



Buckinghamshire Council

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Report to Strategic Sites Planning Committee

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| Application Number: | PL/22/1411/OA |
| Proposal: | Outline Application for the erection of a Motorway Service Area with all matters reserved with the exception of access from the M25, comprising a facilities building, fuel filling station, electric vehicle charging, service yard, parking facilities, vehicle circulation, landscaping, amenity spaces, Sustainable Drainage Systems (SuDS)/attenuation, retaining structures and associated mitigation, infrastructure and earthworks/enabling works |
| Site location: | Land Between Junctions 16 and 17 of the M25, Near Chalfont St Peter, Buckinghamshire, |
| Applicant: | Extra MSA Group |
| Case Officer: | Rachel Marber |
| Ward affected: | Chalfont St Peter |
| Parish-Town Council: | Chalfont St Peter Parish Council |
| Valid date: | 4 May 2022 |
| Determination date: | 2 October 2023 |
| Recommendation: | That planning permission be deferred and delegated to the Director of Planning and Environment for REFUSAL |

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Abbreviations Used:

AONB - Area of Outstanding Natural Beauty

ASA - Alternative Site Assessment

ASNW - Ancient Semi Natural Woodland

AQMA's - Air Quality Management Areas

BMV - Best and Most Versatile

CIL - Community Infrastructure Levy

CSP1 - Chalfont St Peter One (PL/19/2260/OA)

CSP2 - Chalfont St Peter Two (PL/22/1411/OA)

CV MSA - Colne Valley Services (PL/20/4332/OA)

CVRP - Colne Valley Regional Park

DAS - Design and Access Statement

DMRB - Design Manual for Road and Bridges

ES - Environmental Statement

FRA – Flood Risk Assessment

FTP - NPPF Travel Plan

HS2 - High Speed Rail 2

LCA - Landscape Character Area

LNR - Local Nature Reserve

LPA - Local Planning Authority

MSA - Motorway Service Area

NPS NN - National Policy Statement for National Networks 2014

NPSE - The National Policy Statement for England

SAC - Special Area of Conservation

SEN - Scottish and Southern Electricity Networks

SRN - Strategic Road Network

SSSI - Site of Scientific Interest

The NPPF – National planning Policy NPPF

PRoW - Public Right of Way

VSCs - Very Special Circumstances

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

Introduction

- 1.1 Outline planning permission is sought for the construction of a Motorway Service Area ('MSA') located between junctions 16 and 17 of the M25 motorway near Chalfont St. Peter, Buckinghamshire.
- 1.2 As outline permission is sought, all matters are reserved except for access from the M25. The masterplan, parameters plan and landscape plan are provided to offset the other aspects as to how the site would be developed. The details of site access submitted for approval are as follows:
 - On/off slip roads located on both the northbound and southbound carriageways of the M25;
 - A grade separated Junction that crosses over the M25, although the design of the bridge structure is for subsequent approval;
 - A single point of access to the MSA from the M25; and
 - Associated drainage and landscaping.
- 1.3 The current development proposal as applied for comprises a main amenity/facilities building, fuel filling station for cars and HGVs, parking facilities, junction and access from the M25 via an overbridge and associated landscaping and SuDs features. In addition, off-site habitat enhancement works, as shown outlined in green within Appendix I, are also part of the wider proposals.
- 1.4 The planning application is a new standalone proposal following the refusal on appeal of a previous planning application for a MSA in November 2021 (planning reference: PL/19/2260/OA). This previous MSA proposal (here within known as CSP1) was refused on landscape and Green Belt harm grounds, with some other harm identified to loss of BMV agricultural land and aviation safety (although the Council did not seek to raise aviation matters at Public Inquiry). The built form associated with CSP1 MSA proposal was located mainly to the western side of the M25, at Warren Farm, with slip roads to the east.
- 1.5 At the time of making a decision on the previous application, the Inspector was also considering two other proposals for MSAs on the M25 motorway, which would meet the same identified need, between Junctions 15 and 20;
 - Moto Services at Hunton Bridge, Kings Langley, (now refused and not appealed) and
 - Iver Heath Colne Valley Services by Welcome Break (Colne Valley Services 'CV MSA'), (Planning Ref: PL/20/4332/OA)

- 1.6 The Inspector concluded that the MSA proposal at CV MSA would be most appropriate to meet the need on the M25, and would be the least harmful of all the alternatives considered, in terms of Green Belt and Landscape harm and that it was worth giving a site which is likely to be less harmful to the Green Belt the opportunity to run its course. It is important to note that the precise nature and detail relating to the alternative sites was not before the Inspector, only their locations. Moreover, the Inspector's assessment and conclusions on those sites were not made following any input from the Council. Nevertheless, the Inspectors report is an important material consideration, which carries significant weight.
- 1.7 There are number of important and material differences between the current application and the aforementioned previous CSP1 MSA proposal in this location, which was refused permission by the Inspectorate. These pertain to a smaller, more condensed site, with a smaller concentration of built form. This built form is now located to the eastern side of the motorway, as opposed to the previous west; and removal of community land and hotel elements of the proposed development also help to lessen the site extent. The local link road has also been omitted, with vehicle access to the development solely from the M25, although access on foot and by cycle would still be permitted. Full differences between the two schemes are summarised in section 4 Table 1 below.
- 1.8 Preceding the above MSA applications, there was another MSA application at a location referred to as Warren Farm (ref: SBD/8215/96) considered at appeal in 1999). This appeal was dismissed on grounds of inappropriate development in the Green Belt and being contrary to the key aims of the Colne Valley Park. Further harm was also identified to the landscape, loss of BMV agricultural land, with modest ecological harm and limited harm in terms of noise and air pollution. At the time of making that decision, the Secretary of State was also considering five proposals for MSAs on the M25 and a further three on the M4. It was concluded that the MSA proposals at New Barn Farm, Cobham, serving the M25, would be most appropriate to meet the need on the M25, and that it would be least harmful of all the alternatives considered. Since this appeal decision, the immediate site landscape and context has changed by virtue of HS2, and new infrastructure along the M25, such as lighting.
- 1.9 The application is not the subject of a Councillor Call-in, but due to the size and nature of the proposal in the Green Belt under Part I section 2.5 of the Council's Constitution Officers consider the exercise of delegated powers is not appropriate in this instance and that it would be appropriate for the application to be considered by committee for determination.

Planning Issues

- 1.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.11 The proposed MSA development is inappropriate development, which by definition is harmful to the Green Belt (as acknowledged by the applicant) and would result in significant spatial and visual harm to the openness of the Green Belt. The proposal would also conflict with one of the five Purposes of including land in the Green Belt resulting in moderate harm to purpose c). The proposal would not accord with Local Plan Policies GB2 and GB30 of the Chilterns Local Plan, to which moderate weight is afforded to this policy conflict.
- 1.12 The proposal would result in harm to character of the landscape and visual impacts including the Colne Valley Regional Park, contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan. These identified impacts would be localised and with mitigation there would remain considerable negative impact, which attracts considerable weight. Policy CS4 is broadly consistent with the NPPF and according the development's conflict with this policy is afforded significant weight. Moderate weight is accorded to conflict with Policy GC1, and Policy GB30.
- 1.13 Limited harm would also result from the loss of Best and Most Versatile ('BMV') agricultural land, in conflict with Policy CS4 of the Chilterns Core Strategy. Policy conflict with CS4 is afforded significant weight.
- 1.14 The proposed MSA would not be regarded as appropriate development and would fail to pass the flood risk sequential test due to an appropriate alternative for the proposed development available at another site, contrary to Policy CS4 of the Chilterns Core Strategy and Policy GC10 of the Chilterns Local Plan. Significant weight is accorded to policy conflict with CS4, and moderate weight to Policy GC10.
- 1.15 The proposal complies with other development plan policies on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, highways, parking and access, public rights of way, meeting the challenge of climate change and flooding mitigation, conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenity.
- 1.16 Overall there is a conflict with the Development Plan as a whole and it is therefore necessary to consider whether material considerations indicate a

decision otherwise. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.

