it should be noted that the northern access are the slip roads for which an Undertaking/Assurance is in place to remove once HS2 works are completed and the eastern one is also the quarry access road for which a legal agreement is to be entered into between HS2 Ltd and Three Rivers District Council to remove.

- Draft planning conditions were agreed as part of the previous Warren Farm application/appeal, which also had the benefit of interrogation from a Planning Inspector during a roundtable discussion at the public inquiry in August 2021.

- Whilst proposed draft planning conditions included as Appendix 1 of the planning statement now relate to a different site and proposal, the vast majority remain relevant and, crucially from an HS2 interface perspective, the HS2 condition requested in our consultation response to the previous application is still included as follows:

“23. No development hereby permitted shall commence until a detailed Design and Construction Method Statement(s) has been submitted to and approved in writing by the Local Planning Authority.

The Design and Construction Method Statement(s) shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 works, the construction of the HS2 works are not impeded. The approved scheme shall be in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

In addition, key interfaces of concern between HS2 and the revised MSA scheme proposals include contouring, drainage and any noise/light impacts that the applicant will need to consider in cumulative effect terms with HS2. As a committed project in that location, (both Phase One Act and Schedule 17 plans and specifications approval previously referenced), planning policy dictates that the HS2 completed scheme should be fully taken into account by the developer and in that context it is welcomed that the applicant has continued to follow ongoing progress of the plans for delivery of the high-speed railway since Royal Assent was achieved in 2017.

In terms of the potential synergies and collaborative approach points outlined above, it is also welcomed that the applicant has already approached HS2 Ltd to discuss opportunities for co-operation should the proposed development achieve Outline planning consent.

Accordingly, HS2 Ltd raise no objections to the application in safeguarding terms and in the event the local planning authority are minded to grant consent HS2 Ltd request that the planning condition set out above is attached to any permission.

Please note that in the event the local planning authority is minded to approve the application without the requested planning condition, (or similarly worded alternative to achieve the same objective of safeguarding delivery of the high-speed railway in that location), contrary to the advice of HS2 Ltd, then the application should, in accordance with paragraph 6 of the Safeguarding Directions issued on 22 August 2018, be sent together with the material specified in paragraph 7 of the Safeguarding Directions, by first class post to:

High Speed Rail Property Team

Department for Transport

Great Minster House

33 Horseferry Road

London

SW1P 4DR

Or by email to: highspeedrail@dft.gov.uk and copy email to: town.planning@hs2.org.uk.

The Department will inform LPAs of the date of receipt of the application and the material required under paragraph 7 of the Safeguarding Directions, and will, within 21 days of that date, either notify authorities that there are no objections to permission being granted, or issue Directions restricting the granting of permission specifically for those applications.

Denham Airport

PL/22/1411/OA

I refer to your letter of 17 August relating to the above application and thank you for alerting us to the recent report prepared by ASA for the Council and dated August 2022.

The ASA report changes nothing in our letter to you of 9 June 2022 which addressed the Applicant's assessment of aviation safety.

You will be aware that ASA previously advised the Council in respect of the applicant's first application, PL/19/2260/OA.

In March 2021 we submitted a report prepared by Dr Eddowes who had reviewed the ASA report on the first application. Dr Eddowes, an aviation safety specialist, prepared a full appraisal of ASA's work. He provided detailed statistics and followed industry standard risk assessment and classification methodologies.

Dr Eddowes concluded how and why the ASA report did not '**provide an adequate account of the impacts of the MSA on the safety of operations at Denham Airport to properly inform the determination of the application.**'

ASA state at Section 1.3 that its August 2022 report should be '*...considered in conjunction with its earlier reports for Chiltern District Council...*'. It would appear that ASA still considers that its approach and judgements are robust. We continue to dispute this.

At its heart, ASA continues to suggest that '*There is...no requirement...to protect the availability of land eg for a forced landing near the aerodrome.*'

This was ASA's position in 2020 and remains its position despite the Planning Inspector in 2021 making clear that it was entirely reasonable and appropriate for Denham Aerodrome seek to protect aviation safety at the Airport.

The Planning Inspector's letter of 17 November 2021, in relation to the first Extra application stated:

'On the basis that the planning system has a role, it was reasonable for the aerodrome manager to commission the risk assessment and raise objections as a result of its conclusions, even though the area being assessed was not controlled by the aerodrome. Alternative forms of development for the appeal site and community land are very limited because it is Green Belt. Objecting to the current development proposals was a legitimate way that the aerodrome operator could mitigate the risk through the land use planning process.'

The basis for ASA's position on this is its interpretation of the CAA's Publication, CAP 738, 'Safeguarding of Aerodromes' is flawed. The list of potential threats to aerodrome safeguarding quoted by ASA is not **exclusive**. The introductory paragraph to the list quoted by ASA states that safeguarding '*...is the process by which the Aerodrome Operator can... protect the environment surrounding the Aerodrome from developments and activities what have the potential to impact on the aerodrome's safe operation.*'

This makes clear that it is the Aerodrome Operator's responsibility and duty to assess the safety of the environment surrounding an aerodrome. Paragraph 3.28 of the CAP refers to 'Other considerations' and gives examples but the examples are defined as '**including**'. It is reasonable, and in fact an obligation where justified, for the Aerodrome Operator to be concerned about the loss of land currently available for a forced landing.

The ASA report then seeks to demonstrate that, in any case and irrespective of the Aerodrome Operator's judgement, the actual level of aviation safety risk is so low that this issue may be disregarded. The reasons put forward by ASA are set out below and are accompanied by our specific preliminary response.

ASA: Only some aircraft movements use the full flight training circuit and other arrivals and departures '*...are not in a position in [sic] whereby a forced landing at the MSA would be a feasible option...*'

Response: ASA has no details of the scale and nature of aircraft movements at Denham.

ASA: '*...other suitable landing sites*' are available

Response – ASA has not identified these or assessed them. It has used an out of date plan (by Jacobs) which is no longer relevant.

ASA: '*...any increase in the aviation safety risk would be lower than that for the earlier site as much of the land for this site would be now available if an emergency landing were required...*'

Response: Not correct and the MSA site and specifically the proposed Filling Station are directly below the flying circuit.

ASA: '*...the proposed MSA site itself is largely unsuitable due to its slope in many areas...*'

Response: This ignores Extra's proposed land remodeling.

ASA: '*...the aviation safety risk is significantly higher in terms of the potential loss of suitable landing site in the event of an emergency landing, although this risk is acceptable to pilots and to the aerodrome operators...*'

Response: The Aerodrome Manager judges the risk caused by the loss of land to the proposed MSA site as unacceptable.

ASA: '*General aviation is not completely risk-free.*'

Response: This may be correct but it does not justify actively increasing risk.

ASA: '*It should also be noted that flights at Denham are, as at August 2022, overflying the HS2 viaduct construction works and the materials storage area to the east of the proposed MSA site. These flights theoretically present a*

much higher increased safety risk in terms of the loss of suitable areas for an emergency landing. In the circumstances, it appears that pilots at Denham are accepting this higher risk and given that these temporary obstacles will be removed once HS2 is in operation, there is no reason to suppose that they would not also accept a lower level of increased safety risk if planning consent for the MSA were granted.'

Response: There is no basis for this assertion, but the 'temporary works' are just that.

In addition, ASA has provided no evidence to support any of the above assertions. It should be noted that these points generally reflect those made by ASA in its report for the Council in connection with the first Extra application. These points were all refuted by Dr Eddowes.

We request the Council take cognizance of the 2021 Inspector's clear acceptance that the Aerodrome Manager's concerns constitute a material planning consideration. The application site proposes buildings and people on the ground beneath a busy airfield training circuit. There are a number of clear planning issues on which to refuse this application and aviation safety indubitably constitutes one of these.

We request the Council take account of these points as well as the contents of our letter of 9 June 2022 and all of the material information we submitted in connection with the first Extra application.

We endorse the objections to this application made on behalf of the Colne Valley Services applicant and, as before, would like to bring to your attention that the CVS would not adversely affect aviation safety.

If necessary the Airport would re-engage Dr Eddowes to provide a detailed risk assessment but the main principles of his conclusions remain as in 2020-2021.

We hope, however, that the Council will refuse this application and use the adverse impact on aviation safety as a reason for doing so.

If you have any further queries we would be pleased to assist you.

Civil Aviation Authority

The UK Civil Aviation Authority's Airfield Advisory Team have been set up to meet the Department for Transport's objective of sustaining the UK network of airfields. We are a non-regulatory team who provide advice to Government, licensed and unlicensed airfields and local planning authorities on matters that are relevant to CAA functions, and formally commenced engagement with airfields in November 2020.

In January 2021 we were asked by Buckinghamshire County Council to comment on a planning application submitted by Extra MSA Group (ref: PL/19/2260/OA). We understand that this planning application, referenced above, is a new application from the same applicant and we have been asked by a concerned third party to comment.

Denham Aerodrome previously raised concerns about development in close proximity to their aerodrome and in particular, the ever decreasing options for landing off-aerodrome in the event of an inflight emergency. Several reports associated with aviation safety were prepared because of this concern. We wrote to Gary Murphy and provided independent commentary on the matter and provided an assessment of one report created by a third party regarding the risk. Our conclusion was that, whilst it is not the aerodrome's responsibility to identify off-aerodrome landing sites in the event of an emergency, it is accurate to say that the proposed development would significantly reduce the amount of space available should such an incident occur.

The proposed site for this application is located very close to that of the former proposal and consists of a development area of approximately 85 acres. This application is centred longitudinally along the M25 with the bulk of the development area on the east side of the carriageway. As before, the flight track over the ground for Denham aerodrome's runway is directly over the site and so as concluded previously, this proposal would reduce the area available for an off-aerodrome landing in the event of an emergency.

Figure A1 below shows the site location plan associated with this application with Denham Aerodrome's rectangular circuit track over the ground shown.



Figure A2: Illustration of both current MSA proposals in Buckinghamshire

Environmental Health- Air Quality

Air Quality Comments

I understand that the only vehicular access into the Proposed Development will be taken from the M25 and is proposed through a new all-movements grade separated access junction. There will be no vehicular access between the Proposed Development and the local road network during both construction and operational phases.

Should there are any changes to the application that would increase traffic on the local road network either at the operation or construction phase the Strategic Environmental Protection Team need to be consulted.

Recommendation:

A condition requesting a Construction Environmental Management Plan (CEMP) as outlined in paragraph 15.5.3 of the Air Quality Assessment.

Environmental Health- Noise

I have visited the proposed development site and have reviewed the information posted on the Planning Portal in connection with this application, and for background, the Planning Inspectorate's decision in respect of PL/19/2260/OA and would make the following comments:

I have no fundamental objection to the nature of the proposed development of a Motorway Service Area (MSA) at this location as regards noise, vibration, artificial light, dust, etc., subject to the Local Planning Authority including specific conditions to control these pollutants in the event of permission be granted:

Disturbance during the construction phase: noise/vibration/dust

I would recommend the following condition

1) No demolition or construction activity shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases of the development. Thereafter, the construction of the development shall only be carried out in accordance with the approved Construction Environmental

Management Plan which shall include details of

- a) Construction vehicle numbers, type, routing
- b) Construction and storage compounds (including areas designated for car
- c) parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Construction and demolition hours of operation
- g) Dust control measures
- h) Noise control measures
- i) Vibration control measures

It may be that the above condition is modified to reflect the concerns of other consultees, for example the Highway Authority or Environment Agency, as regards other environmental matters.

Noise from plant, vehicles, etc. on site during normal operation of the proposed MSA

I recommend the use of the following condition as regards these issues:

- a) No demolition or construction activity shall take place until a detailed written scheme for protecting the local community from noise associated with plant, vehicles and other noise sources

associated with the operation of the Motorway Service Area has been submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, the development shall be carried out in strict accordance with the approved scheme unless the Local Planning Authority otherwise agrees in writing.

c) The approved scheme shall thereafter be maintained.

Artificial light during normal operation of the proposed MSA

I recommend the use of the following condition:

1(a) Before the development commences a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on nearby land uses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light. Only the details thereby approved in writing by the Local Planning Authority shall be implemented and shall thereafter be maintained.

1(b) If within a period of 12 months following the first use of the lighting the Planning Authority requires the alignment of the lights to be adjusted and/or hoods or shields to be fitted, this shall be carried out in accordance with an agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

Economic Development Officer

Having had a look at the Socio-Economic benefits section of the Environmental Statement, my observations aren't too dissimilar from the comments I made on the previous application. From an economic development perspective, we would welcome investment, job creation and skills development in the county. My concern though is over the extent to which the employment benefits would be felt by residents of Buckinghamshire. I welcome the commitment to an Employability Strategy to try and maximise the local benefits and if the application was approved, would be happy to work with the applicant on this.

I do though think that finding Buckinghamshire residents to fill the temporary construction roles will be difficult - recruitment challenges in the sector are well-documented locally and there is a lot of competition for construction workers. In the operational phase, around 70% of the positions to be created are at an entry level and whilst it is important to offer a mix of employment opportunities, I would suggest that given the socio-economic profile of the county (above average skills level, below average levels of unemployment) that these may not be the best fit or the types of employment most likely to be sought by local residents.

Obviously, with the Covid-19 pandemic unemployment did increase, but this is on a downward trend and there are a high number of job opportunities now available. The report suggests that 25% of employment will be secured by people outside of Chiltern - personally, I think this is on the low side, especially as the report itself acknowledges that the opportunities will be attractive to residents in other areas, and the site will be easily accessible to workers from further afield.

Ecology – 11th November 2022

Summary

No objection, subject to conditions and the entering into of a Section 106 Agreement (*as deemed necessary*)

Conditions relating to an updated reptile survey, a Construction Environmental Management Plan, a Landscape and Ecological Management Plan, and a lighting design strategy for light-sensitive biodiversity are required. In addition, if the construction of the proposed development is to be completed in phases then a condition relating to a Phased Biodiversity Net Gain plan is recommended.

Proposed offsite habitat creation can be secured via the entering into of a Section 106 Agreement. Alternatively, the red line boundary of the application site can be amended to include the additional field adjacent to the north-west boundary of the site. In line with the Mitigation Hierarchy this latter option is preferred.

Discussion

Following our previous comments on 24th June 2022 further information was provided relating to protected species (bats, reptiles, and breeding skylarks) and biodiversity net gain.

Site Designations

The site falls within the Site of Special Scientific Interest (SSSI) Impact Risk Zone for Mid Colne Valley SSSI. Please refer to Natural England's comments.

The site also lies within the Colne Valley Regional Park.

Ancient semi-natural woodland (Bloom Wood) exists within approximately 350m to the west of the site and ancient semi-natural woodland (Nockhill Wood) exists within approximately 300m to the south of the site.

According to 8 Ecology - ES the application site is located at the downward slope away from Bloom Wood edge. Hence it was concluded that the woodland hydrology will remain unchanged.

Biodiversity Net Gain

According to the final biodiversity net gain metric that was submitted (produced by Wardell Armstrong and dated 30/03/2022) the proposed development will result in a biodiversity net gain which is in line with NPPF.

The biodiversity gain is predicted to be a total of 21.95 habitat units and 1.69 hedgerow units.

I would recommend that the proposed habitat creation and biodiversity net gain and long-term monitoring are secured via a Landscape and Ecological Management Plan (LEMP) via a condition to any approval granted. If the construction of development is phased then I would also recommend that a condition relating to a Phased Biodiversity Net Gain plan is attached to any approval granted, so for each phase of construction a biodiversity metric accompanied by baseline and proposed habitat plans be submitted.

The offsite habitat creation to other neutral grassland and mixed scrub (grassland habitat allocated to mitigate the impacts of the proposed development on breeding skylarks) has to be secured via the entering into of a Section 106 (S106) agreement (as the habitat area is outside the red line boundary of the site). Alternatively, and as a preferred option in line with the Mitigation Hierarchy, the red line boundary of the application site can be amended to include this additional habitat area.