- 1.17 Turning to other material considerations, there are a number of factors that should be considered.
- 1.18 Circular 01/2022 is a material consideration and provides guidance on the process for identifying an appropriate location for a new MSA, and relevant criteria. The proposal would accord with this Circular.
- 1.19 The National Planning Policy NPPF ('the NPPF') is a material consideration in determining applications. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining are out-of-date [footnote 8], granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed [footnote7]; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 1.20 In considering paragraph 11 of the NPPF, there are relevant development plan policies that apply to this application and the report identifies where those development plan policies are not fully consistent with the NPPF, having regard to paragraph 219 of the NPPF. The most important policies relating to the determination of this application are Core Strategy Policy CS1 and Local Plan Policies GB2 and GB30, as stated in the report. For the reasons set out in the report Policy GB2 and GB30 are not fully consistent with the NPPF however, moderate weight can still be attached to them. On the basis that the suite of most important policies for determining this application are out-of-date, paragraph 11d is considered further below.
- 1.21 The report sets out an assessment of the relevant issues against the NPPF having regard to economic, social and environmental objectives in paragraph 8 and the policies set out and summarised later in this section, including the requirement in considering Green Belt harm to consider whether very special circumstances exist and the weight to be given to harm and benefits where referenced.
- 1.22 The proposal complies with objectives of the NPPF on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, parking and access, public rights of way, meeting the challenge of climate change and

flooding mitigation, conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenity.

- 1.23 In respect of other matters, the advice of National Highways and Buckinghamshire Highway Authority is that the proposal does not raise a 'severe' impact on the Strategic Road Network and local roads respectively or result in an unacceptable impact on highway safety having regard to paragraph 111 of the NPPF. There is some positive benefit resulting from the rights of way enhancements and provision of HGV parking, which are afforded limited positive weight.
- 1.24 In terms of aviation safety, Officers consider that this would not pose a significant risk in terms of air safety or of risks to those on the ground to justify a refusal on this ground.
- 1.25 In considering paragraph 11c) of the NPPF the proposal would conflict with the Development Plan, however given the most important policies are out of date this reduces the weight given to that conflict to moderate. Consideration is now given to paragraph 11d)i which requires consideration to policies in the NPPF which protect areas or assets of particular importance which provides a clear reason for refusal of the application. Footnote 7 specifies those, of which land designated as Green Belt and areas at risk of flooding are relevant to this proposal.
- 1.26 Turning firstly to Green Belt harm, as set out above the proposed MSA development is inappropriate development, and would result in significant harm overall to the Green Belt, which is afforded substantial negative weight in accordance with paragraph 148 of the NPPF.
- 1.27 The NPPF states at paragraph 148 that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It is concluded that having due regard to the proposed CV MSA as an available, alternative appropriate site, to meet the need for an MSA in this quadrant of the M25, the benefits delivered by the proposed development are not sufficient to outweigh the identified harm to the Green Belt and other harm identified below. "Very Special Circumstances" do not therefore exist. This would represent a clear reason for refusal under paragraph 11d)i. of the NPPF.
- 1.28 Turning secondly to the risk of flooding, the proposed MSA location would fail to pass the flood risk sequential test, due to an appropriate alternative for the proposed development available at another site. This would represent a clear reason for refusal.

- 1.29 The other harm identified in the report comprises: harm to character of the landscape and visual impacts which attracts considerable weight; Limited harm from the loss of Best and Most Versatile ('BMV') agricultural land; and failure to pass the flood risk sequential test due to not being an appropriate development to fulfil the need for a MSA as well as the site at Colne Valley (CV MSA) in conflict with paragraphs 130, 174, and 161 of the NPPF.
- 1.30 In addition to the harm identified above there are benefits which need to be considered as material. There is a clear need for a MSA in this section of the M25 and the associated safety function is a significant positive consideration.
- 1.31 Alternative land and sites for MSA provision have been considered as a material consideration. Officers conclude that CSP2 would not be an appropriate development having regard to all the matters considered above to fulfil this need when considering the preferred site. Significant negative weight is given to this factor.
- 1.32 There are benefits arising from the need for a MSA as set out above, the other benefits referred to for the proposed development are the economic benefits achieved through the creation of jobs and investment during- and post- construction phases, with a Local Employment Strategy to maximise the opportunities locally, and this benefit is afforded significant weight. A net gain in biodiversity has also been demonstrated to be achievable, and this attracts moderate weight in the planning balance. A positive benefit resulting from the rights of way enhancements and provision of HGV parking are afforded limited positive weight.

Overall Summary

- 1.33 The Overall Assessment at the end of the report has set out the harm, the benefits and other material considerations and in considering the overall balance, there is a judgement made.1.34 Officers consider that the proposal would conflict with the development plan as a whole. In the light of policies GB2 and GB30 not being wholly consistent with the NPPF moderate weight is given to this conflict having regard to paragraph 219 of the NPPF.
- 1.34 On the basis that Officers consider that the most important policies for determining the application are out of date, paragraph 11 d) of the NPPF is engaged for the reasons set out in report. However, the policies of the NPPF relating to Green Belt and flood risk including the sequential test have been taken into account and Officers in making a judgement consider that there are clear reasons for refusing the development proposed in accordance with footnote 7 on Green Belt and flooding and thus the tilted balance in the NPPF paragraph 11d)ii does not apply.

- 1.35 Officers consider that material considerations outlined in the report do not indicate that the application should be determined other than in accordance with the development plan.
- 1.36 As set out later in the report, the resolution recommended acknowledges that a final determination of the CSP2 MSA application will not be made at this stage in the light of the CV MSA report conclusions . It also recognises that in any event as the proposals amount to inappropriate development, exceeding 1000 sqm within the Green Belt, it will be necessary separately to consult the Secretary of State pursuant to the Town and Country Planning (Consultation) (England) Direction 2021, in order to ascertain whether the Secretary of State wishes to call in the proposals for his own determination.
- 1.37 **Recommendation**

That planning permission be deferred and delegated to the Director of Planning and Environment for REFUSAL for the following reasons:

1. The proposed development would constitute inappropriate development in the Green Belt which by definition is harmful and would result in significant harm to the openness of the Green Belt in both spatial and visual terms, and would conflict with Purpose C of including land within the Green Belt. Substantial weight is given to the harm to the Green Belt. The harm to the Green Belt and other harm is not clearly outweighed by the benefits such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposed development is therefore contrary to Policy GB2 and GB30 of the Chilterns Local Plan and the National Planning Policy Framework.
2. The proposed development would result in considerable negative impact on the landscape character and visual amenity of the immediate area, fundamentally altering its character and appearance, contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan and the National Planning Policy Framework.
3. The proposed development is in an area at risk of surface water flooding and would fail to meet the flood sequential test in that there is a reasonably available appropriate site for the development proposed. The development would not be an appropriate site for the development proposed, with regard to local and national policies relating to flood risk. Accordingly, it would conflict with Policy CS4 of the Chilterns Core Strategy, Policy GC10 of the Chilterns Local Plan and Paragraphs 161 and 162 of the National Planning Policy Framework.
4. Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a satisfactory Section 106 Agreement to secure the provision of planning obligations,

including monitoring and financial contributions that are necessary to facilitate delivery of the proposed development and mitigate its impacts. In the absence of such provision the proposal is contrary to requirements of policies GC1, GC4,, NC1 and TR3, in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policies CS4, CS24, CS25, CS26, CS30, and CS32 of the Core Strategy for Chiltern District Adopted 15 November 2011, policy PWI1 of the Chalfont St Peter Neighbourhood Plan (2013 – 2028), Buckinghamshire Biodiversity Net Gain SPD (2022) and the National Planning Policy Framework.

- 1.38 Subject to planning permission being granted for the competing site planning application PL/20/4332/OA or on refusal of PL/20/4332/OA to refer this application back to the Strategic Sites Committee for re-consideration.
- 1.39 In the event of any changes being needed to the wording of this resolution (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Director of Planning and Environment has delegated authority to do so in consultation with the Chairman, provided that the changes do not exceed the substantive nature of the Strategic Sites Committee’s resolution.

2.0 Description of the Site and Proposed Development

- 2.1 The application site is located between junctions 16 and 17 of the M25 motorway near Chalfont St. Peter, Buckinghamshire. The site area is approximately 35.87 hectares and divided into two unequally sized parcels of land which are bisected by the M25 motorway. The motorway runs in a north-south direction. The smaller of the two parcels of land is located to the west of the M25 motorway, with the larger located to the east.
- 2.2 The western most boundary of the site, is approximately 600m from settlement edge of Chalfont St Peter, as measured from Denham Lane. Mopes Farm, just outside of this settlement boundary, is located approximately 500m from the site; the farm comprises a set of three, Grade II Listed Buildings. The eastern boundary of the site is approximately 1k away from the Settlement of Maple Cross and West Hyde which are located in Three Rivers District. The eastern side of the application site is separated from the Three Rivers District boundary by the future High Speed Rail 2 (‘HS2’) route, leading into the Chilterns tunnel; this nationally significant infrastructure project is currently under construction. To the north-east of the site is the existing Orchard’s traveller site, and to the south, Denham Park Farm Quarry. Three public rights of way are located within and in the immediate areas surrounding the site boundary. Footpath CSP 16/1 is located

adjacent to the northern boundary; bridleway CSP 43/2 (South Bucks Way) crosses under the Motorway via an underpass at the southern boundary of the site, and Bridleway CSP 44/1, part of the Old Shire Lane Circular Walk, lies on the eastern boundary.

- 2.3 A large proportion of the eastern parcel of the application site is currently being used for stockpiling of chalk cake material required for the construction of HS2. The parcel of land on the eastern side of the motorway falls within a HS2 safeguarding area. This land would be restored back to agricultural use once HS2 has been constructed (anticipated date of 2026). The restored area would comprise mixed woodland, grassland, wet grassland and basins. HS2 restoration plans in relation to the site area of the proposed MSA, have been included in Appendix D.
- 2.4 The parcel of land on the western side of the motorway comprises arable fields divided by hedgerows and hedgerow trees. The land gradient is somewhat undulating and rises towards the M25 motorway. This land form depicts what the eastern parcel would have looked like, prior to HS2 construction.
- 2.5 In terms of planning constraints, the application site falls within the designated Green Belt, Colne Valley Regional Park and within the impact zones of several Sites of Special Scientific Interest (SSSI): Mid Colne Valley, Old Rectory Meadows, and Hodgemoor Wood. The southern edge of the Chilterns Area of Outstanding Natural Beauty (AONB) is situated some 2km north of the application site. Two small areas of archaeological notification fall within the site, either side of the M25 motorway. Ancient woodlands, Bloom Wood sits just beyond the north-western boundary of the site, with Nockhill Wood and Juniper Wood falling to the south-east. Several Local Wildlife Sites sit beyond the SSSIs, to the south-eastern boundary of the application site. There are several electricity pylons and overhead power cables that are located on land to the east of the M25. The western side of the site falls within a BPA Pipeline buffer zone. Within the western part of the site there are small areas liable to high surface water flooding, comprising of low ditches. The site also falls within a drinking water source protection zone and Denham aerodrome flight path area. Planning constraints are addressed in detail, within the relevant sections of this report.

3.0 Development proposal

- 3.1 Outline planning permission is sought, with all matters reserved except for access from the M25 for the construction of a Motorway Service Area (MSA) between Junctions 16 and 17 of the M25 motorway; herein referred to as 'Chalfont St Peter 2' (CSP2).

- 3.2 **Access Details**– Detailed permission is sought for access to the site which would comprise a separated junction that crosses over the M25 motorway in the form of a single overbridge loop. New on and off slip roads serving both northbound and southbound traffic on the motorway would be created. This would result in a single point of vehicular access to the MSA, with no connection to the local road network. Circulation and access roads, including roundabouts within the site would provide the necessary access for visitors to the MSA.
- 3.3 The details of this site access subject to full details are as follows:
- On/off slip roads located on both the northbound and southbound carriageways of the M25;
 - A grade separated Junction that crosses over the M25;
 - A single point of access to the MSA from the M25; and
 - Associated drainage and landscaping
- 3.4 The above fixed detail, does to some extent dictate the appearance, layout and form of the associated internal roads, such as the single overbridge loop design, circulation and access roads, including roundabouts within the site however, internal layout would be subject to further detail under Layout Reserved Matters.
- 3.5 The matters reserved for future consideration are: ‘appearance’; ‘landscaping’; ‘layout’ and ‘scale’. The application is accompanied by an illustrative masterplan and parameter plans which set out the layout, land uses and parameters (i.e. maximum height, width and depth) of the development. These include the following elements:
- 3.6 **Facilities/ Amenity Building** – This building would be arranged over two floors which would contain a food court, ancillary retail, business centre (with business lounge), meetings rooms, public toilets and washing facilities and staff areas. This building would have a maximum footprint of 4,700sq.m. The submitted parameters plan sets a maximum height of 9.5m above ground level for the building envelope; and it identifies a development zone for the location of the building, towards the north-west of the application site.
- 3.7 **Fuel Filling Station**–The fuel filling station would include 9 islands (18 pumps) and 3 HGV islands (6 pumps). There would also be an ancillary forecourt sales building that would include toilets. The building would be up to 480sq.m in footprint, with a maximum 7m in height. The parameters plan identifies a development zone for this building, to the south east of the application site.
- 3.8 **Parking Provision**- The levels of parking would be as follows
- Up to 759 light vehicle spaces (including 38 disabled);

- Up to 38 staff spaces;
- Up to 142 HGV spaces;
- Up to 19 coach spaces;
- Up to 23 caravans / motor homes / vehicle and trailer spaces (including 1 disabled);
- Up to 23 motorcycle spaces; and
- Up to 1 abnormal load space.
- Electric Vehicle Charging Point (EVCP) provision within the vehicle parking area (up to 120 passive and 20 active at time of opening).

3.9 **Other works** - The following elements would also be provided for within the site:

- Landscaping to include planting and outdoor amenity areas.
- Ecological / biodiversity enhancements.
- Water attenuation measures for improved surface water management and mitigation.
 - Earthworks required to achieve the proposed site layout, to form the platform for the proposed development.
 - Re-location of existing pylons on the eastern side of M25 motorway.