Protected Species

Reptiles

The protected species survey work undertaken so far is satisfactory with the exception of reptile survey. The majority of reptile visit checks were carried out outside the recommended survey times

contrary to best practice (Froglife, 1999, Reptile Survey: An introduction to planning, conducting and interpreting surveys for snake and lizard conservation, Froglife Advice Sheet 10). In addition the survey was undertaken in 2018-2019 thus the survey findings are also now considered out of date in line with CIEEM 'Advice Note on the Lifespan of Ecological reports and Surveys' (April 2019). I therefore have no confidence in the survey results and that a reptile population is not present on site, in particular along the M25 neutral grassland embankments.

I considered the baseline habitats, the 2018-2019 survey methods and results, and post development habitats, and the exceptions in British Standard 42020: 'Biodiversity - Code of practice for planning and development' (2013) apply in this instance and the updated reptile survey can be secured via a condition (and not requested prior to determination). In line with the British Standard 42020: ***"the use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as the following.***

- a) Where original survey work will need to be repeated because the survey data might be out of date before commencement of development.***
- b) To inform the detailed ecological requirements for later phases of developments that might occur over a long period and/or multiple phases.***
- c) Where adequate information is already available and further surveys would not make any material difference to the information provided to the decision-maker to determine the planning permission, but where further survey is required to satisfy other consent regimes, e.g. an EPS licence.***
- d) To confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased or decreased within the site.***
- e) To provide detailed baseline survey information to inform detailed post-development monitoring."***

It should be noted that all reptile species are listed in Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act) as Priority Species – Species of Principal Importance for conservation.

Nesting Birds

We welcome the offsite habitat creation to mitigate for breeding skylarks. This breeding skylark habitat creation and long-term management has to be secured via the entering into of a Section 106 agreement as the allocated area is outside the red line boundary of the site. Alternatively, as stated above, the red line boundary of the application site can be revised to include this additional habitat area.

Great crested newts

For great crested newt matters please refer to the Newt Officer's comments.

Invasive Species

A Schedule 9 listed species in the Wildlife and Countryside Act 1981 (*as amended*) giant hogweed was recorded at various locations just outside the application site boundary to the west. Ideally, the eradication of this species should be carried out and addressed in the Construction Environmental Management Plan to be secured via a condition to any approval granted.

Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) should be produced to take each notable habitat and protected and notable species into consideration and address the eradication of invasive species.

The CEMP should include the following details in accordance with the British Standard on Biodiversity BS 42020:2013:

Proposed Ecological Impacts

- Details of what biodiversity features could be impacted (in that phase) and what development activities could be potentially damaging.

Timetables

- A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible.
- The nature of the pre-commencement ecological checks / surveys required and details of the results of these surveys once they have been undertaken (for our approval).

Avoidance and Mitigation Measures

- Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition).
- Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts. We expect to see details of type, location and means of installation and maintenance FOR EACH PHASE.
- Specifically state the agreed buffer zones relevant to each phase. For example a minimum buffer of 5m around all on-site hedgerows and ditches has been agreed, but this will need to be increased in some phases to protect other biodiversity features (e.g. where badger setts and mature trees are present).
- Details of inspections to ensure wildlife (e.g. badgers and brown hares) do not become trapped in excavations or machinery.

On-site Personnel & Training

- The role and responsibility of the on-site Ecological Clerk of Works (ECOW) in each phase should be clearly stated including which works require supervision by the ECOW in relation to the current timetable for that phase.
- Evidence that an ECOW has been appointed for each phase and has an appropriate level of experience.
- Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP.
- Details of any awareness training of on-site non-ecological personnel such as tool box talks provided by the ECOW.
- Who will be responsible for erection and maintenance of on-site fencing, protective barriers and warning signs.
- Who is responsible for compliance with regulations, legal consents, planning conditions, environmental procedures and contractual agreements and the issuing of periodic reports on success and compliance. These periodic reports should feedback into the CEMP for the subsequent phase and ensure the results of this regular review are effectively communicated to on-site staff.

Monitoring, Compliance, Contingency and Emergency Measures

- Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.).
- Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk).
- Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements.
- Details of biosecurity protocols / method statements to prevent spread of non-native species between sites.
- Temporary management of existing wildlife features during construction / implementation.
- Ensure copies of all ecological reports relevant to sites works, relevant planning conditions and any protected species licences are kept in the site office and are available to refer to at any time.

Landscape and Ecological Management Plan

To reduce the impacts of the development, as well as incorporating opportunities for wildlife (such as bat and bird boxes, hibernacula/log piles, and insect boxes) and delivering biodiversity net gain, I would recommend that a Landscape and Ecological Management Plan (LEMP) for the site is produced and secured via a condition to any approval granted.

The LEMP should be produced in line with the British Standard on Biodiversity BS 42020:2013 and also include the details regarding biodiversity net gain delivery, including the Biodiversity Gain Plan and long-term monitoring measures and publication of results and actions.

Artificial Lighting

Bats may be impacted on by artificial lighting as a result of the proposed development. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018).

Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and part-night lighting.

I would recommend that a lighting design strategy for light-sensitive biodiversity is secured via a condition to any approval granted.

An illuminance plan/contour plots should be provided which show the extent of light spill and its intensity (minimum and maximum lux values throughout the site). Models should include light from all luminaires and each should be set to the maximum output anticipated to be used in normal operation on site.

Legislation, Policy and Guidance

Biodiversity Net Gain

Paragraph 118a of the National Planning Policy Framework (NPPF) states: *“Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside”*

Paragraph 170d of the requires that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”.*

Paragraph 175d of the NPPF states that: *“When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

Conditions

Updated Reptile Survey

No development shall commence until further reptile survey in line with ‘Froglife Advice Sheet 10 - Reptile Survey: An introduction to planning, conducting and interpreting surveys for snake and lizard conservation’, and a schedule of mitigation measures and monitoring checks, as deemed appropriate, have been completed in consultation with a suitably qualified reptile worker and submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and Natural Environment and Rural Communities Act 2006 (NERC Act) and to protect species of conservation importance.

Construction Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To safeguard habitats during construction and ensure the survival of protected and notable species that otherwise may be affected from the proposed works.

Securing On-site Biodiversity Net Gains

Landscape and Habitat Management Plan (LEMP)

No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features (bat boxes, bird boxes, insect boxes, hibernacula/log piles) to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Methods for data gathering and analysis.*
- i) Ongoing monitoring and remedial measures.*
- j) Review, and where appropriate, publication of results and outcomes.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure appropriate protection and enhancement of biodiversity and to provide a reliable process for implementation and aftercare.

N.B. Additional condition to be attached to any approval granted if the construction of development is phased:

Phased Biodiversity Net Gain Plan

No development shall take place (including demolition, ground works, vegetation clearance) for each phase of development unless and until the Biodiversity Gain Plan (BGP) demonstrating that Biodiversity Net Gain will be achieved for each phase has been submitted to and approved in writing by the local planning authority. The BNG plan shall include the following:

- *information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,*
- *the pre-development biodiversity value of the onsite habitat,*
- *the post-development biodiversity value of the onsite habitat,*
- *a biodiversity metric and existing and proposed habitat plans,*
- *any biodiversity credits purchased for the development, and*
- *such other matters than may be relevant.*

Reason: To ensure the development achieves Biodiversity Net Gain in accordance with NPPF.

Lighting design strategy for light-sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- k) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- l) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation concern.

Ministry of Defence

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on the 19/12/2022.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. The applicant has submitted further amendments to an outline application for proposed erection of a Motorway Service Area facilities building, fuel filling station,

electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces.

The application site occupies the statutory safeguarding zone surrounding RAF Northolt. In particular, the height, and birdstrike safeguarding zones surrounding RAF Northolt and is approximately 10.5KM from the centre of the airfield.

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal. The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed above and in the emailed documentation titled Consultation on amendments: PL/22/1411/OA - Land Between Junctions 16 and 17 Of The M25 Near Chalfont St Peter Buckinghamshire dated 19/12/2022.

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

Minerals and Waste

Thank you for consulting on this application with regards to the Minerals Safeguarding Area.

As the applications falls within the safeguarding area it is required through Policy 1: Safeguarding Mineral Resources of the Buckinghamshire Minerals and Waste Local Plan (MWLP) to demonstrate that

- prior extraction of the mineral resource is practicable and environmentally feasible and does not harm the viability of the proposed development; or
- the mineral concerned is not of any value or potential value; or
- the proposed development is of a temporary nature and can be completed with the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- there is an overriding need for the development.

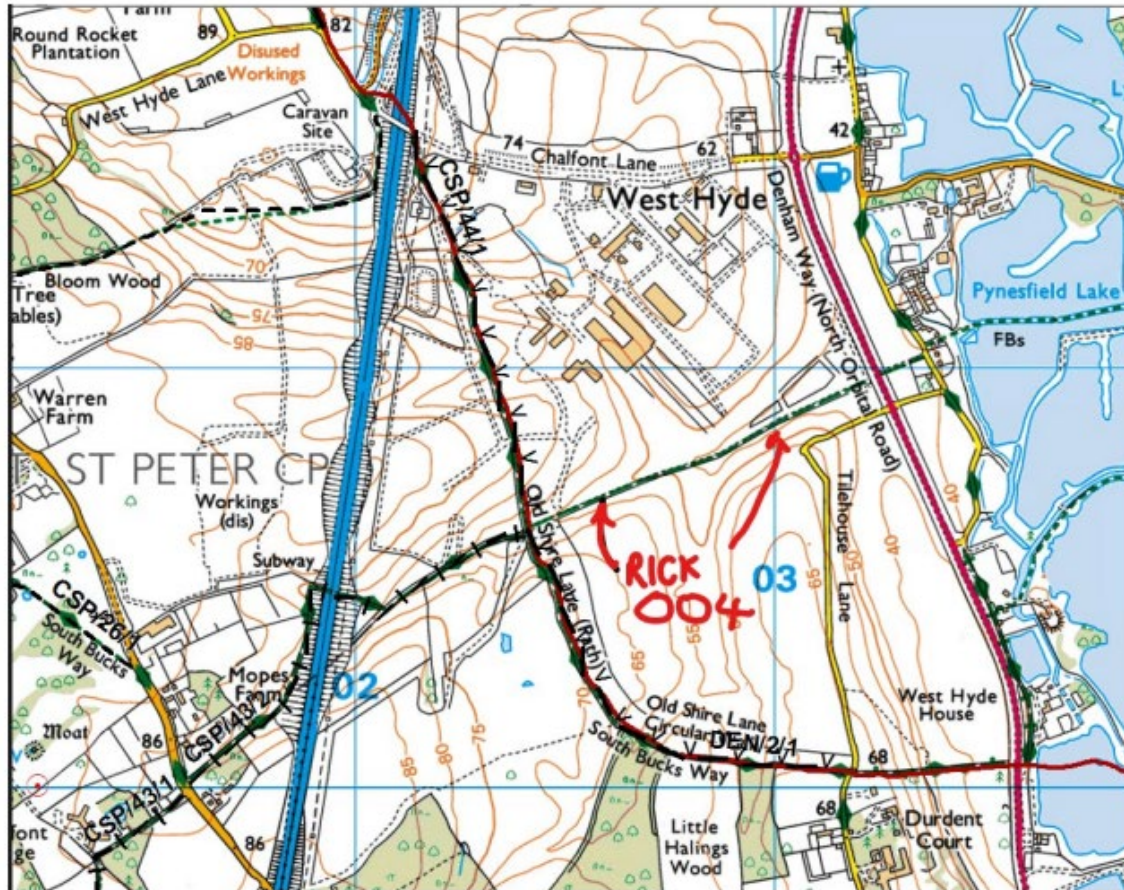
Through the information provided in the Mineral Resource Assessment (March 2022) and the Supplementary Geological Report (January 2023) the applicant has demonstrated that there is unlikely to be any mineral of value or have potential value within the application area. The information provided satisfies Policy 1: Safeguarding Mineral Resources of the MWLP.

The inclusion and consideration of Policy 10 Waste Prevention and Minimisation in New Development is welcomed. We would support the inclusion of conditions 19 and 25 of the proposed conditions set out in Appendix 1 of the Planning Statement (April 2022) ref PLANNING STATEMENT BIR.5351_PLANNINGSTATEMENT_FINAL140422

Buckinghamshire Strategic Access Officer

Background

The Buckinghamshire and Hertfordshire rights of way network is illustrated in Plan 1. The Buckinghamshire network is shown bold black, while the Hertfordshire network can be picked up on the Ordnance Survey base map [green dashed lines].



Plan 1

Old Shire Lane [CSP/44/1] passes generally north-west to south-east, situated immediately east of the development. Its status as Restricted Byway allows access for walkers, cyclists, horse riders and carriage drivers. Hertfordshire Bridleway RICKMANSWORTH 004 is labelled 'RICK 004' in Plan 1.

Impact of HS2

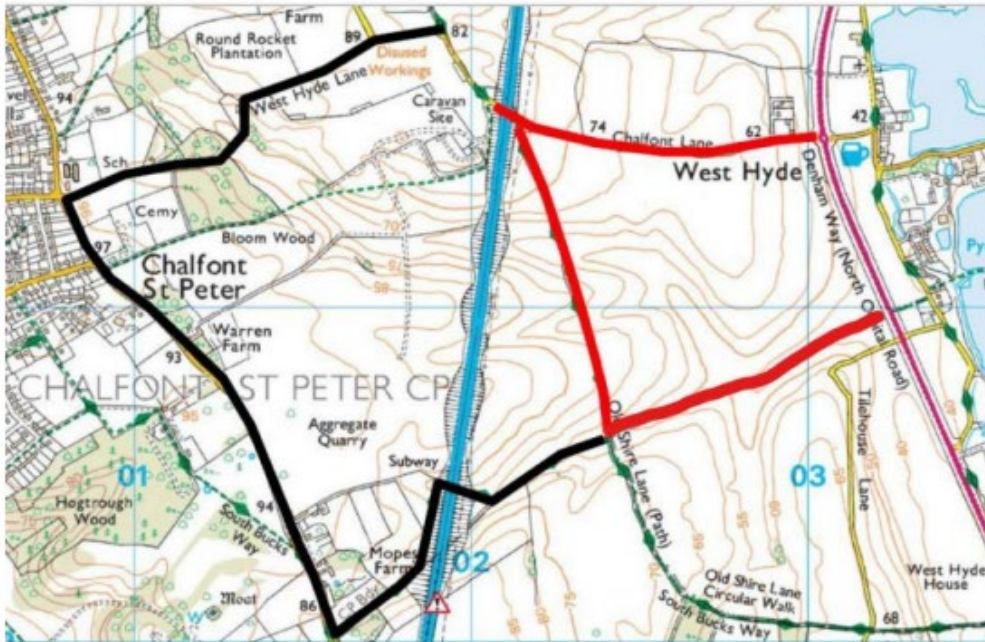
The northern half of Old Shire Lane is closed for HS2 works at least until 1st January 2025 – see sketch on Plan 2 showing the closed route in red. It's unclear if this will extend beyond 1st January 2025, though it seems likely.

It is my understanding that Chalfont Lane will be reinstated without a footway or street lighting, although both facilities currently exist for the sole benefit of HS2 construction employees.

Detailed design for Chalfont Lane is unavailable, but perhaps as a guide, it may be similar to the reinstated Tilehouse Lane [4m wide carriageway with 5.5m passing places] given the similar landscape context. That said, an HS2 maintenance depot is situated off Chalfont Lane, which will dictate the carriageway width. As far as the Schedule 17 application goes for the Western Valley Slopes, Chalfont Lane is outside of the application boundary and no changes appear to be proposed

as part of HS2's access strategy. We will have to await for HS2's Schedule 4 HS2 Act application to Hertfordshire County Council for the final design.

My understanding is that the northern half Old Shire Lane, particularly the area adjacent to the HS2 tunnel portal, which is currently subsumed into their construction site, is returned to its original alignment [or very close to it] following completion of construction.