3.10 The planning application is a new standalone proposal following the refusal of a previous planning application for a MSA in November 2021 (planning reference: PL/19/2260/OA). This previous MSA proposal was refused on landscape and Green Belt harm grounds, with some other harm identified to loss of BMV agricultural land and aviation safety (although the Council did not seek to raise aviation matters at Public Inquiry). The built form associated with this MSA proposal was located mainly to the western side of the M25, at Warren Farm with slip roads to the east.

3.11 The present development proposal is accompanied by an Environmental Statement (ES). The ES contains an overview of the likely environmental impact of the proposal, it assesses “likely significant effects” and sets out a summary of mitigation measures. The ES contains a methodology for assessing the significance of the environmental effects and the cumulative impacts. A series of technical chapters within the ES consider the range of environmental factors. This assessment has also informed the proposed development. The ES contains the following chapters addressing each of the following topics:

- Socio Economic Issues
- Landscape and Visual Issues
- Ecology and Nature Conservation
- Archaeology and Cultural Heritage
- Agriculture and Soils
- Ground Conditions

- Water Resources
- Transport and Access
- Noise and Vibration
- Air Quality

3.12 An initial Addendum to the ES was submitted in September 2022. Following consultation feedback, a Second Addendum to the ES was submitted in December 2022. Both of these Addenda (and relevant updates to specific chapters in the ES) are considered alongside the originally submitted ES in May 2022. The baseline assessment for purposes of the ES assessment is the restored land, after HS2 has been constructed. All assessment chapters as outlined below, have therefore taken this landscape restoration as the starting point.

Proposed Levels and Earthworks Strategy:

3.13 Some earthworks would be required to achieve the proposed site layout, to form the platform for the proposed development. This would be the main earthworks moving required and would involve the excavation (cut), movement and placement (fill) of material across the site. The strategy has been based upon ensuring the proposed buildings are placed as low in the landscape as possible to reduce the potential height and prominence of any components. Design matters and achieving technical standards in terms of highway access and circulation have also been key considerations in forming the proposed levels. Proposed landscaped mounds would also wrap around the southern and northern extents of the proposed development, on the eastern land parcel.

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

3.14 During the course of considering this application, further information was provided by the applicant in response to consultation comments. Some of the further information submitted includes the following:

- First Addendum to the Environmental Statement (submitted September 2022) which updated the following matters: Additional survey information to inform ecology findings, comprising bat survey report, Arboriculture Impact Assessment and Reptile Survey Report and updated Biodiversity net-gain metric.
- Second Addendum to the ES (submitted December 2022) which updated the following matters: Amendments to the Landscape Visual Impact Assessment (chapter 7) and relevant supporting documents, including viewpoint assessment, Zone of Theoretical Visibility and landscape masterplan. Amendment to Transport Assessment (Chapter 13) to address comments made by National Highways. Amendment to Water Resources

Chapter 12 and associated Flood Risk Assessment to provide further details as requested by the Lead Local Flood Authority ('LLFA'). Further update to Ecological chapter and Arboriculture Impact Assessment to take into account of changes to Biodiversity Net Gain ('BNG'). Changes to Chapter 4, Proposed Development, to take into account these small design changes to scheme.

- Landscape and Visual Matters Comparison with CV MSA.
- A Minerals and Waste Assessment
- Accessibility Technical Note.
- A Road Safety Audit.
- Detailed access design drawings.

4.0 Relevant Planning History

- 4.1 Appendix H, shows the extent of red outline for the below historic permissions, in relation to the application site.

Warren Farm MSA ref: 96/08215/CM

- 4.2 A historic MSA application at a location referred to as Warren Farm (ref: 96/08215/CM and SBD/8215/96), included the application site (herein after referred to as Warren Farm in the report). This application was called-in by the Secretary of State before the then County Council determined the proposals. A Public Inquiry was held to determine the proposed MSA.
- 4.3 This earlier proposal was for a dual-sided MSA with buildings/facilities to be constructed on both sides of the M25 motorway. The location of this MSA comprised part of the application site red line boundary, but was also proposed 0.3 miles further south of the current application site boundary.
- 4.4 In dismissing the aforementioned appeal in 1999, the Secretary of State found that the proposed development constituted inappropriate development in the Green Belt and would detract from the openness of the Green Belt, encroach into the countryside and conflict with the key aims of the Colne Valley Park. Particular harm to the countryside between Harefield and the more continuously built up areas to the east, and to the Colne Valley between it and Chalfont St Peter was identified. With this area of land offering *'the most striking evidence that one has reached the edge of London. It is a substantial area rural area, visible from many places, particularly on the east side of the valley and from the many rights of way within it, but also from the M25 itself where it represents one of the few sections of M25(W) which have a truly rural character.'* Further harm was also identified to the landscape, loss of BMV agricultural land, with modest ecological harm and limited harm in terms of noise and air pollution.
- 4.5 At the time of making that decision, the Secretary of State was also considering five proposals for MSAs on the M25 and a further three on the

M4. It was concluded that the MSA proposals at New Barn Farm, Cobham, serving the M25, would be most appropriate to meet the need on the M25, and that it would be least harmful of all the alternatives considered. Following this Inquiry, the proposed development was dismissed by the Secretary of State, by way of a 1999 decision (appeal ref: GOSE/103/004/BUCK/001) as it was not considered that the benefits of the MSA would be outweighed by the identified harm.

Chalfont St Peter MSA 1 ref: PL/19/2260/OA

- 4.6 Extra submitted an application for a MSA in July 2019. This application was appealed for non-determination and dismissed at public inquiry in November 2021 (appeal ref: APP/X0415/W/21/3272171) (herein after referred to as CSP1 in the report). The Council gave the following reasons for refusal had the council been in a position to determine the application:

'The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The proposal would also have substantial harm to the openness of the Green Belt, in both spatial and visual terms resulting in substantial erosion of openness, unrestricted sprawl, closing the gap between neighbouring towns and substantial encroachment into the open countryside. Such harm is afforded very substantial negative weight. The proposed development is of a scale and nature on an open green field site which would represent an obtrusion in to open countryside and result in significant adverse landscape character and visual impact on the area of the development site, its immediate setting and the wider area, loss of best and most versatile agricultural land, and would result in less than substantial harm to the setting of the listed buildings at Mopes Farm and the public benefits do not outweigh the harm to the heritage assets. Having regard to the benefits arising from the proposal and the harm to the Green Belt and other harm resulting from the proposal, this harm is not clearly outweighed by other considerations. There are therefore no very special circumstances to clearly outweigh this harm. The proposal is contrary to the National Planning Policy NPPF and Policies CS1, CS3 and CS4 of the Core Strategy for Chiltern District Adopted 15 November 2011, Policies GB1, GB2, GB30, GC1, LB1 and LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

Had the above reason for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a satisfactory Section 106 Agreement to secure the provision of planning obligations,

including monitoring and financial contributions that are necessary to facilitate delivery of the proposed development and mitigate its impacts. In the absence of such provision the proposal is contrary to requirements of policies GC1, GC4, GC9 and TR3, in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policies CS4, CS24, CS25, CS26, CS29, CS30, CS31 and CS32 of the Core Strategy for Chiltern District Adopted 15 November 2011, policy PW11 of the Chalfont St Peter Neighbourhood Plan (2013 – 2028) and the National Planning Policy NPPF”.

- 4.7 This appealed application was for outline planning permission for a MSA comprising a facility building, fuel filling station, hotel, community land and associated landscape and earthworks. The red line for this proposal included land to the eastern side of the M25 motorway, as this was required to accommodate the proposed access into the MSA. However, all built form was located to the western side of the M25 motorway, adjacent to Chalfont St Peter. This MSA comprised an online facility, with access off the M25 motorway; emergency access was facilitated through a connection from Denham Lane. A copy of the appeal decision is attached as Appendix E.
- 4.8 At the time of making a decision, the Inspector was aware of two other locations proposed for MSAs on the M25 motorway that would meet the same identified need between Junctions 15 and 20.
- Moto Services at Hunton Bridge, Kings Langley
 - Iver Heath Colne Valley Services by Welcome Break (planning app ref: PL/20/4332/OA) (herein after referred to as CV MSA)
- 4.9 It was concluded that the CV MSA would be most appropriate to meet the need on the M25, with the added benefit of also serving need on the M40, and therefore the full weight of need benefit should be applied to this scheme. Additionally, the Inspector considered that this scheme would be the least harmful of all the alternatives considered in terms of Green Belt and landscape harm and that it was worth giving a site which is likely to be less harmful to the Green Belt the opportunity to run its course. Planning permission was subsequently refused for the Chalfont St Peter MSA, with the benefits of need downgraded and the test of VSCs not met. Refusal grounds centred around substantial harm to the Green Belt and significant harm to the character and appearance of the area. Other harm was also identified by way of moderate harm caused from the loss of the BMV agricultural land and limited harm caused to aviation safety. CSP1 was refused on this basis.
- 4.10 It is also noted at paragraph 79 of appeal reference APP/X0415/W/21/3272171 the Inspector states:

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

4.11 It is important to note that the precise nature and detail relating to the alternative sites was not before the Inspector, only their locations. Moreover, the Inspector's assessment and conclusions on those sites were not made following any input from the Council. Nonetheless, the previous planning history of the site is of key material consideration, which carries significant weight.

4.12 It is important to highlight a number of important and material differences between the current application (CSP2) and Chalfont St Peter 1 (CSP1). All changes are summarised in Table 1, below:

Table 1 Comparison with Previous MSA:

| Factual Matter | Chalfont St Peter MSA 1 ref: PL/19/2260/OA | Current Application Chalfont St Peter MSA 2: | Difference |
|--|---|--|---------------------------|
| Red line area | 59.52ha | 35.87ha | 40% less |
| Scale: Height (max.) | Facilities Building and hotel – 13.5m Fuel Filling Station – 7m | Facilities Building – 9.5m Fuel Filling Station – 7m | 30% less No change |
| Scale: Building Footprints (max.) | Facilities Building and hotel (incl. link) – 7,800sqm Fuel Filling Station – 450sqm Total: 8,250sqm | Facilities Building – 4,700m2 Fuel Filling Station – 480sqm Total: 5,793 sqm | 40% less 7% more |
| Scale: Floorspace (gross internal area) | 12,400sqm | 5,793 sqm | 53% less |

| | | | |
|---|------------------------------|----------------------------|------------------------------|
| Hotel (beds) | 100 | No hotel | |
| Community Land | 42 HA | No land | |
| Local access Road | Yes, off Denham Lane | No provision | |
| Fuel Filling Station - pumps | 18 islands (36 pumps) | 9 islands (18 pumps) | 50% less |
| | 3 HGV islands (6 pumps) | 3 HGV islands (6 pumps) | No change |
| Car Parking (incl. disabled and staff) breakdown | 1,030 | 797 | 23% less |
| Coach Parking | 23 | 19 | 17% less |
| Caravan/Motor Home Parking (incl. disabled) | 23 | 23 | No change |
| Motorcycle Parking | 23 | 23 | No change |
| Abnormal Load Parking | 1 | 1 | No change |
| HGV Parking | 200 | 142 | 29% less |
| EV Charging | 20 active, 100 passive (min) | 20 active plus 120 passive | 12% more passive EV Chargers |

4.13 As can be seen from the table 1 above, the current MSA proposal comprises a smaller, more condensed site, with a reduced concentration of built form. This built form is now located to the eastern side of the motorway, as opposed to the previous west, and removal of community land and hotel elements of the proposed development also help to lessen the site extent. The local link road has also been omitted, with access to the development solely from the M25, other than for cyclist and pedestrian access to the local road network. The revised planning application (CSP2), which is before Committee, is therefore to be assessed independently from CSP1 and conclusions drawn. Where the previous CSP1 assessment is relevant, this will be directly cited within the relevant section below.

Other MSA applications:

4.14 Since consideration of alternatives is necessary (as discussed further below) it is relevant to note the other on-going and recent MSA applications and their status.

4.15 It is noted that there have been historic proposals for Motorway Service Areas in the Iver area known as Elk Meadows and Woodlands Park. These were both refused permission by Buckinghamshire County Council and dismissed at appeal in the late 1990s.

4.16 These were refused on the basis of land contamination, flooding and impacts on landscape, residential amenity and ecology.

- 4.17 There have been other proposals for MSA developments within the Buckinghamshire Area. This includes the Burtley Wood MSA now known as Beaconsfield Services on junction 2 of the M40, having been granted in 2005 by the Secretary of State.
- 4.18 Junction 20 of the M25, an offline MSA considered by Three Rivers District Council under planning reference 19/0646/OUT, was refused and no appeal lodged.
- 4.19 CV MSA pending consideration under Planning Application Ref: PL/20/4332/OA comprises the only other live MSA planning application at the time of writing. This alternative scheme at Iver, is further explored in the officer report below.

5.0 Summary of Representations

- 5.1 The planning application, the Environmental Statement and Addendum Environmental Statements have been subject of the relevant consultation, notification and publicity requirements.
- 5.2 At the time of writing this report, a total of a total of 9 representations have been received, with 7 of these in objection to the scheme.

The points of objections raised are summarised below:

- Inappropriate parking on the adjoining A412 due to pedestrian access point
 - Development not needed, M25 has been sufficient without an MSA in this location for 30 years
 - Inappropriate development in Green Belt
 - Environmental impact of development
 - MSA is within 6 miles of an existing MSA
 - Increase in noise, traffic and air pollution
 - Colne Valley Motorway Services is less harmful
 - Colne Valley Motorway Services meets need better (more gaps and traffic flows)
- Combined impact on the environment with HS2
- Development will result in loss of valuable mineral resource below the site
 - Development can not be adequately drained and would give rise to an increase in flood risk elsewhere.
 - Impact on M25 during construction
 - It is not clear if the access arrangements are suitable to accommodate an abnormal load
 - Internal access design and road layout gives rise to traffic safety concerns.

- Unsustainable access for staff
 - Visual harm to eastern landscape
 - Adverse impact on the Colne Valley Regional Park
 - Loss of Best and Most Versatile agricultural land
 - Harm to aviation safety
 - Visual impact to Area of Outstanding Natural Beauty
- 5.3 These points are addressed in the Green Belt, Landscape and Visual, Highway, Residential Amenity, Aviation, Agricultural Land, Minerals, Flood Risk, Alternative Sites and Need sections below.
- 5.4 All representations received from the statutory consultees, non-statutory consultees and other interested groups and organisations are set out in Appendix A of the Committee Report.