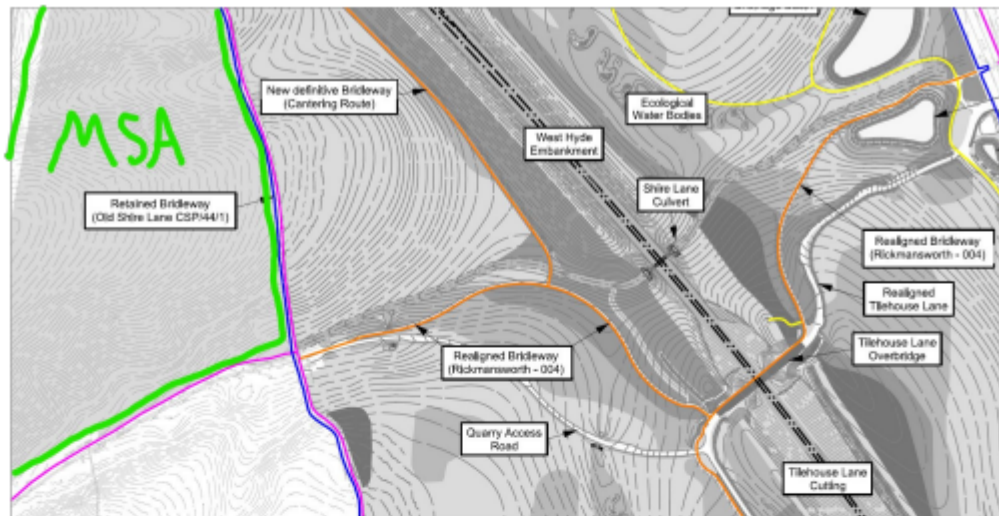
Plan 2 - Existing HS2 temporary closure of rights of way and Chalfont Lane – indicated red; black = alternative route for non-motorised users

Hertfordshire RICKMANSWORTH 004 passes from the A412 to Old Shire Lane, then through the M25 underpass towards Chalfont St Peter as Bridleway CSP/43/2. The Hertfordshire section is closed for HS2 works as shown red above.

Bridleway RICKMANSWORTH 004 is diverted to cross HS2 via a realigned Tilehouse Lane.

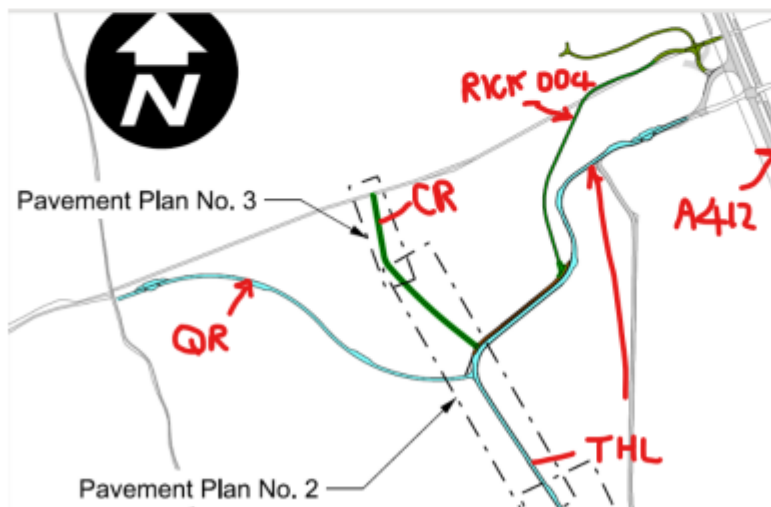
To provide some perspective to the above descriptions, the final layout for rights of way is shown below. This was granted TCPA planning approval under Schedule 17 HS2 Act 2017 on 3rd June 2021. Please see HS2's 'Colne Valley Western Slopes Right of Way' plan; firstly, in full [Extract 1], then split in northern and southern halves [Extract 2 and 3], with my annotation of the MSA site.

The plan key is copied below. I suspect the yellow annotation means permissive rather than 'passive' walking routes, located within what's known as the 'Western Valley Slopes' public open space, which includes formal public viewing areas of HS2.

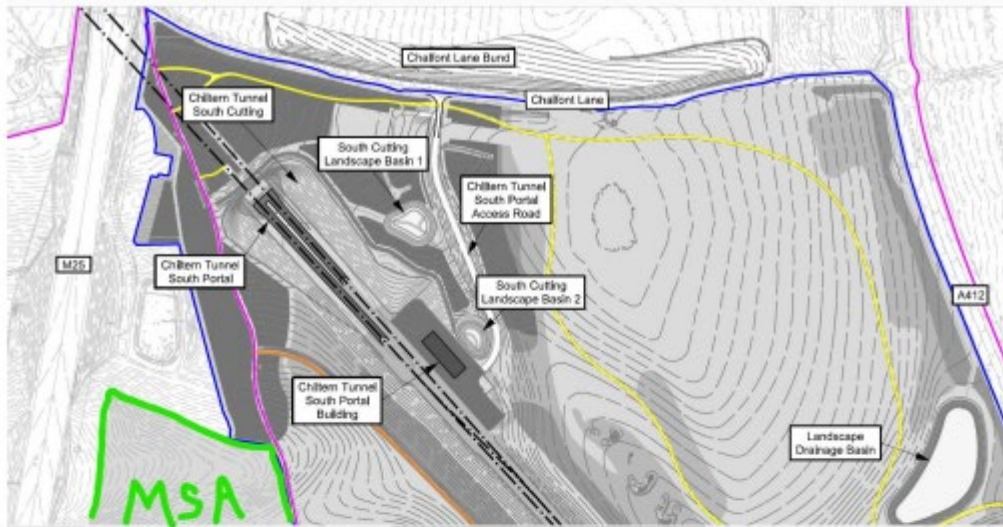


Extract 2 - HS2 Rights of Way plan

***NOTE 1:** in the context of Extract 2 it seems users of RICKMANSWORTH 004 will utilise the bitumen quarry road [4m wide carriageway with 7m wide passing places] while this remains in place [see Extract 2A below] and not the segregated [orange] route as Extract 2 illustrates. Presumably, the orange route for RICKMANSWORTH 004 replaces the quarry access road once the quarry is restored.*



Extract 2A - HS2 inset to detailed design plans for Tilehouse Lane and RICKMANSWORTH BRIDLEWAY 004: where QR = Quarry Road; THL = Tilehouse Lane; CR = link to 'Cantering Route'; green = grass; and turquoise = bitumen [my annotations].



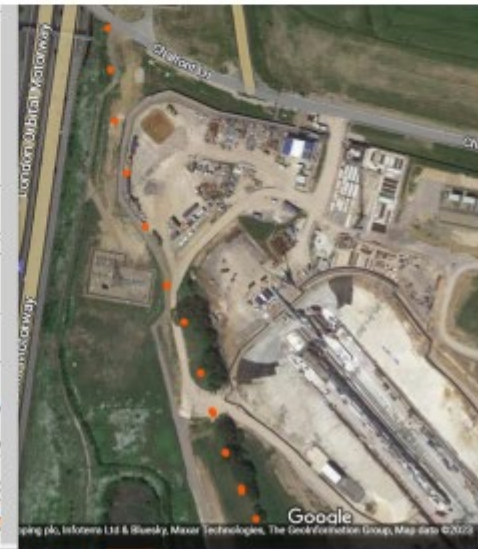
Extract 3 - HS2 Rights of Way plan

To note, HS2 haven't applied for consent under Schedule 4 of the HS2 Act 2017 [highway works] to divert or resurface any rights of way in this area of Buckinghamshire.

Nevertheless, my assumption would be that Old Shire Lane Restricted Byway CSP/44/1 would be returned to its original alignment [or very close to it] and the surface to its original condition, that is, a stone and grass track around 4m wide between hedges. You'll note in Plan 3 and Plan 4 below, HS2 are currently working on the northern footprint of CSP/44/1.



Plan 3



Plan 4

It's also worth noting Old Shire Lane has an entry in the Historic Environment Record - late Saxon and/or Roman Road - so I anticipate any surfacing works to be 'no-dig' [TBC].

The information to which I have been provided by Hertfordshire County Council indicates Bridleway RICKMANSWORTH 004 is returned to grass. A 'quarry access road' is marked 4m wide, as a bitumen-surfaced private access road and it is my understanding this is removed following quarry restoration, sometime post-2032. The Schedule 17 illustrated alignment of RICKMANSWORTH 004 to Old Shire

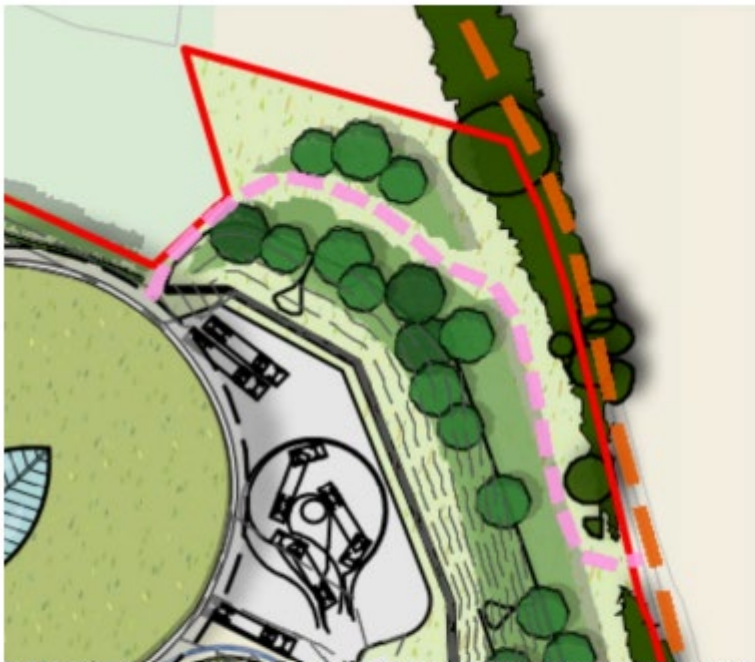
Lane is separate from the quarry access road and also grass [see my Note 1 above]. A detailed Schedule 4 plan [under the HS2 Act 2017] is unavailable.

The MSA application

There are no recorded rights of way directly impacted by the development. Therefore, no diversions are necessary.

The MSA development connects only with the strategic vehicular highway network, therefore any walking or cycling to the development must be via the local highway network and rights of way via Old Shire Lane, Chalfont Lane or Tilehouse Lane.

There is a proposed staff link to the site via Old Shire Lane, as shown on Extract 4.



Extract 4 – from Illustrative Landscape Masterplan [indicative staff link to Old Shire Lane shown pink]

Walking

Due to the relative remoteness of the site from residential areas, uptake could be relatively limited. However, the North Orbital Road is served by bus route 724 and there may be options to walk along RICKMANSWORTH BRIDLEWAY 004 and Old Shire Lane when both are reinstated by HS2.

Further, I have requested Hertfordshire County Council consider an additional yellow pedestrian route [see Extract 3] connecting HS2's permissive pedestrian network to the Chalfont Lane / A412 roundabout, thus facilitating easy access for Maple Cross residents to HS2's public open space and therefore an off-road link to the MSA from the Route 724 bus stops at the Chalfont Lane / A412 roundabout. This route could serve as a summer or fair-weather walking option to the site for employees from this direction.

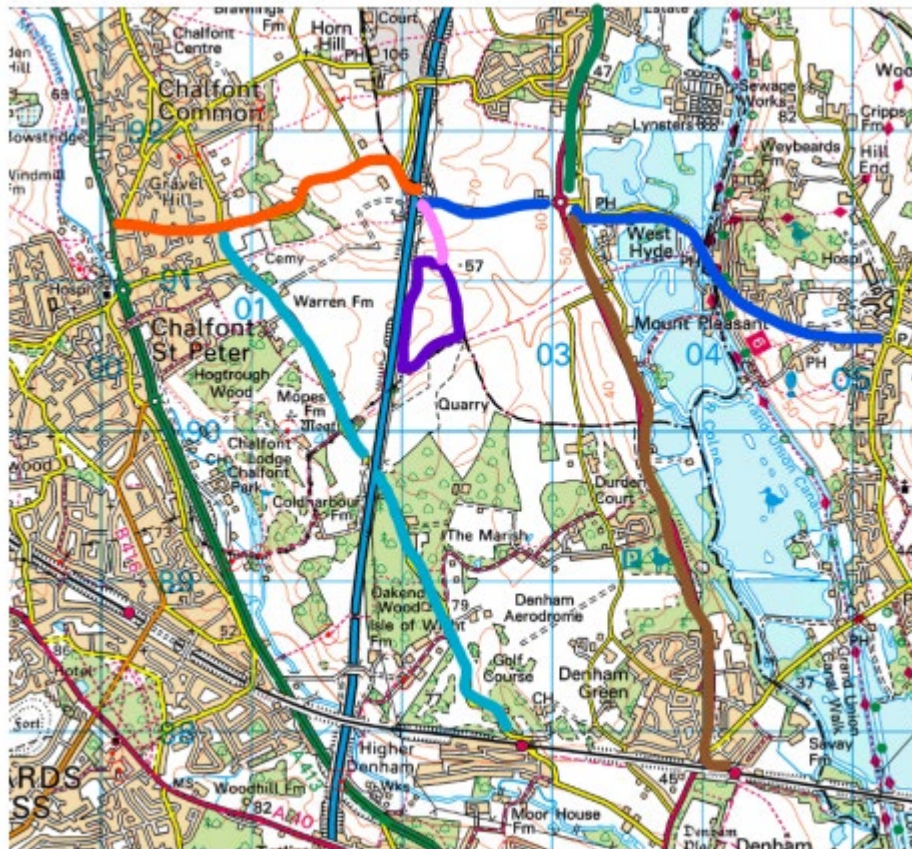
Cycling

Cycling would be a feasible option for employees, either from the north using Chalfont Lane and Old Shire Lane, or from the south using the part completed cycleway along the North Orbital Road A412. I trust sufficient [secure] employee cycle parking spaces will be provided, though can't see these on any plans.

A selection of example cycling times to the junction of Old Shire Lane and Chalfont Lane are provided below [source: Google maps] in Plan 5.

Harefield	15 minutes	BLUE
Maple Cross	7 minutes	GREEN
Denham Rail Station	16 minutes	BROWN
Chalfont St Peter	7 minutes	ORANGE
Denham Golf Club Rail Station	22 minutes	TEAL
Restricted Byway CSP/44/1	2 minutes	PINK

I mention above [in my note on Extract 2 and 2A] that it appears Bridleway RICKMANSWORTH 004 users – cyclists in particular – will benefit from using a 4m wide, bitumen-surfaced quarry access road. This encourages cycle use from the south [Tilehouse Lane] to the proposed employee access into the MSA, off Old Shire Lane, albeit the quarry access road is removed following restoration of the quarry, post-2032 I believe.

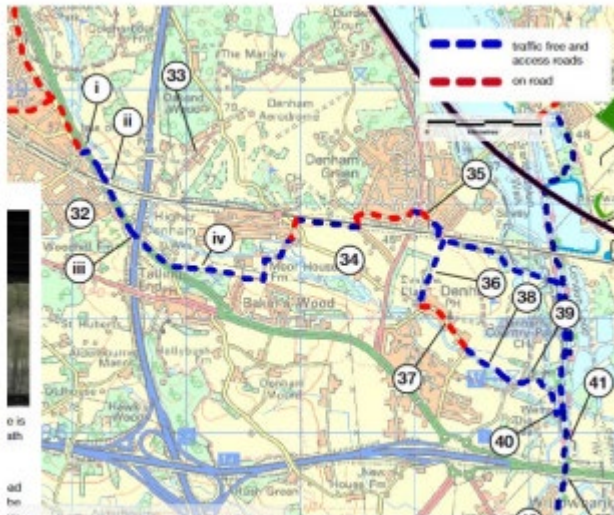


Plan 5 - Possible cycle routes to the site via Restricted Byway CSP/44/1

While the Hertfordshire section of the A412 cycleway is complete, the Buckinghamshire section is incomplete and needs additional funding. A September 2019 feasibility study costed the scheme at £842,000, which would link cyclists between Denham Station and the county boundary [i.e. the southern two thirds of the brown route shown above].