6.0 Policy Considerations and Evaluation

- 6.1 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The key policy documents and guidance for consideration are:
- 6.3 The Development Plan:
- Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS3, CS4, CS5, CS15, CS16, CS20, CS24, CS25, CS26, CS30, CS31 and CS32
 - Chiltern District Local Plan - Adopted September 1997, Consolidated September 2007 and November 2011: Saved Policies GC1, GC2, GC3, GC4, GC7, GC9, GC10, GC11, GC14, GB1, GB2, GB30, LB1, LB2, TR2, TR3, TR11, TR12, TR15, TR16, AS1, AS2, TW3, TW6, NC1, and OEL1.
 - Minerals and Waste Local Plan: Policies 1, 10 and 27, Appendix 3
 - Chalfont St Peter Neighbourhood Plan (2016): Policy PW11.
- 6.4 Relevant National Policy and Guidance:
- National Planning Policy NPPF (The NPPF)
 - Planning Practice Guidance (PPG)
 - National Policy Statement for National Networks 2014 (NPS NN)
 - National Design Guide
 - Buckinghamshire Council Biodiversity Net Gain – Supplementary Planning Document (SPD), July 2022
 - Buckinghamshire Countywide Parking Guidance, September 2015

- Sustainable Construction and Renewable Energy SPD (2015)
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule (2020)

- Chiltern District Council Sustainable Construction and Renewable Energy SPD (2015)

- Chiltern and South Bucks Economic Development Strategy: Chiltern District Council & South Bucks District Council (August 2017)

- Chiltern and South Bucks Townscape Character Study (2017)

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

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

7.0 Green Belt

Local Plan Saved Policies:

GB2 Development in General in the Green Belt

GB30 Conservation and Enhancement of Rural Landscape in parts of The Green Belt

7.1 The application site is located within the Metropolitan Green Belt. This section assesses the proposals against national and local green belt policy.

7.2 The NPPF at paragraph 138 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There are five main purposes of the Green Belt as defined within the NPPF. There is a strong presumption against inappropriate development in the Green Belt, as advised by the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and afforded substantial weight. If the development is considered inappropriate development, VSCs will only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Local Green Belt Policy, GB2 of Chiltern District Local Plan (1999) is not fully consistent with the NPPF in that, although it sets out the categories of development that are inappropriate, these do not correspond entirely with those in the NPPF. Moreover, there is no reference in the policy itself to very special circumstances. That said the explanation to the policy sets out the very special circumstances test, which is used to aid policy interpretation. For reason of these inconsistencies with the NPPF, Policy GB2 carries moderate weight, rather than full weight; as per the conclusions of the Inspector in the CSP1 appeal.

- 7.3 Therefore, the main issues to consider in terms of Green Belt policy are whether the proposals are inappropriate development, the effect on the openness of the Green Belt and impact on the purposes of including land within the Green Belt.

Whether the proposals are inappropriate development

- 7.4 Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate development in the Green Belt, other than in a number of exceptions.
- 7.5 Paragraph 150 of the NPPF identifies certain other forms of development that may be considered acceptable in the Green Belt provided, they preserve its openness and do not conflict with the purposes of including land within it. One of these is exception (c) “local transport infrastructure which can demonstrate a requirement for a Green Belt location”. The proposed MSA development is not considered to constitute local transport infrastructure due to being purposed for the strategic road network.
- 7.6 Hence, the proposed MSA does not fall within any of the Green Belt exceptions. It therefore amounts to inappropriate development in the Green Belt (which the applicant acknowledges). By reason of being inappropriate development, the proposal is, by definition, harmful to the Green Belt.

Green Belt Context

- 7.7 The majority of the application site falls within land parcel 40b as assessed in the Stage 1 Green Belt assessment. The slip roads facilitating access for the northern direction of the M25 are located within land parcel 44b.
- 7.8 Land parcel 44b is assessed as a moderately performing parcel of Green Belt. The land parcel performs a moderate function against Purpose 1, to check unrestricted sprawl of a large built-up area; and Purpose 2 of preventing towns from merging. The land parcel performs very strongly against Purpose 3, safeguarding the countryside from encroachment.
- 7.9 Land parcel 40b in the stage 1 Green Belt Assessment is assessed as a medium performing land parcel in the Green Belt, against Green Belt Purposes. The land parcel does not meet Purpose a, to check the unrestricted sprawl of large built-up areas or Purpose 4, to preserve the setting and special character of historic towns. The land parcel does perform moderately against Purpose 2, to prevent neighbouring towns from merging (Denham Green, Maple Cross, Gerrards Cross and Chalfont St Peter). The land parcel maintains a largely rural open character, scoring moderately against Purpose 3, to assist in safeguarding the countryside against encroachment. It is important to note that the application site only forms a small part of the wider land parcel. The land parcel was recommended for further

consideration in the Stage 2 Green Belt assessment for release under land parcel RSA-13, however, this did not include the area of the application site.

- 7.10 The Chiltern & South Bucks Stage 2 Green Belt Assessment “Strategic Role of the Metropolitan Green Belt in Chiltern & South Bucks”, which assesses the strategic role of the Green Belt, categorises the site under Strategic Zone A – London Fringe. Strategic Zone A comprises a much wider land parcel than just the application site alone however, in the assessment of Green Belt performance it is noted the application site plays a role: in preventing the sprawl of Chalfont St Peter towards Watford (Purpose 1); preventing the merging of small settlements, including Rickmansworth and Maple Cross (Purpose 2); and possess a rural open character containing large swathes of agricultural land and open space which are unbroken by urban settlement, particularly to the north of Rickmansworth, playing an important role in preventing encroachment into the countryside (Purpose 3).
- 7.11 In short, the application site is assessed as part of a moderate performing Green Belt land parcel, which main contribution towards the Green Belt function is preventing encroachment in the Countryside and preventing the merging of adjacent towns and settlements.

Harm by reason of inappropriateness and any other harm

- 7.12 The proposed MSA development is inappropriate development and therefore, by definition, harmful to the Green Belt. It is also necessary to give consideration to the actual harm to the Green Belt caused by the development, not just by reason of it being inappropriate.
- 7.13 Although there are both spatial and visual aspects to the Green Belt, the concept of “openness” is a broad policy concept. Openness is the counterpart of urban sprawl and is linked to the Purposes served by the Green Belt. The PPG which advises (Paragraph: 001 Reference ID: 64-001-20190722) that:
- “assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to: openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation”.*