Once the A412 cycleway is provided, it will facilitate wider strategic opportunities in an easterly direction to the National Cycle Network [NCN 6 following the Grand Union Canal] and connections to the proposed Buckinghamshire Cycleway, commencing in the Colne Valley and heading north-west through the county to Brackley. Plan 6 is an extract relevant for the area.

Delivery of the A412 cycle route also meets wider Colne Valley Regional Park aims seeking to connect pedestrians and cyclists along and across the 'valley floor', through which the A412 passes between Denham and Maple Cross.



Plan 6 - proposed route of Buckinghamshire Cycleway

Some finance has been secured via the Colne Valley HS2 Additional Mitigation Fund and further savings are provided by utilising the HS2 maintenance access road as a shared cycleway, situated though land north of the former Denham Film Laboratory site and between Colne River and A412. Nevertheless, there remains a shortfall.

As the A412 cycle route will facilitate employees cycling to work from Denham, Higher Denham and Denham train station, I would recommend a contribution from this development to the cycleway improvement, outlined below in the sum of £125,000.

Turning to Old Shire Lane [Restricted Byway CSP/44/1], I would recommend surface improvements are secured by condition to facilitate convenient connections for employees cycling to work from Chalfont Lane. I would suggest 3m width flexipave, with 'KBI flexipave' being the only suitable product.

In light of the above the following is recommended.

Condition 1

Prior to the commencement of the construction, a scheme for the resurfacing of Restricted Byway CSP/44/1, between Chalfont Lane and the controlled staff link, shall be first submitted to and approved in writing by the LPA. The route shall subsequently be resurfaced with KBI Flexipave at 3m width and provided in accordance with the approved details prior to the first occupation of the MSA hereby approved.

Reason 1

To ensure safe and convenient means for employees cycling to the MSA; to provide a lasting recreational legacy for the local community and Colne Valley Regional Park; and to comply with guidance in para 100 NPPF [2021].

Draft s.106

“North Orbital Cycleway Contribution”

the sum of ONE HUNDRED & TWENTY FIVE THOUSAND POUNDS (£125,000) increased by the amount (if any) equal to the rise in the Index from the date hereof to the date the payment is due which is payable by the Developer to the Council and which will be spent on the construction of the North Orbital Cycleway

OBLIGATIONS	SUPPORT	REGULATION 122 JUSTIFICATION
A412 North Orbital Cycleway Contribution	<p>NPPF 2021 para 100, 104 (c), 110 (a) and 112 (a)</p> <p>Chiltern Core Strategy: Policy CS4 (Ensuring that Development is Sustainable); CS25 (Dealing with the impact of new Development on the Transport Networks);</p> <p>Chiltern Local Plan: GC1 (Design of Development Throughout the District); TR2 (Highways Aspects of New Development Throughout the District).</p>	<p><u>Necessary</u> Given the material levels of vehicular movements expected by staff, influenced by the nature of the development, the financial contribution towards the A412 cycleway is required to promote the use of sustainable modes of travel to and from the site.</p> <p>Contributing to strategic aims of improved cycling connectivity between Denham, Maple Cross and National Cycle Network [NCN 6].</p> <p><u>Directly related</u> Reducing the reliance on the private car for staff travelling to and from the site.</p> <p><u>Fair and reasonable</u> <u>Given</u> the size of the development and in light of targets to encourage sustainable travel.</p>

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1.0 Introduction

1.1 Brief and Scope of Review

- 1.1.1. LDA Design Consulting Ltd (LDA) is a nation-wide multidisciplinary practice of masterplanners, planners and landscape architects.
- 1.1.2. LDA was commissioned in September 2022 by the Planning, Growth & Sustainability Directorate of Buckinghamshire Council, (BC) to review a Landscape and Visual Impact Assessment (LVIA) which has been submitted in support of a Planning Application relating to the outline application for the Chiltern Chalfont Services Motorway Services Area (CCS MSA), which at the time of writing, is being considered by BC under planning reference PL/22/1411/OA (the CCS MSA Application/ the CCS MSA Development)¹. The CCS MSA Development is proposed on land located between Junctions 16 and 17 either side of the M25, Buckinghamshire, near Chalfont St. Peter (the Site) and is being promoted by Extra MSA Group Limited. The authors of the CCS MSA LVIA are Pegasus Group (Pegasus) working on behalf of the Applicant.
- 1.1.3. The LDA commissioning brief required a professional and objective technical review of the CCS MSA LVIA, in the light of current good practice (the Review). The Review, which was desk and field based, was carried out during October 2022 by two Chartered Landscape Architects with appropriate experience in landscape planning and assessment: Paul Lishman CMLI and James Truscott CMLI.
- 1.1.4. It should be noted that LDA Design provided similar services for the Colne Valley MSA (CV MSA) Application in November 2021² and prior to that, the Warren Farm MSA Application; and acted as Expert Witness at the Planning Appeal for the latter on behalf of BC.
- 1.1.5. This commission further required a high-level review of the landscape and visual mitigation proposals of the CCS MSA and also a high-level critical comparison between the CCS MSA and the CV MSA Developments from a purely landscape and visual perspective. This has been included as an Appendix to this Review.
- 1.1.6. The Review comments are based on a technical evaluation of the submitted CCS MSA LVIA; contained in Volume 1, Chapter 7 of the CCS MSA Application supporting Environmental Statement (ES), together with associated Figures 7.1-7.14³; which include an Illustrative Landscape Masterplan⁴; a Zone of Theoretical Visibility diagram (ZTV)⁵; and annotated baseline photography from 18 representative viewpoints, four night-time viewpoints and four HS2 Development Site viewpoints⁶. Following initial feedback from

LDA and BC in October 2022, some of these latter figures were updated to include improved annotation to indicate the CCS MSA Development extent / some proposed development component locations within the view; and also, four indicative wirelines and some cross-sections. These amended illustrations are reviewed below in Sections 2 and 5.

- 1.1.7. It is important to note that the CCS MSA LVIA assumes as a landscape and visual baseline scenario, the successful implementation of the immediately adjacent/ overlapping HS2 South Portal Landscape Master Plan (the HS2 Development/ Restoration Plan). In general terms this is an acceptable approach for the LVIA methodology, bearing in mind the current considerably disturbed site context. Details of the close inter-relationship between the CCS MSA Development, the HS2 Development are discussed below in Section 5.
- 1.1.8. When reviewing the LVIAs, allowance was made for the fact that at the time of the site visit in October 2022, trees were in either full or partial leaf and therefore not reflective of the worst-case scenario depicted by the LVIA visualisations and the assessment work carried out by Pegasus in March 2022. At that time, leaves would have been absent on deciduous trees (see VP2 photograph in Figure 7.8 and contrast with Plate 1 taken on the site visit at roughly at the same location).
- 1.1.9. In addition to the Application documents individually referenced in the text, the following documents were also referred to during the course of this Review:
 - Landscape Institute (LI) Guidance on reviewing LVIAs⁷;
 - LI Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)⁸; and
 - LI Guidance on Visual Representation of Development Proposals. ⁹
- 1.1.10. This Review covers the following landscape and visual amenity topics:
 - scoping, and pre-application consultation on LVIA issues;
 - method of approach with regard to the inter-relationship between the HS2 Restoration Landscape Master Plan and the CCS MSA Landscape Master Plan;
 - methodology issues including appropriateness, comprehensiveness, and compliance with guidance;
 - landscape and visual baseline descriptions;
 - clarity of presentation;
 - landscape and visual mitigation proposals;
 - LVIA assessment findings; and
 - Conclusions and recommendations.

This is followed in the Appendices by a series of Plates of site views illustrating certain issues arising in course of the review and these are referred to in the text.

1.2. LVIA Scoping and Pre-Application Consultation

- 1.2.1. Although Scoping is mentioned as part of the approach to the LVIA in para. 7.2.12, there is no specific mention in the ES of any consultation with BC as the Local Planning Authority (LPA) on landscape or visual matters at either Scoping or Pre-Application Consultation stages.
- 1.2.2. Para. 7.2.61 expands upon the reason for this; *"...as discussed in Chapter 2 of (the) ES, whilst a formal request for a Scoping Opinion (was not) undertaken specifically for the Proposed Development subject of this ES, a formal Scoping Opinion was requested in relation to a previous planning application by the same applicant. That application included for an MSA that focused the majority of built form on the western site of the M25 (application reference (PL/19/2260/OA)...the Site ... remains entirely within the redline boundary of the previous application and seeks permission for a similar, though smaller, proposal and land uses. Consequently, it is considered the previous Scoping Opinion remains relevant to this proposal and consequently the details set out in (that) scoping response have been used to inform the scope of this LVIA."*
- 1.2.3. As a result, and possibly due to tight application timescales, no CCS MSA Development-specific pre-application discussions appear to have been referenced between Pegasus and BC. Areas of the LVIA which may have benefitted from such consultation include; the overall LVIA approach and methodology; the close inter-relationship between the CCS MSA Development and the HS2 Development; the landscape / visual mitigation proposals; and the representative viewpoint selection.
- 1.2.4. Given that the application has now been submitted / validated, it is not possible to extend the pre-application consultation, however, throughout this Review further actions are identified to address the above issues.

2.0 Review of Approach and Methodology

2.1. Approach

- 2.1.1. Continuing on the topic of Scoping, the LVIA correctly identifies "...the difficulty presented by the disparity that exists in the baseline information for the published studies (which are generally several years old), the current scenario (where there is substantial and extensive disturbance to the landscape due to the construction of HS2) and the 'future baseline' (whereby mitigation and restoration proposals for HS2 will be in place."
- 2.1.2. In para. 7.2.66 it goes on to state the approach adopted in order to circumvent this issue; "...consequently, the consideration of baseline conditions for this LVIA adopts the following format:
- *Physical landscape resources are described as they are now 'on the ground' and as reflected by supporting photographic viewpoints and mapping. Additional description is then included to describe how the mitigation and restoration on completion of HS2 would influence the landscape;*
 - *For landscape character, the LVIA sets out a comprehensive review of published character studies (for relevant character types or character areas). These are supplemented by additional commentary as to how HS2 has influenced the position and how the mitigation and restoration on completion of HS2 would appear in the landscape; and*
 - *For views/visual amenity, each viewpoint included in the visual assessment includes a brief description of the current view and is supported by further narrative as to how the mitigation and restoration on completion of HS2 would appear in the view on completion. ...the subsequent assessment of impacts for the Proposed Development is based upon that 'future baseline'."*
- 2.1.3. In general terms this is an acceptable approach for the LVIA methodology, bearing in mind the current considerably disturbed site context, however, its specific application in the LVIA process sometimes lacks clarity, as will be considered further in Section 5 of this Review.
- 2.1.4. Para. 7.2.68 goes on to describe aspects scoped out of the LVIA. This includes "...effects on some landscape character areas/types whereby the scale and nature of receptor and impact are unlikely to give rise to significant effects...", however, it does not mention which of these are scoped out; nor does it explain how or why these decisions have been arrived at. Again, this will be considered further in Section 5 of this Review.

Effects on visual receptors beyond 4km from the Site, where it is judged that significant effects are unlikely to occur, are also scoped out. This is generally considered to be an appropriate Study Area; however, it is unclear as to why a 5km has subsequently been used.

Action: Review LVIA study area and clarify extents.

- 2.1.5. Also scoped out are "...effects on specific residential receptors outside of public spaces (rather than residential areas in general), whereby provide (sic.) (private) individuals do not have a 'right to a view' in law." While it is accepted that it is common practice to exclude visual effects on private, residential receptors where the proposed development is not going to give rise to any issues of residential amenity, however, it is noted GLVIA 3 states that "...it may also be appropriate to consider private viewpoints, mainly from residential properties."¹⁰ This matter could have been resolved as part of any Scoping / consultation process, however, this Review has not identified any private views that would warrant specific consideration.
- 2.1.6. Similarly, although not specifically scoped-out, there is no reference to the Colne Valley Regional Park (CVRP) within which the Site is situated. As an area of regional importance which does embody the protection and conservation of landscape and the countryside, an understanding of the CVRP may have informed the proposed landscape strategy, however, it is accepted that this is not a landscape designation and that the CVRP Landscape Character Assessment has been considered.
- 2.1.7. In respect of Viewpoints (VPs) selected for the visual assessment, common practice normally dictates the inclusion in the LVIA of a schedule / table of VPs, based upon the ZTV; confirmed on site; and sometimes agreed in advance with the LPA. Each VP would normally be identified in terms of location and grid reference; whether it was representative of receptors, or merely illustrative of a view; and – for representative viewpoints - those receptors which it is representative of.
- 2.1.8. Although VP locations are shown on the ZTV, illustrated by photography (as discussed in more detail below) and used as an aid to both visual and landscape assessment, the exact reasoning for their selection is not explained. For example, a number of VPs indicate in their photographic representation no view, or a very limited view, of the CCS MSA Development; such as VPs 6, 7,12,13 and 17; so presumably these are intended to be illustrative rather than representative. In addition, VP11 and two of the four HS2 VPs (A&D) show views that are largely obscured by foreground construction equipment or earth bunding/ stockpiling, so presumably these are again intended primarily to illustrate existing baseline conditions.
- 2.1.9. Practitioners also generally agree that photographic representations and visualisations "...have an important role to play in communicating information about the landscape and visual effects of a proposed development"¹¹ and hence constitute useful tools to assist in the assessment process. However, they are not commonly used as an assessment of the specific VPs *per se* and are instead representative of a range of receptors at, or near, that location. It is currently not apparent whether or not the LVIA has adopted an approach of assessing the effects experienced by visual receptors at specific viewpoints (reference para 7.2.41 of

- 2.2.3. The ZTV methodology is described in the CCS MSA LVIA in paras 7.2.71-7.2.73 inclusive. However, it does not appear to specify the software and the specific OS Digital Terrain Model dataset used in its generation and the assumed heights of screening woodland and built form. Clarification on these technical details would be helpful in determining the degree of accuracy and reliability of the ZTV study. It may also have been useful to have had a separate ZTV illustrating the effectiveness of screening offered by proposed mounding and tree planting (as indicated by the reduced visual envelope), stating assumed heights of these mitigation elements.

Action: *Provide further detail of the ZTV study and consider preparing additional ZTV study to illustrate effectiveness of proposed mitigation measures.*

- 2.2.4. The submitted baseline site photography is currently not produced in accordance with current good practice guidance as described in GLVIA3 and Landscape Institute Guidance Note 06/19. (TG06/19)¹². LVIA para 7.2.18 refers to the inclusion in Figure 7.8 of "...a series of representative photographs ... presented as both a series of contextual panoramic photographs with a 60° horizontal field of view (HFOV)". This is a non-standard size of photograph in terms of the guidance and is presumably to fit on an A3 page. At each VP this "baseline" photograph is "...supplemented by a full-size single (un-annotated baseline) image centred on the Site, with a 39.6° HFOV and a 27° vertical field of view (VFOV)". It is assumed that that is to 'zoom in' on the Site area, but the reason for this is not explained.

- 2.2.5. At the time of writing, the initial discussions between LDA, BC and Pegasus, have resulted in a resubmission of the baseline photographs (Figure 7.8) to include brackets indicating the extent of the "operational" area and the "red-line" area. These are helpful in assisting the reader in understanding the location of the proposed development relative to the view.

Action: *Clarify the presentation of photography and consider presenting photography in accordance with TG06/19.*

- 2.2.6. Furthermore, the CCS MSA development falls within Category A of TG06/19, i.e., "...applications accompanied by LVIA (as part of a formal EIA)". The guidance suggests that appropriate visualisation Types 2-4, i.e. 3D wireline/ model as a minimum; or photomontage / photowire (with or without scale verification). As currently submitted with the ES, visualisation Type 1, i.e., annotated baseline viewpoint photographs, falls below this recommended level of appropriateness. However, initial discussions between LDA, BC and Pegasus have taken place with a view to upgrading some key viewpoint visualisations from Type 1 to Type 3, i.e., to wirelines showing main proposed components, overlaid over baseline photographs, with annotation indicating the location of key components, and these have since been provided. They are helpful in assisting the reader in understanding the relationship between the existing and changed view, however, while the "operational" parts of the proposals are annotated, some indication of the

the LVIA); in which case this may in turn have affected overall judgement regarding visual effects.

Action: Clarify the VP selection process; whether viewpoints are representative or illustrative; and whether predicted visual effects relate solely to the specific viewpoints or more generally to a broader receptor area.

- 2.1.10. Although Public Rights of Way (PROWs) are identified on the Figures and represented by a number of VPs, there are no separate assessments of visual effects along these linear routeways from a visual receptor perspective; and similarly, there are no assessments of road routes in the study area such as the M25 and A412 Denham Way; nor the Grand Union Canal or the proposed HS2 Rail Route. It is common practice to consider whether any key routes warrant further consideration as part of the visual assessment, and again, this matter could have been resolved as part of any Scoping / consultation process.

Action: Consider if any key routes warrant further consideration as part of the LVIA; and if so, provide necessary assessment.

2.2. Methodology

- 2.2.1. The LVIA methodology and assessment criteria appear in paras. 7.2.1- 7.2.60 inclusive of the CCS MSA LVIA. Except as otherwise indicated in this Review, the methodology is considered to be generally appropriate for the scale and nature of the CCS MSA Development and in conformity with guidance contained within GLVIA3

- 2.2.2. Nevertheless, there remain a number of detailed methodological issues which would benefit from further clarification:

- In the evaluation of magnitude of the Landscape and Visual effects, it is not clear how the duration of the effects has factored into the overall judgements;
- In the evaluation of visual sensitivity (unlike for the landscape assessment) there are no value or susceptibility criteria identified, which make it unclear as to how sensitivity has been calibrated and determined; and
- In terms of consistency across the LVIA, it is common practice that the levels of significance of effect adopted would be similar across both the landscape and visual assessments. However, in Table 7.6 "Criteria for determining significance of landscape effects" there are three levels of adverse and beneficial effect and one neutral/negligible effect (seven in total) whereas in Table 7.7 "Criteria for determining significance of visual effects" there four levels of adverse and beneficial effects and two neutral/nil effects (ten in total). This inconsistency could lead to confusion when drawing together conclusions for the LVIA as a whole.

Action: Provide further detail / explanation of methodology in relation to duration of effects; evaluation of visual sensitivity; and significance criteria.

location / extent of the filling station and amenity building would have been helpful, especially in the closer VPs.

Action: Update wireframes visualisations to annotate additional features of the proposed development.

- 2.2.7. LDA/ BC also requested cross-sections (CSs) through the site, in order to effectively illustrate the relationship between the proposed development and the 'restored' HS2 site and supplement the prepared wireframes. Again, these are helpful in showing the proposed development in context and how the different elements of built form, earthwork and planting interact. It is presumed that these show trees after 15 years (although this is not stated) in which case being modelled at 11-12m is potentially too high; 7 - 8m might be more accurate.

Action: Clarify planting height presented in cross sections; and if necessary, update cross sections with revised assumed planting heights.

- 2.2.8. Finally, a number of fully rendered photomontages (in line with TG06/19 guidelines) would have been very useful to effectively illustrate the relationship between the proposed development and the 'restored' HS2 site, however, it is acknowledged the difficulties in preparing photomontages given the ongoing nature of the HS2 works.

3.1. Site and Study Area Description

- 3.1.1. The existing site and its environs are described in considerable detail under the heading “Physical Landscape Resources” at para. 7.4.9 and are illustrated by a series of baseline figures and a number of the baseline photographs in Figure 7.8. This section is sub-divided into descriptions of topography, watercourses, land use etc., along with a description of the future landscape baseline (as restored post-HS2, which is the basis for the assessment) for each element. This is helpful in documenting the differences between existing and future baseline conditions.

3.2. Landscape Baseline

- 3.2.1. The description of landscape designations, landscape character assessments and other landscape studies generally appears to be very comprehensive and well-researched. However, although it attempts to explain and interpret the pattern of often overlapping existing studies carried out by adjoining and former local authorities, the “Landscape Character” section (at para. 7.4.33) has a number of issues:

- Plate 7.2: “*Summary of landscape character hierarchy for the Site*” seems to show the CVRP LCA, a regional resource level assessment, as ranking just above the local site description and below the local level CD LCA; whereas logic should dictate that as a pan-county regional level of assessment, CVRP LCA should lie two rungs higher, between the top level National Character Area Assessment (NCA) and the County level Hertfordshire County Council LCA (HCC LCA).
- Figure 7.4 maps the CVRP LCA but this is not cross-referenced with the text, which would have aided the reader in understanding that this is a regional level study.
- Figure 7.5 maps three Landscape Character Assessments - Buckinghamshire Landscape Character Assessment (2011) BLCA; Hertfordshire Landscape Character Assessment and Hillingdon Landscape Assessment (2012) (HLCA) – the latter of which is not referred to in the text.
- Figure 7.5 does not map the CD LCA which *is* described in the text.

- 3.2.2. One approach may have been to focus on the more local scale adjacent assessments such as Chiltern District Council Landscape Character Assessment (CD LCA) rather than reporting on all of the overlapping LCAs.

Action: Review the hierarchy / description of landscape character areas; and ensure there is a consistency between text and mapping.

- 3.2.3. The Landscape Character section concludes by usefully summarising common landscape characteristics and landscape strategy considerations across the various LCA studies

encompassed by the study area, in Table 7.11, which helps to make sense of the overlapping studies and the various disparities identified above. This is followed in para. 7.4.85 by a summary of key aspects considered in the design of the Proposed Development and associated mitigation proposals, which clarifies how mitigation has been informed by guidance.

3.3. Visual Baseline

- 3.3.1. For comments regarding the ZTV, please see above, in para 2.2.3.
- 3.3.2. For comments regarding the selection of VPs, photographic images and visualisations, see above, in paras. 2.2.4-2.2.8 inclusive.

4.0 Review of LVIA Presentation

- 4.1.1. The LVIA text is generally well presented and logical in terms of layout and contents. As previously identified however, there are some issues identified regarding approach, methodology, ZTV and visual material as detailed in Section 2 of this Review.
- 4.1.2. The Landscape and Visual Criteria Tables and Summary Tables are again generally well laid-out and informative.
- 4.1.3. The LVIA figures all appear to be clearly presented and well laid out. However there are some issues with the content of Plate 7.2 and Figures 7.4 and 7.5, as detailed above in 3.2.1.

5.0 Review of Landscape and Visual Mitigation and Assessments

5.1. Landscape and Visual Mitigation

5.1.1. At the time of writing there are two outstanding Planning and Transport issues:

- Access to the MSA for staff and servicing is currently only from the M25. This is contrary to usual design practise for such developments.
- There is a suggestion that the amount of lorry parking allowed for in the design layout is insufficient.

5.1.2. While the LVIA is based on the 'fixed' scheme at the point of application, either, or both of, these issues have the potential to change the layout and/or increase the overall footprint of the development and could potentially alter the assessment findings.

Action: If any changes to scheme design arise during the determination process, consider how these may alter the assessment findings.

5.1.3. The illustrative Landscape Masterplan shown in Figure 7.14 and the landscape mitigation strategy in Table 7.12 show a series of mitigation proposals which have been incorporated into the design, with the intention of ameliorating potential adverse landscape and visual effects during the "operation" stage. The proposed MSA outline landscape design and landscape / visual mitigation measures seem appropriate to the site and environs and include new native woodland planting located around the perimeter of the Site for screening, tying into the existing landscape character and earth mounding along the eastern and southern perimeter of the Site, to increase the effective height of the new woodland planting when viewed from across the valley to the east around Harefield.

5.1.4. There is little indication in the LVIA (as Design and Access Statement) as to whether, or how, the site layout has been influenced in its evolution by the emerging findings of the landscape and visual assessment. Furthermore, within the site, there is a considerable easterly fall from the motorway down to the site boundary (c.30m according to the topography plan in Figure 7.3) and this is noticeable from having visited the interior the site and VPs 3,4,5, 8,9 and 10 (see also photographs in Figure 7.8) and site photographs taken close to the Site, near to VPs 9 &10 (Plates 2&3); across the valley at VP2 & VP4 on the edge of Harefield (Plates 1&4); and from within the site roughly from its highest point, looking east (Plate 5). At a result of this, the proposed planting and mounding may not fully screen the terraced components, especially at the south end of the eastern site where the slope is steepest, (namely, the petrol filling station, the lorry park and the motorway bridge and associated ramps up to it), even when the trees are fully grown. While views of the MSA – through / above proposed mounding and planting - are not necessarily unacceptable, this needs to be considered as part of the overall landscape and visual impacts arising from the scheme, and it would be useful to understand if any alternative approaches have been considered.

Action: provide text and / or diagrams illustrating how the LVIA has informed the design process and whether any alternative design / mitigation strategies have been considered.

- 5.1.5. Another more practical concern is that the roots of the retained mature oak tree in the eastern site, (pictured in Plates 2, 3 & 5) may be harmed by one of the adjacent new internal retaining walls either during construction works, or after construction due to the reduced water table.

5.2. Landscape Character Assessment

- 5.2.1. In the landscape impacts section, impacts upon physical landscape resources (i.e., "landscape fabric") are discussed first. The LVIA states in para. 7.6.27 that " ... all physical changes are limited to the area of the Site and will not have a direct impact on the wider landscape. As well as the Site in its local landscape context, the direct physical landscape impacts will directly influence the 'Maple Cross Slopes LCA' and the 'Chalfont St Peter Mixed Used Terrace LCA'.... It goes on to state that "... the majority of physical landscape impacts will occur during the construction phase. Once complete, any physical landscape impacts during operation will be limited to the establishment and growth of landscape mitigation.", which is agreed.
- 5.2.2. A detailed and competent description of likely construction impacts on landscape fabric / landscape character is then provided, clearly explaining the reasoning behind the judgements made. However, there is no reference here to the direct construction phase effects on CVRP Heronsgate / Chalfont Farmland LCA (within which the site is located); and potential indirect construction phase effects on the CVRP Rickmansworth to Uxbridge' LCA.
- 5.2.3. This is followed by a detailed and competent description of likely operational impacts on landscape character, which focuses on LCA's within the study and within which the site is located. This approach is considered appropriate with the exception of an assessment of potential indirect operational phase effects on the Rickmansworth to Uxbridge' LCA.
- Action: Provide additional assessment of the effects of the proposed development on the CVRP Heronsgate / Chalfont Farmland LCA and CVRP Rickmansworth to Uxbridge LCA.*
- 5.2.1. The MSA LVIA landscape character findings and in particular the detailed Landscape Character tables in Table 7.14 of the MSA LVIA, have been reviewed and some relatively minor differences in professional opinion are summarised in Table 1 below. Levels of magnitude or significance of effect to the right of the original LVIA findings represent the alternative opinion of LDA in each case. These differences are mainly due to professional judgement and LDA's perceived effectiveness of the mitigation proposals.

Table 1: Landscape Character Assessment Review

Site and its Local Landscape Context

	Reported: 1.Construction 2.Completion 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Low to Medium	/	Despite some different judgements, level and significance of long term effect (Minor-Moderate Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. Medium - High 2. Medium- High 3. Medium	1. High 2. / 3. /	
Significance of Effect	1.Moderate Adverse 2.Moderate Adverse 3.Minor-Moderate Adverse	1. Moderate-Major Adverse 2. / 3. /	

HLCA Maple Cross Slopes LCA

	Reported: 1.Construction; 2.Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Low to Medium	/	Site lies within LCA, so direct construction impacts. Other judgements slightly understated. Despite comments and some different judgements, level and significance of long term effect (Minor-Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. N/A 2. Low 3.Negligible-Low	1. High 2. Low-Medium 3. Low	
Significance of Effect	1.Not Significant 2.Minor-Moderate Adverse 3.Minor Adverse	1. Moderate-Major Adverse 2. / 3. /	

CLCA Chalfont St.Peter Mixed Use Terrace LCA

	Reported: 1.Construction; 2.Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium -High	/	Site lies within LCA, so direct construction impacts. Other evaluations slightly understated. Despite comments and some different judgements, level and significance of long term effect (Minor-Moderate Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. N/A 2. Low 3.Negligible-Low	1. High 2. Low-Medium 3. Low	
Significance of Effect	1.Not Significant 2. Moderate Adverse 3.Minor-Moderate Adverse	1. Moderate-Major Adverse 2. / 3. /	

CVRP Heronsgate/Chalfont Farmland LCA

	Reported: 1.Construction; 2.Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium -High	/	Site lies within LCA, so direct construction impacts. Despite comments and some different judgements, level and significance of long term effect (Minor-Moderate Adverse / not significant) aligns with Reviewers Assessment
Magnitude of Impact	1. N/A 2. Negligible-Low 3.Negligible	1. High 2. / 3. /	
Significance of Effect	1.Not Significant 2. Moderate Adverse 3.Minor-Moderate Adverse	1. Moderate-Major Adverse 2. / 3. /	

5.2.2. Notwithstanding the methodological issues raised previously and some slight differences in assessment judgements, the general landscape conclusions in terms of residual effects broadly align with those of LDA; i.e., that there will be no residual significant landscape

effects in the longer term (with the exception to this is the unassessed CVRP: Rickmansworth to Uxbridge' LCA which has the potential of indirect effects).

- 5.2.3. The LVIA also considers the landscape effects of night-time lighting associated with the CCS MSA Development. Once again, this is a competent description of likely effects arising and the general conclusions align with those of LDA. While there appears to be limited information within the application documents regarding lighting assessment / strategy, it is acknowledged there are limitations in assessing the effects of lighting at the outline stage; and it is anticipated that the effects of lighting can be mitigated through appropriate design and specification.

5.3. Visual Amenity Assessment

- 5.3.1. The CCS MSA LVIA visual assessment findings and in particular, the detailed Visual Assessment tables accompanying the panoramic baseline photographs in Figures 7.8 and 7.9 and Summary Table 7.15 of the MSA LVIA, have been reviewed and the methodological issues with the former have been discussed above in some detail in paras 2.2.4-2.2.8 inclusive.
- 5.3.2. The following are general observations on Table 7.15 and the detailed assessment tables in Figures 7.8 and 7.9:
- The tables do not state the nature of the receptors that the VP is representing;
 - The tables do not state the susceptibility to change, value and sensitivity of each viewpoint; and magnitude judgments do not identify the scale of effect, the extent, duration or reversibility of the change;
 - In some cases a 'nil' effect is recorded – i.e. there is no view of the Proposed Development – however, the corresponding description of visual change on the photopanel (Figures 7.8 and 7.9) refers to there being partial views in the longer term;
 - It is judged that the scale and overall magnitude of effects in year 15 in some cases overstates the likely effectiveness of the mitigation proposals; and
 - Effects are assessed for the HS2 viewpoints (A – D, Figure 7.9), however, these viewpoints are not represented in the tables.
- 5.3.3. Overall these issues make the visual assessment process difficult to interpret and sometimes less transparent.
- Action: Review and update the visual impact assessment to provide greater transparency and consistency of judgements.*
- 5.3.4. Key issues and any differences in professional opinion are summarised in Table 1 below. Levels of magnitude or significance of effect to the right of the original LVIA findings

represent the alternative opinion of LDA in each case. Please note, only those VPs where there is a difference in professional opinion are tabulated below.