- 7.14 The analysis below takes into account this guidance and the following considerations in relation to visual and spatial aspects of openness; such that development size and permanence are relevant consideration.
- 7.15 It is therefore considered that both spatial and visual aspects of openness are necessary to consider when considering the potential impact of a development on the openness of the Green Belt.
- 7.16 Spatial Impact: The proposal seeks to introduce a facility building and fuel-filling station which would add up to 5,180 sq.m of built form onto the site; this would result in a total area of 8.71ha out of a total site area of 35.88ha. The area of built development therefore equates to 24% of the application site (red line) area. The maximum building height would be 9.5m, creating a maximum 44,650m³ volume of built form. The remaining 26.84ha (76% of the site) is made up of green spaces, landscaping, site access slip roads, overbridge and parking, which would still have a harmful impact on the Green Belt. The spatial impact of the proposed development is therefore not insignificant and would impact upon the openness of the Green Belt. This impact is considered to be significant, given the quantum of development, amount of built form and hardstanding the land take would involve.
- 7.17 This is consistent with the CSP1 Appeal Inspector who found in respect of that appeal site adjacent to the current site, that *'the MSA would involve a developed area of some 12 ha with significant building footprints, comprising the facilities building, the linked hotel and a filling station, and large areas of associated parking, access routes and other infrastructure. The appeal site is largely devoid of development, other than where it is dissected by the M25. Therefore, in terms of the spatial dimension, the proposal would cause a substantial loss of openness.'*
- 7.18 Visual Impact: The application site, and relevant areas once restored following HS2 works, would comprise visually open and undeveloped agricultural land. The application site would sit between both HS2 (to the east) and the M25 (to the west). Whilst the overall west to east fall of the valley side would remain apparent, the Chiltern Tunnel South Portal and various earthworks associated with the linear route as it extends eastwards onto the viaduct, would be a feature which contrasts with the overall undulating western face of the valley. To the west of the site, the M25 motorway and parallel pylon line introduces an urbanising feature before the views of eastern valley. A good network of public rights of way offer recreational countryside walks within the immediate area; these provide for a clear view of the application site and surroundings, particularly from the east.
- 7.19 The application is accompanied by a Landscape and Visual Impact Assessment (LIVA) which is a tool used to identify and assess the nature and significance

of the effects of a proposed development upon the landscape and upon views and visual amenity. Whilst landscape impacts will be further assessed within this report, the LVIA identifies 22 key visual receptors or viewpoints. The Council's landscape consultants have not identified any further viewpoints to consider. It is from these viewpoints where impacts in loss of openness within the Green Belt may be experienced.

7.20 Key visual receptors where the sensitivity to visual change as a result of the proposed development would occur, as agreed by the Council's consultants, are as follows:

- Walkers using the network of rights of way adjacent, and in close proximity to, the Site. Largely restricted to the public footpath to the west (CSP/16/1) and public bridleway to the east (CSP/44/1) (also the route of the Old Shire Lane and South Bucks Way);
- Walkers using the network of public rights of way further afield, particularly the routes (and common land) to the east near Harefield, but also to the north, on the edges of Maple Cross;
- Receptors associated with the edges of the local settlements, including Maple Cross and Harefield, and to a lesser extent South Harefield and Chalfont St Peter; and
- Users of the local transport network, but largely limited to Denham Lane, the M25 and Denham Way, as well as Park Lane further to the east.

7.21 Therefore, the site would be highly visible from the public domain, with built form and associated security fencing introduced directly adjacent to public bridleways CSP/43/2 and CSP 44/1 which run along the eastern boundary of the site. Although, visual intrusion would be reduced by excavating ground levels to sink built form lower within the landscape, structures and activity associated with the urban influence of the M25 would be introduced directly in sight of a countryside recreational route. It is recognised that mitigation would be proposed in terms of planting, but this will take a number of years to establish. It is noted however, that these recreational routes already have views of interrupted countryside courtesy of the M25 and HS2 which are strong visual influences; Denham Park Farm Quarry is also visible by users of these footpaths. It is further considered that the MSA would be read in the context of the M25 and this would lessen some of the visual impact on openness.

7.22 The urban influences of HS2 and the M25 also relate to longer distance receptors near Harefield and Maple Cross. It is also considered that although the MSA would be visible from these longer distances, it would appear as part

of the M25 infrastructure, and the scale of the impact on openness from a visual perspective would be lessened through the benefit of distance. Nevertheless, there would be significant visual harm by virtue of the loss of open fields in place of service building infrastructure.

- 7.23 The MSA would also be visible for passengers on the motorway and HS2 route, once operational; although these are considered to be less sensitive to the introduction of built form.
- 7.24 This would be consistent with CSP1 Appeal Inspector visual Green Belt findings, which outlined that the CSP1 MSA changes would be clearly perceived by users of the footpath which runs near to and across the northern part of the site and by the many motorists on the M25. The area to the east of the M25 is already close to major works associated with HS2 and crossed by overhead power lines. In terms of the wider area, the topography and wooded landscape would limit views of the main areas of built development and parking. In particular, the lie of the land would prevent views of the MSA from Denham Lane and Chalfont St Peter. Overall, the Inspector concluded substantial harm to the openness of the Green Belt.
- 7.25 It is considered that this level of identified harm has reduced with the present development proposal, by virtue of the smaller site and built form, and relocation of the main facility buildings to the eastern side of the motorway, which experiences more urban influences, than the western side which will contain the slip roads. Overall, it is therefore considered that significant visual harm to the openness of the Green Belt would result from the proposed MSA.

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

- 7.26 Paragraph 138 of the NPPF outlines the Five Purposes of the Green Belt.
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.27 Of these, Purposes (a – c) are considered relevant to the proposed MSA development. Each Green Belt purpose is discussed in turn below.

7.28 Green Belt purpose (d), which is “to preserve the setting and special character of historic towns” is not relevant as the application site is not located near to any historic towns. It is acknowledged that Chalfont St Peter has a historic village centre however, Chalfont St Peter does not comprise a town. Moreover, there are also areas of intervening built form between the village centre and the application site, which would mean that the proposed MSA would not affect the setting and special character of this historic centre. This has been confirmed by Buckinghamshire’s Heritage Officer when appraising the impact of the proposed development.

7.29 Green Belt purpose (e), which is “to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”, is also not relevant in this instance. There are specific locational requirements that mean that the MSA would have to be sited in the Green Belt and could not be located in an urban area. The western section of the M25 Motorway by reason of its location, transects through large areas of Metropolitan Green Belt within Buckinghamshire and Hertfordshire.

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

7.30 The Inspector for the CSP1 appeal decision outlines that the development would not be contiguous with the large built-up area of Chalfont St Peter and Gerrards Cross. The majority of the development would be contained by the M25 and HS2 to the east, open land to the west, and existing and proposed woodland and landscaping to the north and south. Moreover, paragraph 137 of the NPPF does not qualify its reference to sprawl by associating it only with large built-up areas. However, applying the specific wording of purpose a), there would not be unrestricted sprawl of the built-up area. In this respect findings were consistent with the Inspector who considered the proposal for an MSA on a different site at Warren Farm to the south. In the Warren Farm appeal the MSA was further away from the settlement edge but in both cases the MSA would not be contiguous with the built-up area. Limited harm was identified to this Purpose due to the perception of sprawl.

7.31 Similarly, the current CSP2 application site does not directly adjoin the settlement edge of Chalfont St Peter, with the M25 acting as a permanent feature separating the proposed MSA from this settlement. The application site is also separated from Three River settlements by the HS2 Chilterns tunnel line. Reduced visibility of Chalfont St Peter from eastern viewpoints means that there would be no perception of sprawl from Chalfont St Peter. Although, views of the site would be achieved from settlements to the east, such as Harefield, these would be long distance views, with clear Green Belt expanse between settlements and the application site.

7.32 It is therefore not considered that the proposal would conflict with this Purpose in either the spatial, or perceived sense.

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

7.33 The CSP1 appeal decision outlined that *'there is a gap of about 2km between the edges of Chalfont St Peter and Maple Cross and a greater separation between Chalfont St Peter and Harefield. The development would span some 0.5 km at its widest point, thereby eroding a significant proportion of the gaps.....An MSA in this location would not lead to a merger of settlements. As with the development considered in the 1999 decision, the development would contribute to the closing of the gap but not bridge it.'* No conflict was identified with this Purpose.