Table 2: Visual Effects

VP 2; Belfry Ave., W. of Harefield

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium	High	Local residents and pedestrians would potentially increase sensitivity. Significance of effects adjusted to take account of potential 'high' sensitivity but level and significance of long term effects remain not significant.
Magnitude of Impact	1. Medium 2. Low 3. Negligible	1. / 2. / 3. /	
Significance of Effect	1.Moderate Adverse 2.Minor Adverse 3.Negligible Adverse	1.Moderate-Major Adverse 2.Minor-Moderate Adverse 3.Negligible - Minor Adverse	

VP 3; PROW on Common Land, W. of Harefield

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	1. Moderate Adverse on Fig. 7.8 - likely error; agree with findings on Table 7.15 as shown i.e. Moderate-Major Adverse during construction.
Magnitude of Impact	1. Medium 2. Low-Medium 3. Low	1. / 2. / 3. /	
Significance of Effect	1.Moderate-Major Adverse 2.Moderate Adverse	1. / 2. /	

	3.Minor-Moderate Adverse	3. /	
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VP 9; Old Shire Lane, N. of Juniper Wood

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	1.Moderate Adverse on Fig. 7.8 – likely error; agree with findings on Table 7.15 as shown i.e. Major Adverse during construction.
Magnitude of Impact	1. Medium-High 2. Medium 3. Low-Medium	1. / 2. / 3. /	
Significance of Effect	1.Major Adverse 2.Moderate-Major Adverse 3.Moderate Adverse	1. / 2. / 3. /	

VP 10; Old Shire Lane, near SE boundary of site

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to proximity of viewpoint to proposed development and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. High 2. Medium 3. Low	1. / 2. / 3. /	
Significance of Effect	1.Major Adverse 2.Moderate-Major Adverse 3.Minor-Moderate Adverse	1. / 2. / 3. Moderate Adverse	

VP 11; South Bucks Way, near South boundary of site

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to proximity of viewpoint to proposed development and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. High 2. Medium 3. Low	1. / 2. / 3. /	
Significance of Effect	1.Major Adverse 2.Moderate-Major Adverse 3.Minor-Moderate Adverse	1. / 2. / 3. Moderate Adverse	

VP 14; PROW by Bloom Wood

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to visibility / sky lining of bridge structure and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. Low-Medium 2. Low 3. Negligible	1. / 2. / 3. /	
Significance of Effect	1.Moderate Adverse 2.Minor-Moderate Adverse 3.Negligible Adverse	1. / 2. / 3. Minor Adverse	

VP 15; PROW West of M25

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	Long term effect judged to be greater; partly due to visibility / sky lining of bridge structure and effectiveness of screening at year 15. However, long term effects remain not significant.
Magnitude of Impact	1. Medium 2. Low-Medium 3. Negligible-Low	1. / 2. / 3. /	
Significance of Effect	1.Moderate-Major Adverse 2. Moderate Adverse 3.Minor Adverse	1. / 2. / 3. Minor-Moderate Adverse	

VP 18; PROW by Maple Cross

	Reported on Table 7.15: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	In accordance with the stated methodology, 'nil' effect assumes no development is visible, however, the description of effect refers to partial views of upper extents of built form. As such, there is inconsistency between the description and judgment. LDA consider there to some long term effects, however, these remain not significant.
Magnitude of Impact	1. Negligible-Low 2. Negligible 3. Nil	1.Low 2. Negligible-Low 3. Negligible	
Significance of Effect	1.Minor Adverse 2.Negligible-Minor Adverse 3.Nil	1. / 2. / 3. Negligible	

VP A; HS2 Site, Chalfont Lane

	Reported on Fig. 7.9: 1.Construction; 2.Completion; 3.Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	Medium	/	In accordance with the stated methodology, 'Nil' effect assumes no development is visible, however, the description of effect refers to partial views of upper extents of built form. As such, there is inconsistency between the description and judgment. LDA consider there to some long term effect, however, it is difficult to review the assessment judgements given nature of view / extent of HS2 construction works in the foreground. Overall, long term effects are likely to be not significant.
Magnitude of Impact	1. Low-Medium 2. Negligible 3. Nil	1. / 2. / 3. /	
Significance of Effect	1.Minor-Moderate Adverse 2.Negligible Adverse 3.Nil	1. / 2. / 3. /	

VP B; HS2 Site, Old Shire Lane, near Chalfont Lane

	Reported on Fig. 7.9: 1.Construction; 2.Completion; 3. Longer Term (Yr 15)	LDA Judgements (where different)	LDA Comments
Sensitivity	High	/	In accordance with the stated methodology, 'Nil' effect assumes no development is visible, however, the description of effect refers to partial views of upper extents of built form. As such, there is inconsistency between the description and judgment.
Magnitude of Impact	1. Medium-High 2. Negligible-Low 3. Nil	1. / 2. Medium 3. Low	
Significance of Effect	1.Major Adverse 2.Minor Adverse	1. / 2. Moderate-Major	

	3.Nil	3. Minor-Moderate	LDA consider the operational effects to be understated; partly due to proximity of viewpoint to proposed development and effectiveness of screening at year 15.
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- 5.3.5. In the light of the above observations and differences of professional opinion, it is considered that for a number of the viewpoints, notably those closest to the site, the effects have been understated in the visual assessment. As suggested above, it is considered that this difference in outcome is partly due to inconsistencies within the approach and methodology as detailed above in Sections 2 and 3; and because the longer-term effectiveness of the mitigation screening has been over-estimated within the LVIA.
- 5.3.6. Despite the re-evaluation of some visual effects, LDA have concluded that there would remain no significant visual effects in the longer term (i.e. no long term visual effects are judged to be 'moderate to major' or 'major') based on the viewpoints selected for use within the LVIA, and not withstanding earlier comments about viewpoint selection and consideration of potential effects on key routes.
- 5.3.7. An appraisal of the visual effects of lighting has also been carried in the LVIA. As with the landscape assessment, while there appears to be limited information within the application documents regarding lighting assessment / strategy, it is acknowledged there are limitations in assessing the effects of lighting at the outline stage; and it is anticipated that the effects of lighting can be mitigated through appropriate design and specification. The general conclusions align with those of LDA, and it is agreed that from the two closest Night-time VPs (N3 & N4), the MSA would indeed be seen immediately beside or across from the bright motorway lighting, reducing its potential effect / unlikely to be significant; and from further away (N1 & N2), effects are unlikely to be significant due to distance. s."

6.0 Conclusions & Key Findings

6.1 Introduction

- 6.1.1. LDA was commissioned by BC to review a LVIA which has been submitted in support of a Planning Application relating to the outline application for the Chiltern Chalfont Services Motorway Services Area (CCS MSA), proposed on land located either side of the M25, near Chalfont St. Peter, promoted by Extra MSA Group Limited.
- 6.1.2. There is no specific mention in the ES of any consultation with BC as the Local Planning Authority on landscape of visual matters at either Scoping or Pre-Application Consultation stages. As a result, the LVIA has not benefitted from the opportunity to discuss key aspects of the approach to assessment.
- 6.1.3. Given that the application has now been submitted / validated, it is not possible to extend the pre-application consultation, however, throughout this Review further actions are identified to address potential issues.

6.2 Approach

- 6.2.1. The assessment of effects for the Proposed Development is based upon the 'future baseline' once the HS2 Development has been fully restored, which is considered an acceptable approach.
- 6.2.2. The effects on some landscape character areas / types unlikely to receive significant effects have been scoped out; however, the LVIA does not mention which of these are scoped out; nor does it explain how or why these decisions have been arrived at. Effects on visual receptors beyond 4km from the Site, where it is judged that significant effects are unlikely to occur, are also scoped out; but it is unclear why a Study Area of 5km has therefore been selected for the LVIA.
- 6.2.3. Also scoped-out are effects upon the Green Belt and the CVRP within which the Site is located. Whilst it is agreed that these are not primarily landscape designations, nevertheless it would have been helpful to have had some commentary on the effect of the proposed development on their landscape and visual aspects.
- 6.2.4. In respect of Viewpoints (VPs) selected for the visual assessment, the justification for viewpoint selection is not always clear; and whether they are 'representative' of a range of receptors; and whether judgements made relate to effects experienced by visual receptors solely at specific viewpoints.
- 6.2.5. Although Public Rights of Way (PROWs) are identified on the Figures and represented by several VPs, there is no consideration of whether any key routes – such as footpaths, roads and rail - warrant further consideration as part of the visual assessment.

Key Actions

- *Review LVIA study area and clarify extents.*
- *Clarify the VP selection process; whether viewpoints are representative or illustrative; and whether predicted visual effects relate solely to the specific viewpoints or more generally to a broader receptor area.*
- *Consider if any key routes warrant further consideration as part of the LVIA; and if so, provide necessary assessment.*

6.3. Methodology

- 6.3.1. The LVIA methodology and assessment are informed by guidance contained within GLVIA3 and is generally appropriate for the scale and nature of the CCS MSA Development. Nevertheless, there remain number of detailed methodological issues which would benefit from further clarification, namely around assessment criteria and ZTV study.
- 6.3.2. The existing visual material is not currently produced in accordance with current good practice guidance as described in GLVIA3 and Landscape Institute Guidance Note 06/19.¹³, however, the baseline photographs have since been updated to show the extent of the “operational” area and the “red-line” area.
- 6.3.3. Wirelines / cross sections have also since been produced and this material is helpful in assisting the reader in understanding the changes to the landscape and visual environment. However, the wireframes may have benefited from additional annotations showing the approximate location of new features visible; and the heights of the proposed planting in the cross sections is potentially too high.
- 6.3.4. Fully rendered photomontages (in line with TG06/19 guidelines) would also have been very useful given the nature and scale of development, however, it is acknowledged the difficulties in preparing photomontages given the ongoing nature of the HS2 works.

Key Actions

- *Provide further detail / explanation of methodology in relation to duration of effects; evaluation of visual sensitivity; and significance criteria.*
- *Provide further detail of the ZTV study and consider preparing additional ZTV study to illustrate effectiveness of proposed mitigation measures.*
- *Clarify the presentation of photography and consider presenting photography in accordance with TG06/19.*
- *Update wireframes visualisations to annotate additional features of the proposed development.*
- *Clarify planting height presented in cross sections; and if necessary, update cross sections with revised assumed planting heights.*

¹³Landscape Institute (2019), Visual Representation of Development Proposals Technical Guidance Note 06/19

6.4. Landscape and Visual Baseline Descriptions

- 6.4.1. The description of landscape designations, landscape character assessments and other landscape studies generally appears to be very comprehensive and well-researched. However, there are some inconsistencies in explaining / interpreting the pattern of often overlapping existing studies.
- 6.4.2. The description of the visual baseline is well documented, however, there remains issues of clarification around the study area; ZTV study; viewpoint selection / use; and associated visual material.

Key Actions

- *Review the hierarchy / description of landscape character areas; and ensure there is a consistency between text and mapping.*

6.5. Review of LVIA Presentation

The LVIA text, summary tables and figures is generally well presented and logical in terms of layout and contents.

6.6. Landscape and Visual Mitigation

- 6.6.1. While the LVIA is based on the 'fixed' scheme at the point of application, it is understood that there are issues regarding access to the MSA for staff and servicing; and amount of lorry parking that could potentially change the layout and alter the assessment findings.
- 6.6.2. The proposed MSA outline landscape design and landscape / visual mitigation measures seem appropriate. This includes new native woodland planting located around the perimeter of the Site for screening, tying into the existing landscape character and earth mounding along the eastern and southern perimeter of the Site, to increase the effective height of the new woodland planting.
- 6.6.3. There is little indication in the LVIA (and the Design and Access Statement) as to whether, or how, the site layout has been influenced in its evolution by the emerging findings of the landscape and visual assessment. In addition, it is judged that the proposed planting and mounding will not fully screen elements at the south-eastern end of the Site. While views of the MSA – through / above proposed mounding and planting - are not necessarily unacceptable, this needs to be considered as part of the overall landscape and visual impacts arising from the scheme, and it would be useful to understand if any alternative approaches have been considered.

Key Actions

- *If any changes to scheme design arise during the determination process, consider how these may alter the assessment findings.*
- *Provide text and / or diagrams illustrating how the LVIA has informed the design process and whether any alternative design / mitigation strategies have been considered.*

6.7. Landscape Character Assessment

- 6.7.1. Notwithstanding some identified methodological issues and details of the landscape baseline, the general landscape assessment judgements broadly align with those of LDA.
- 6.7.2. The exception to this is the unassessed direct construction phase effects on CVRP Heronsgate / Chalfont Farmland LCA (within which the site is located); and potential indirect construction phase / operational effects on the CVRP Rickmansworth to Uxbridge LCA.
- 6.7.3. The LVIA also considers the landscape effects of night-time lighting. While there appears to be limited information within the application documents regarding lighting assessment / strategy, the general conclusions align with those of LDA and it is anticipated that the effects of lighting can be appropriately mitigated.

Key Actions

- *Provide additional assessment of the effects of the proposed development on the CVRP Heronsgate / Chalfont Farmland LCA and CVRP Rickmansworth to Uxbridge LCA.*

6.8. Visual Amenity Assessment

- 6.8.1. The visual assessment findings and in particular the detailed Visual Assessment tables accompanying the panoramic baseline photographs in Figures 7.8 and 7.9 and Summary Table 7.15 of the MSA LVIA, have a number of methodological / presentation issues which makes the visual assessment process difficult to interpret and sometimes less transparent.
- 6.8.2. LDA Design also consider that for a number of the viewpoints assessed, notably those closest to the site, the effects have been understated, partly due to inconsistencies within the approach and methodology; and partly because the longer-term effectiveness of the mitigation screening has been over-estimated within the LVIA.
- 6.8.3. Despite the re-evaluation of some visual effects, LDA have concluded that there would remain no significant visual effects in the longer term (i.e. no long term visual effects are judged to be 'moderate to major' or 'major') based on the viewpoints selected for use within the LVIA, and not withstanding earlier comments about viewpoint selection and consideration of potential effects on key routes.
- 6.8.4. An appraisal of the visual effects of lighting has also been carried in the LVIA, and – as with the landscape assessment – the general conclusions align with those of LDA.

Key Actions

- *Review and update the visual impact assessment to provide greater transparency and consistency of judgements.*



Plate 1: Viewpoint 2/N2; Park Lane/ Belfry Avenue Junction; looking west from roadside pavement over the hedge towards the Site



Plate 2: Near VP9, South Bucks Way/ Old Shire Lane



Plate 3: Near VP10, South Bucks Way/Old Shire Lane illustrating fall in site levels from oak tree



Plate 4: VP3, Common Land, Harefield, looking west towards site showing slope down from M25 to valley floor



Plate 5: View from Site high point by M25 looking east above proposed internal roundabout location, down towards retained mature oak tree



Plate 6: Near VP 15, PROW, looking south east over M25 towards Site; dry valley in foreground; retained oak tree on eastern site. West site (bridge, on/off ramps) proposed on ridge to right

1.0 Introduction

- 1.1.1. LDA Design Consulting Ltd (LDA) was commissioned in September 2022 by the Planning, Growth & Sustainability Directorate of Buckinghamshire Council, (BC) to review a Landscape and Visual Impact Assessment (LVIA) which has been submitted in support of a Planning Application relating to the outline application for the Chiltern Chalfont Services Motorway Services Area (CCS MSA) (reference PL/22/1411/OA)
- 1.1.2. The CCS MSA Development is proposed on land located between Junctions 16 and 17 either side of the M25, Buckinghamshire, near Chalfont St. Peter (the Site) and is being promoted by Extra MSA Group Limited. The authors of the CCS MSA LVIA are Pegasus Group (Pegasus) working on behalf of the Applicant.
- 1.1.3. The LDA 'LVIA Review' was provided to BC in November 2022 and provided to Pegasus. Pegasus have subsequently commented on the LVIA Review and provided clarifications / additional material in a 'LVIA Addendum – December 2022'.
- 1.1.4. This 'LVIA Review Addendum – January 2023' set outs the original LVIA Review recommendations; how Pegasus have responded; whether or not the original recommendation has been satisfactory addressed; and any further commentary.

2.0 Findings

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
1. Review LVIA study area and clarify why 5km extent has been used	Addressed at 7.2.75 to 7.2.76	Yes	No further comment
2. Clarify the viewpoint selection process; whether the viewpoints are representative or illustrative; and whether predicted visual effects relate solely to the specific viewpoints or more generally to a broader receptor area.	Addressed at 7.2.41 and at 7.2.80 to 7.2.81 (including reference to Appendix 7.1).	Yes	No further comment
3. Consider if any key routes warrant further consideration as part of the LVIA; and if so, provide necessary assessment.	This has been considered and concluded that no further assessment necessary, noting the need to consider potentially 'significant effects' and that where the routes of the PROW are within the ZTV these have been considered and assessed as appropriate.	Yes	Original query actually referred to all routes, not just PROW routes. However, query has been satisfactorily resolved by responses, revised text and new VP table as addressed above in Row 2.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
4. Provide further detail / explanation of methodology in relation to: - duration of effects – it is not clear of these have factored into the overall judgement; - evaluation of visual sensitivity- no value or susceptibility criteria identified which make it unclear on how sensitivity has been determined; and - significance criteria – inconsistencies between Table 7.6 and Table 7.7.	In respect of ‘duration of effects’, this is a consideration in the assessment of landscape and visual impacts and is clearly defined as one of the considerations used in professional judgements on impact and effect, as per Tables 7.4 and 7.5. In respect of visual sensitivity, addressed at 7.2.47 to 7.2.49. In respect of significance criteria, addressed in Table 7.6.	Yes	No further comment
5. Provide further detail of the ZTV study and consider preparing additional ZTV study to illustrate effectiveness of proposed mitigation measures.	Addressed at 7.2.77 to 7.2.78. No additional ZTV has been prepared. Note that Figure 7.6a includes the ‘landscape bund’ as one of the core parts of mitigation. Also note that ZTV’s remain a working tool and crude account of visible/not visible, even with mitigation, and considering not all screening is included, it would remain an	Yes	No further comment

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
	overstated account of visibility in terms of spatial extent and degree of change which requires professional judgement in terms of visual impacts effects.		
6. Clarify the presentation of photography and consider presenting photography in accordance with TG06/19.	The photography in the submitted LVIA (and Figure 7.8A) is presented correctly and in accordance with the relevant guidance (i.e. Visual Representation of Development Proposals, Technical Guidance Note 06/19, 17 September 2019) (TGN 06/19). Paragraph 4.2.2 TGN 6/19 states that: “Single images will be planar (i.e. as captured by the camera). Alternative lens types may be considered - see Appendix 1. Where single images can capture the site (e.g. 39.6° x 27°) and be presented at A3, they may be supported by two baseline panoramic images (maximum 60° HFOV) presented on an A3 sheet.	Partially	Fig.7.8a is now annotated to show the location of the development site which is very helpful, and we are satisfied that the photography is largely produced in accordance TGN 06/19 / guidance for Type 1 presentation In accordance with the guidance, it would be useful to have technical details included alongside the ‘zoomed in’ single image, however, this does not in any way effect the usefulness of this image or assessment judgements.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
	This is purely to show the location of the full-size single image frame in its context and, as such, should be noted as being 'for context only'. Wide panoramas on an A3 sheet are too small to provide a representation of the proposed development. " TGN 06/19, Table 3 restates this detail. 7.2.18 (which was in the original LVIA) is consistent with this.		
7. Update wireframes visualisations to annotate additional features of the proposed development such as the filling station and amenity building.	Addressed, refer to Appendix 7.2.	Yes	No further comment
8. Clarify planting height presented in cross sections, currently showing 11-12m which is potentially too high; and if necessary, update cross sections with revised assumed planting heights.	Addressed, refer to Appendix 7.4 Revised planting assumptions for robustness as follows: - Existing trees are drawn between 11-12m tall	Partially	8-12m is now stated as the range of heights for the proposed woodland trees. As previously stated, 7-8m high would be more appropriate for illustrating planting at Year 15, however, it is accepted that the detailed landscape design proposals – including the specification of trees – is unknown at this stage.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
	<ul style="list-style-type: none"> - Existing and proposed shrubs are drawn between 1.5-1.7m tall - Proposed woodland planting/tree groups are drawn between 8-12m tall - Standard trees are drawn between 10-12m - Existing woodland is modelled at 15m <p>This makes no change to the assessment conclusions.</p>		
9. A number of fully rendered photomontages (in line with TG06/19 guidelines) would have been very useful to effectively illustrate the relationship between the proposed development and the 'restored' HS2 site, however, it is acknowledged the difficulties in preparing photomontages	Addressed, refer to Appendix 7.3	Partially	<p>One fully rendered photomontage sequence has been provided from VP3, showing existing, year 1 and year 15. This is helpful in showing location and massing of development, and the role and effectiveness of the proposed landscape treatment.</p> <p>The photomontage provided is not quite to TG06/19 guidance. As presented at A1 size - according to Table 5 of the guidance, for a Type 4 presentation -</p>

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
given the ongoing nature of the HS2 works.			<p>the image size should be a minimum of 820x250mm (rather than 240mm) and should have a HFoV of 90 degrees (rather than 75 degrees). We note that this guidance is also applicable to the earlier wireframes produced. However, we accept that revising the wireframes / photomontage to the correct presentational standards will not affect the usefulness of these visuals or assessment judgements.</p> <p>We note that the representation of the 'future' baseline landscape – post HS2 operations and restoration - is not particularly refined but we accept the difficulties and limitations in preparing visualisations in such circumstances.</p>
10. Review the hierarchy / description of landscape character areas; and ensure there is a consistency between text and mapping. Useful for figures to be referenced within the text to aid the reader for Figure 7.4 and 7.5.	Addressed at Plate 7.2, Table 7.13, 7.1.313 and Table 7.14	Partially	Plate 2, Fig.7.5 have both been successfully amended and CVRP LCA is now mentioned and described in the text. Also, the approach to effectively scoping out potential indirect effects of the proposed development on Rickmansworth-Uxbridge LCA has now been addressed in the LVIA text and is clear. However, although shown in Fig.7.5a, HLCA is still not referred to in the text.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
			There remains some minor professional disagreement on assessment levels but the residual landscape character effects in each case are broadly agreed.
11. Note the two outstanding Planning and Transport issues relating to access and HGV parking. If any changes to scheme design arise during the determination process, consider how these may alter the assessment findings.	Addressed, see note immediately following this table. To confirm, the access changes as set out in Chapter 4 of this Addendum are minor modifications only. No change has been made to HGV parking as this is deemed sufficient.	Yes	No further comment
12. Provide text and / or diagrams illustrating how the LVIA has informed the design process and whether any alternative design / mitigation strategies have been considered.	Addressed at 7.5.20	Yes	No further comment
13. Provide additional assessment of the effects of the proposed development on the CVRP Heronsgate / Chalfont Farmland	Note that these LCAs were considered in the previous LVIA, however are further discussed at 7.4.71 and 7.4.86. In respect of the	Yes	The approach to assessing these LCAs is now understood and accepted; no further comment.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
LCA and CVRP Rickmansworth to Uxbridge LCA.	Rickmansworth to Uxbridge LCA, this was addressed in baseline but specifically no significant effects In the context of landscape effects not being significant for those LCA's in which the site is located (as broadly agreed by the LDA Review, para 5,22) and also the context of the substantial change to the R&U LCA resulting from HS2 (including its mitigation) it is highly unlikely that the R&U LCA would be subject to significant residual landscape effects as a result of the Proposed Development.		
14. Review and update the visual impact assessment to provide greater transparency and consistency of judgements. The following observations were made:	Addressed at 7.2.41, 7.2.47 to 7.2.49, Table 7.15, Figure 7.8A and Appendix 7.1	Partially	<ul style="list-style-type: none"> a) Addressed in Appendix 7.1. b) Not addressed either in Table 7.15 or Figure 7.8a, although it is acknowledged that these judgements have been taken account of in the overall assessment. c) Not addressed e.g., in Fig.7.8a VP18, Fig. 7.9, VPA – consistency is needed as to whether there are no views or partial views from

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
<ul style="list-style-type: none"> a) The tables do not state the nature of the receptors that the VP is representing. b) The tables do not state the susceptibility to change, value and sensitivity of each viewpoint; and magnitude judgments do not identify the scale of effect, the extent, duration, or reversibility of the change. c) In some cases, a 'nil' effect is recorded – i.e., there is no view of the Proposed Development – however, the corresponding description of visual change on the photo panels (Figures 7.8 and 7.9) refers to there being partial views in the longer term. d) It is judged that the scale and overall magnitude of effects 			<ul style="list-style-type: none"> certain viewpoints, and the judgement recalibrated. d) There remains some minor professional disagreement on assessment levels but the residual visual effects in each case are broadly agreed. e) Addressed in Table 7.15.

LDA recommended actions - LVIA Review November 2022	Where / how addressed by Pegasus – LVIA Addendum December 2022	Action addressed? Yes / No / Partially	LDA comments/ additional recommended actions
<p>in year 15 in some cases overstates the likely effectiveness of the mitigation proposals; and</p> <p>e) Effects are assessed for the HS2 viewpoints (A – D, Figure 7.9), however, these viewpoints are not represented in the tables.</p>			

National Highways 12th May 2023

Dear Rachel,

I refer to the planning application as referenced above dated 5 April 2022 that was validated by Buckinghamshire County Council on 4 May 2022.

As you will be aware National Highways was appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the M25 and for this application the section of the M25, in both directions, between Junctions 16 and 17.

National Highways has worked with the applicant team and Buckinghamshire

County Council officers to understand the proposal for a Motorway Service Area to be delivered at this location. The application is made in Outline apart from access which is in Detail. The applicant team have been in discussion with National Highways, and their Technical Advisors, and we have been able to reach agreement on a preliminary access design. This has been subject of a Road safety Audit Stage 1 and a copy of the Audit Report and Designers Response are included with this email. No significant safety issues were identified by the Audit and the minor issues raised will all be addressed through detailed design. Before the MSA can become operational there will be a need to consider the need for Highways Act Orders and either temporary or permanent Traffic Regulation Orders.

National Highways Position

The DfT Circular 01/2022 para 74 - 112 sets out the policy position regarding MSA provision and spacing, including spacing for freight facilities at paras 79 – 112. Annex A of DfT Circular 01/2022 sets out minimum requirements for roadside facilities to be eligible for signing from the SRN.

Para 78 says: In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing between different facilities, for safety reasons, as informed by the maximum recommended distances set out above.

National Highways is supportive of a MSA facility in the North West quadrant of the M25 and in the case of the application made under reference PL/22/1411/OA recommends that conditions be attached to any permission Buckinghamshire County Council may choose to grant. These conditions should be retained as written in the accompanying NHPR within any Decision Notice that is issued subsequent to the determination of this planning application. National Highways is recommending eight conditions in total.

This is the formal response from National Highways in respect of planning application number PL/22/1411/OA and should be read in conjunction with the attached NHPR that sets out our recommended conditions. Please get in touch if you would like to discuss any aspect of this response

Council's Reference: PL/22/1411/OA

Location: M25 between Junctions 16 and 17

Proposal: Chiltern Chalfont Motorway Service Area (MSA) and associated works on land to the west of the M25 between Junctions 16 and 17 in Buckinghamshire.

National Highways Ref: 94962

Referring to the consultation on a planning application dated 5 April 2022 referenced above, on the M25 between junctions 16 and 17 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) ~~offer no objection (see reasons at Annex A);~~
- b) recommend that ten (10) conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & Reasons);
- c) ~~recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- d) ~~recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is relevant to this application.¹

This represents National Highways’ formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

[The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.](#)

Signature:	Date: 20 September 2023
Name:	Position: Spatial Planning Manager
National Highways: Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ	

Annex A National Highways’ assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway

¹ Where relevant, further information will be provided within Annex A.

authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways Act Section 175B

In accordance with Section 175(b) of the Highways Act 1980 (as inserted by The Infrastructure Act 2015) National Highways consents to the formation of an access on to the M25 Motorway. This consent is valid only for application PL/22/1411/OA and to the layouts shown on drawing Offsite Highway Works General Arrangement Drawing Ref: 255375-ARP-ZZ-ZZ-DR-CH-1001.

Recommended Conditions

Condition 1

The development shall be carried out in accordance with the 'Proposed Access Junction – General Arrangement shown on Offsite Highway Works General Arrangement Drawing Ref: 255375-ARP-ZZ-ZZ-DR-CH-1001, or such other scheme of works or variation substantially to the same effect, to be approved in writing by the Local Planning Authority.

The approved scheme shall be fully completed prior to first use of the development hereby permitted.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative

Subject to detailed design, this development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highway.

Condition 2

No surface water shall be permitted to run off from the development on to the Strategic Road Network, or in to any drainage system connected to the Strategic Road Network. No new connections from any part of development may be made to any Strategic Road Network drainage systems.

Prior to the installation of any drainage, full details of any new drainage system including, its specification and location, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways).

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2.

Condition 3

No development shall commence until a Construction Environment Management Plan (CEMP) (Strategic Road Network) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but not be limited to, the following detail:

- Construction programme for the MSA;
- the proposed construction traffic routes to the site, to be identified on a plan;
- construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from by vegetation clearance, ground works, demolition and/or construction to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0930) and PM Peak (1630-1800) periods);
- an estimate of the daily construction vehicles, number and type profiled for each construction phase, identifying the peak level of vehicle movements for each day
- Cleaning of site entrances, site tracks and the adjacent public highway;
- confirmation that a formal agreement from National Highways for temporary access/egress has been obtained (if required) for the M25. Motorway;
- details of any proposed strategic road temporary traffic management measures on the M25 motorway, between Junctions 16 and 17;
- management and hours of construction work and deliveries;
- area(s) for the parking of vehicles of site operatives and visitors;
- area(s) for the loading and unloading of plant and materials;
- area(s) for the storage of plant and materials used in constructing the development ;
- siting and details of wheel washing facilities;
- the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- details of waste management arrangements;

- the storage of materials and construction waste, including waste recycling where possible;
- Details of any proposed strategic road temporary traffic management measures on the M25 motorway, between Junctions 16 and 17;
- the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- measures to avoid impacts on the non-statutory designated sites and retained habitats;
- details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas because of the construction programme;
- protection measures for hedgerows and grasslands;
- contact details of personnel responsible for the construction works; and
- soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use.

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

Reason: This is required to be pre-commencement condition in order to ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2 in consultation with National Highways.

Condition 4

Prior to the installation of any external lighting full details of a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The lighting strategy shall include the following details and shall be prepared by a suitably qualified lighting engineer/specialist in accordance with The Institution of Lighting Engineers Guidance Notes For The Reduction of Obtrusive Light:

- identify areas/features on site that are particularly sensitive for bats and their breeding and resting places, or along important routes used to access key areas of their territory;
- levels of luminance;
- timing of its provision; and
- location for installation including appropriate lighting contour plans.

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition 5

Each Reserved Matters application for the approval of landscaping for that relevant phase of the development shall include details of both hard and soft landscaping works, ecology works and an implementation programme.

The details shall include (but not be limited to the following):

- Excavations
- Number, location and type of parking spaces to be provided in accordance with the parking requirement outlined in Annex A, Table 2 of the Circular 01/2022;
- noise barriers (a fence and/or earth bund) as may be required;
- hard surfacing areas (e.g. surfacing materials) and their permeable qualities;
- planting plans including details of schedules or plants noting species, planting sizes and proposed numbers/densities;
- ecological assets/features to be retained and enhanced;
- new habitat to be created, in particular, detailed designs of any wetland features or ponds that will be created;
- ground levels: existing and future levels for all hard surfaced and landscaped areas;
- position, design, materials, height and type of all walls and/or fences or permanent boundary/screening treatment to be erected;
- infrastructure such as footpaths, lighting, car parking; and
- written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment).

All hard and soft landscaping works shall be carried out in accordance with the approved details, implementation programme and British Standard BS4428:1989 Code of Practice for General Landscape Operations and thereafter retained. Where possible, the implementation programme for all planting, seeding and turfing shall be carried out no later than first planting and seeding seasons; where planting takes place outside of planting and seeding seasons, an enhanced watering regime will be required, and this shall be specified in the detail of the landscaping works.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with adopted Local Plan saved Policies GC1, GB4, TR15 and GB30 and Core Strategy Policy CS20 and in consultation with National Highways. To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on the local road network.

Condition 6

No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.

Any planting which forms part of the approved landscaping scheme outlined in condition 5, which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the

next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with adopted Local Plan saved Policies GC1, GC4, and GB30 and Core Strategy Policy CS20.

Condition 7

At the same time as the first Reserved Matters application a Landscape Management and Maintenance Plan, including long-term design objectives, management responsibilities and maintenance schedules relating to the hard and soft landscaped areas, internal roads, parking areas and verges as detailed in Condition 7, shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Management and Maintenance Plan shall be carried out as approved thereafter for the lifetime of the development.

Reason: To ensure successful aftercare of landscaping in the interests of visual amenity in accordance with Core Strategy Policy CS20 and Local Plan Policies GC1, GC4, TR15 and GB30

Condition 8

No development shall commence (including ground works, site and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The CEMP (Biodiversity) shall include, but not be limited to, the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”, including specific reference to badger, great crested newt, breeding birds and ancient woodland;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- Responsible persons and lines of communication;
- The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they need to be present to oversee works;
- Measures for removal of invasive species within the site; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in full throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition is required to be pre-commencement in the interests of improving biodiversity and to ensure the survival of protected and notable species during construction of the proposed development. Relevant Policy: Core Strategy CS24

Condition 9

No development (for avoidance of doubt this includes excavation works, and/ or landscaping works), shall commence until a geotechnical report (in accordance with Design Manual for Roads and Bridges Standard CD622) has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the M25 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2; in consultation with National Highways.

Condition 10

Prior to first use of the development a Traffic Signs Agreement and Wider Network Services Signage Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The signage for the development shall be carried out in accordance with these approved details.

Reason: To ensure that the M25 trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and informed travellers. Relevant Policies: Core Strategy CS25, CS26 and Local Plan TR2; and in consultation with National Highways.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Chiltern Society

The Chiltern Society is a charitable body with around 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area, which includes the Chilterns Area of Outstanding Natural Beauty (AONB) and part of the London Green Belt.

The Chiltern Society wishes to object to these proposals due to potential negative impacts on the Green Belt and the Chilterns landscape.

The Society is aware that this is one of 3 planning applications for service areas along the western stretch of the M25. Whilst we consider that one MSA could possibly be justified on the grounds of road safety, there is clearly no justification for more than one site to be approved. All the sites are in sensitive locations in the Green Belt and very special circumstances will need to be demonstrated before any site can be approved. Of the 3 sites, the application site and the refused Kings Langley site are located within the Chiltern Society's area.

It is absolutely essential that all 3 sites are considered together so that their relative merits can be assessed and a final decision made as to whether one site should be allowed or no sites at all. We have previously requested that all 3 sites were called in by the Secretary of State for determination.

There are precedents for this from the development of the Beaconsfield Services in 2008/09, where 3 sites were considered, and the Harrogate Services Inquiry in 2021, where 2 sites were considered (Refs APP/E2734/W/20/3245778, APP/E2734/W/20/3261729).

We also note that it is recognised by most parties that there should be only one site, and this was confirmed through the previous appeal where the applicants for all 3 schemes gave evidence. An assessment of the merits of the 3 sites was made by the Inspector for the planning appeal relating to the previous application on a site nearby.

Whilst we are not in a position to make a direct comparison between the sites, we would expect your Council to be liaising internally and with the Highways Agency to ensure the best possible scheme to serve the needs of the motorway, whilst protecting the Green Belt and the local environment. The key characteristics of the Green Belt are its openness and permanence. In our view, both of these characteristics would be adversely affected by the development. In particular, the main facilities building, the fuel filling station, the new motorway bridge and the extensive car parking could have a significant impact on the Green Belt.

The Planning Statement accompanying the application seeks to address issues in relation to the Green Belt and to justify why the applicant considers that very special circumstances exist (Section 10).

The first question raised is as to whether the service station would be considered to be 'inappropriate development' in the Green Belt under paragraphs 147-150 of the National Planning Policy Framework (NPPF). The applicant states that the development would be inappropriate in the

Green Belt and a 'very special circumstances' assessment is required under paragraph 148 of the NPPF 2021.

Therefore, the applicant is required to demonstrate that the benefits of the proposal clearly outweigh the harm to the Green Belt. The key aspects of the Green Belt that need to be assessed are their openness and permanence.

We do not understand how it can be considered that the development of a facilities building and filling station, along with substantial parking areas can be considered not to impact significantly on openness. Openness should be interpreted as land free from development. As there is currently no development on site, the development must impact negatively on openness.

Also, the development would clearly conflict with the purpose of the Green Belt that relates to safeguarding the countryside from encroachment. The site is a green field that forms part of the edge of the Chilterns and is therefore of local landscape importance. The proposed development would give the site a more urban appearance. It is also located within the Colne Valley Park.

Therefore, we conclude that the development must be considered to be 'inappropriate development' and that the onus is on the applicant to demonstrate why very special circumstances exist. The harm in this case is substantial due to the current open appearance and its clear visibility from the motorway and other receptors. The landscape impacts, as identified in the Landscape and Visual Impact Chapter of the EIA, are largely negative and will need to be given considerable weight against the development. Some of the individual impacts on the site itself in terms of landscape and visual impacts were assessed as low to moderate adverse and the combined effect of these changes needs to be considered also.

The applicant has tried to argue that very special circumstances exist based on the needs of motorists and that the whole of the M25 is located within the Green Belt. Whilst these are valid arguments, they do not, in our view, clearly outweigh the harm to the Green Belt that would be caused by this development.

As mentioned above, it is essential that this application is looked at alongside the Junction 20 and Iver Heath proposals and that other potential sites are also considered.

Should the Council be minded to approve this application against our advice, we would wish the development to be an environment-led scheme, which takes full account of environmental impacts and includes a comprehensive structural landscaping scheme and habitat creation works that would lead to a net gain in biodiversity. The use of features such as green roofs, permeable surfaces and sustainable drainage systems should be a key part of the design of the development. Key views should be identified and both on-site and off-site mitigation measures incorporated to minimise the impacts. Lighting schemes would also need to be carefully designed to minimise light spillage.

To protect and enhance the biodiversity of the Chilterns, the Society has published its own Manifesto for Chilterns Wildlife to support the implementation of the Chilterns AONB Management Plan. <https://chilternsociety.org.uk/chiltern-manifesto/> The Society is actively involved in biodiversity in the Chilterns, owning and managing its own sites and working on projects to conserve and enhance biodiversity. In addition, Buckinghamshire has been selected as one of the national pilots for Nature Recovery Networks and the Biodiversity Net Gain scheme is being developed by the Government.

With this increased emphasis on nature recovery there needs to be a substantial net gain on a site such as the application site. The Illustrative Masterplan goes some way to increasing woodland and

grassland habitats, but there are more opportunities to create linkages between habitats through, for example hedgerows and tree belts of native species. Some areas, particularly adjacent to existing woodlands, could be set aside for natural regeneration rather than tree planting. There is also scope to create more biodiversity opportunities and enhance the landscape on the operational site itself, by for example, incorporating trees into the parking areas. The other significant opportunity is to link with and complement the new woodland and grassland habitats proposed as part of the restoration of the HS2 construction site.

We would expect a condition to be added to any permission to require a long-term management plan to ensure that the new habitats created are maintained and managed into the future.

In assessing the application site, it is essential to consider cumulative effects with development of the HS2 railway line. The South Portal of the Chiltern Tunnel and the associated construction sites are immediately adjacent to the application site. That development has already caused substantial disturbance to the landscape and biodiversity in this area. The visual impacts of the tunnel and the MSA are likely to be seen in the same views and to cumulatively have significant negative impact on the openness of the Green Belt and the landscape of this part of the Chilterns.

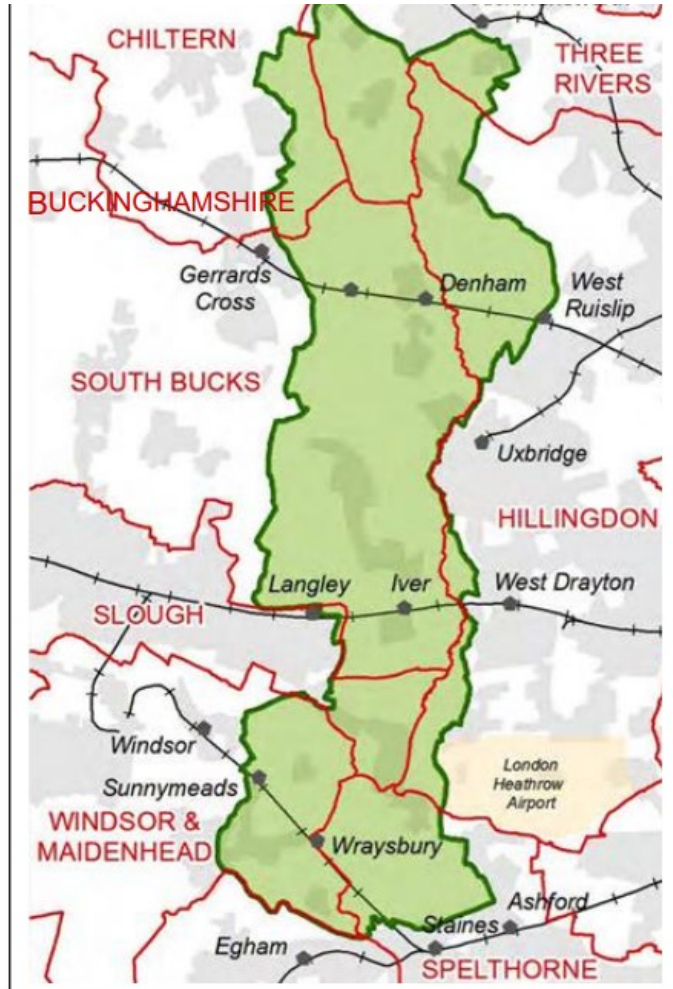
We hope you will be able to consider these representations during the application process.

Colne Valley Regional Park

**This response is from and behalf of
The Colne Valley Regional Park**

The Colne Valley Regional Park was founded in 1965 when local authorities – including Bucks County Council – showed great foresight in agreeing to work together to preserve and enhance this precious area for recreation and nature conservation.

It is supported by more than 80 member organisations including local authorities, businesses, residents' associations, environmental charities and user groups. Groundwork South acts as the Park's managing agent.



The Colne Valley Regional Park has six objectives:
<https://www.colnevalleypark.org.uk/whats-special/>

Landscape

The Colne Valley Regional Park (CVRP) covers eight local planning authorities. As a result, the valley is rarely, if ever, considered at a landscape scale.

The creation of a Green Infrastructure Strategy <https://www.colnevalleypark.org.uk/green-infrastructure-strategy-downloads/> for the Colne Valley Regional Park aims to bring the green and blue on the map to the forefront of planning policy and decisions, and feature the landscape of the Valley as a whole, rather than from the perspective of its various council boundaries. These boundaries are an administrative convenience – they don't exist as real barriers to people and wildlife. The Crane Valley has been added to this strategy to provide a truly landscape-scale picture of the area.

This cross-border approach is entirely consistent with Green Belt policy in the National Planning Policy Framework.

Summary of response

The whole site is within the Colne Valley Regional Park and Green Belt.

National policy states that the Government attaches great importance to Green Belts (para 137 of the NPPF). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

This application proposes large scale development (35.88 hectares) in the Green Belt separating Chalfont St Peter and Maple Cross. The site, mainly on the eastern side of the M25, is directly adjacent to HS2's construction site creating the new tunnel under the M25 currently used for stockpiling soil and other material but will ultimately revert to agriculture in the restoration scheme (Western Valley Slopes) to which the CVRP has been party to, as a founder member in the working group.

The development conflicts with National Green Belt Policy unless Very Special Circumstances are proven. The applicants suggest that their scheme is in the best location to deliver government policy on MSAs. However, it should be pointed out that other alternatives to this site have either been considered or are under current consideration.

Para 145 of the NPPF states that Local Authorities have a duty to protect and enhance the GB:

'Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

Buckinghamshire Council should therefore support the CVRP in delivering its six objectives which are consistent with this paragraph and not allow further development in the Green Belt. Where development in the Green Belt is considered necessary, substantial compensation and mitigation should be provided to benefit the Colne Valley Regional Park in perpetuity.

The CVRP **objects to this application** as no compensation and mitigation has been provided. Indeed, in a number of respects in terms of biodiversity, the landscape, loss of agricultural land and access to recreational routes, the application conflicts with our objectives and is entirely inconsistent with the aims of the Regional Park. It creates actual harm.

This site (unlike the previous proposal) is visible from across the valley and additional lighting will make it even more prominent, detrimental to both the landscape, long views and the biodiversity of the Regional Park.

As a founding member of the HS2 working group, the CVRP has been party to the restoration plan for the HS2 site by increasing recreational opportunities and enhancing rights of way, including the Old Shire Lane Circular Walk. This site is bounded by both Old Shire Lane and the South Bucks Way, a long-distance footpath. The development will create a noisy, brightly-lit environment which is not conducive to the peaceful enjoyment of the countryside. In addition, it would be surrounded by high security fencing, further urbanising its appearance and alienating the public on nearby rights of way.

Old Shire Lane has historical significance, thought to have been the boundary between the ancient Saxon Kingdoms of Mercia and Wessex, and it now forms the county boundary between Hertfordshire and Buckinghamshire. This significance has been completely ignored by the applicant.

The applicant is proposing mounds – of uncertain height – to separate rights of way users, including horses and their riders, from the MSA. This is a very crude and highly unsatisfactory solution, and a more creative approach is required.

It is also possible that litter and fly-tipping will be an issue.

In terms of BNG, the applicant proposes improving the leftover land from the development and planting trees, wildflowers and hedgerows (on the western side). We consider this inadequate, and support the Council's ecology officer in seeking improvements within the site boundary and particularly on compensatory land.

President: Rt.Hon. the Lord Randall of Uxbridge Kt.PC.

Loss of Green Belt land requires compensatory improvements to the environmental quality and accessibility of remaining GB land (para 142 of NPPF). That currently proposed is insufficient and demands a far wider scale of mitigation. The applicant should be advised by the Colne and Crane Green Infrastructure Strategy in this regard.

The CVRP does, however, welcome the reduction in size and the omission of the hotel from the previous scheme.

The proposal in its current form is therefore inappropriate, demonstrably harmful to the Green Belt, and is not justified by Very Special Circumstances.

Neighbour Representations

X Objection

- Inappropriate parking on the adjoining A412 due to pedestrian access point
- Development not needed, M25 has been sufficient without an MSA in this location for 30 years
- Inappropriate development in Green Belt
- Environmental impact of development
- MSA is within 6 miles of an existing MSA
- Increase in noise, traffic and air pollution
- Colne Valley Motorway Services is less harmful
- Colne Valley Motorway Services meets need better (more gaps and traffic flows)
- Combined impact on the environment with HS2
- Development will result in loss of valuable mineral resource below the site
- Development can not be adequately drained and would give rise to an increase in flood risk elsewhere.
- Impact on M25 during construction
- It is not clear if the access arrangements are suitable to accommodate an abnormal load
- Internal access design and road layout gives rise to traffic safety concerns.
- Unsustainable access for staff
- Visual harm to eastern landscape
- Adverse impact on the Colne Valley Regional Park
- Loss of Best and Most Versatile agricultural land
- Harm to aviation safety
- Visual impact to Area of Outstanding Natural Beauty