7.34 Likewise, the application site lies within an existing gap of open land between the settlements of Chalfont St Peter, Maple Cross and Harefield. It makes a moderate contribution towards preventing the merging of settlements, noting the scale of the site and its relative location between infrastructure, and low lying elevation in the overall context of the open land between existing settlements. The proposed development would lead to the partial loss of existing open land between the settlements of Chalfont St Peter, Maple Cross and Harefield; this would be unavoidable however, this would not be to the extent that the proposed development would result in these existing settlements actually merging into one another, but it would result in them being closer to one another. Given that clear distinction would remain between each settlement, it is not considered that the proposed development would conflict with this Green Belt purpose.

(c) to assist in safeguarding the countryside from encroachment

7.35 As highlighted previously, the application site, once restored following HS2 works, would comprise open agricultural land with views to the wider Colne Valley. The M25 motorway and electricity pylons represent existing urbanising features to the western landscape, with HS2 Chiltern's Viaduct adding to eastern landscape character. The area has a semi-rural character, with agricultural use and surrounding woodland (including some ancient woodland). Due to the size of the proposed MSA development, it would result in encroachment into the open countryside. Harm by way of encroachment is considered to be localised and moderate. This level of harm identified has been reduced from the significant harm acknowledged by the Planning Inspectorate in CSP1 appeal decision, due to the changes made to the development proposal which lessens overall harm to landscape and greenbelt openness.

7.36 In summary, it is considered that the proposed MSA development would conflict with one out of the five purposes of the Green Belt as referred to in paragraph 138 of the NPPF .

Green Belt Summary

7.37 The proposed MSA development would result in inappropriate development that would significantly harm both the spatial and visual aspects of Green Belt openness. In addition, the proposals would lead to a conflict with one out of the five purposes of including land in the Green Belt resulting in moderate harm to that purpose. The proposal would not accord with Local Plan policies GB2 and GB30 of the Chilterns Local Plan. Overall, Officers consider the harm to the Green Belt to be significant. This harm is afforded substantial negative weight. As a result, it is necessary to establish whether there are any VSCs which would outweigh the harm by inappropriateness and any other harm identified to justify approval of the development. The NPPF states at paragraph 148 that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any 'other harm' resulting from the proposal, is clearly outweighed by other considerations. The assessment of 'other harm' is considered within this report, with the VSCs addressed in detail, in the last section of the report entitled 'Overall Assessment'. This has concluded that there are no VSCs to outweigh the Green Belt, and other harms identified as addressed later.

8.0 Landscape and Visual

Core Strategy Policy:

CS4 Ensuring that Development is Sustainable

Local Plan Saved Policy:

GB30 Conservation and Enhancement of Rural Landscape in parts of The Green Belt

- 8.1 Policy CS4, Table 1 of the Core Strategy requires that development protects and enhances designated landscapes, commons, ancient woodlands and hedgerows.
- 8.2 Policy GB30 of the Local Plan outlines that new development should be well integrated into its rural setting and conserve the scenic beauty and amenity of the landscape in the locality of the development. As Policy GB30 of the Local Plan is engaged only where development would be acceptable in accordance with Policy GB2, it only carries moderate weight in accordance with the Inspectors approach for the CSP1 appeal.
- 8.3 Policy GC1 of the Local Plan requires development be of high design. Design includes both the appearance of the development and its relationship to its surroundings and considerations includes: scale, height, siting, layout, material and form.
- 8.4 Paragraph 174 of the NPPF sets out that planning decisions should contribute and enhance the natural environment and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and

beauty of the countryside. In addition, paragraph 130 of the NPPF highlights that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Landscape character

- 8.5 In terms of landscape designations, the site is not located in a protected landscape (i.e. within a National Park or Area of Outstanding Natural Beauty (AONB)). The site is located within the National Character Area (NCA) 115 Thames Valley, regional Herefordshire Maple Cross Slopes LCA and Chiltern District LCA for Mixed Use Terrace LCT and Chalfont St Peter Mixed Use Terrace LCA. The site is also referred to within the Colne Valley Regional Park Landscape Assessment (2017) area, and the 'Heronsgate/Chalfont Farmland' Landscape Character Area (LCA). The site also falls within the Colne Valley Regional Park (CVRP), a leisure, recreation and conservation resource that was established in 1967 to preserve areas suitable for these uses, with a broad aim of providing rural recreation with countryside in the background. This landscape is valued at a regional level.
- 8.6 The key characteristics of NC115 are as follows:
- Pockets of tranquillity within woodland and open spaces of a variety of habitats within a densely populated area.
 - Natural character of the area is overtaken by urban influences: a dense network of roads (including the M25 corridor), Heathrow Airport, railway lines, golf course, pylons, reservoirs, extensive mineral extraction and numerous flooded gravel pits
 - Area has an urban character, and there are very few villages of more traditional character, although almost half of the area is in Green Belt land
 - The area is important for recreation, both for residents and visitors.
- 8.7 The key characteristics of the Herefordshire Maple Cross Slopes LCA and Chiltern District LCA for Mixed Use Terrace LCT and Chalfont St Peter Mixed Use Terrace LCA include elevated large-scale arable landscape with expansive views contrasting with undulating landform and woodland blocks. The M25 and electricity pylons cut through the character area and introduce localised visual and audible impacts. However, the assessment notes that "away from these areas, pockets of rural tranquillity and naturalness have been maintained". The areas of higher tranquillity and long views towards the Colne Valley are identified as being of higher sensitivity.
- 8.8 In assessing the effects of development on the existing landscape it is important to recognise these existing characteristics. The application site occupies land that straddles the M25, it is currently subject to substantial

disturbance as a consequence of the HS2 temporary material stockpiles. In its restored state the application site would have an undulating profile with localised ridgelines which are similar in character to the dry valley and localised ridgelines further to the west. With the exception of boundary hedgerow, a small copse and a mature tree, there is little vegetation inside the application site. In the wider landscape the vegetation patterns are characterised by more extensive woodland blocks, generally associated with the upper slopes and ridgelines to the west of the Colne Valley. These areas include some smaller to medium scale areas of ancient woodland.

- 8.9 There is currently no formal public access to the Site. A public bridleway runs immediately adjacent to the southern boundary of the Site (CSP/43/2). Immediately alongside the eastern boundary of the Site (eastern parcel), the route of Old Shire Lane (and South Bucks Trail CSP/44/1) is temporarily diverted due to the HS2 construction works. To the north-west of the Site (and west of the M25) a public footpath connects Denham Lane on the edge of Chalfont St Peter, up to West Hyde Lane at Green Acres Farm (CSP/16/1).
- 8.10 The Site is located directly adjacent to the existing corridor of the M25; the route of the motorway as a whole passes through the area on the western slopes of the Colne Valley. There remains a distinct break between the site (and motorway corridor) to nearby areas of settlement to the west. To the east of the site, the HS2 Chilterns Tunnel route is currently under construction. This would create a distinct break between the Site (and HS2 line) to nearby areas of settlement to the east.
- 8.11 In terms of the methodology for visual impacts, ZTV mapping has been used to identify the likely extent of visibility of the proposed development. The ZTVs aims to reflect the theoretical visibility of the all parts of the development proposal. The ZTV also included the contour model which sets out the development platform as well as various earthworks proposed across the site. This included the proposed 'landscape earthworks' which are proposed along the eastern edge of the site.
- 8.12 Based on the ZTV, key visual receptors where the sensitivity to visual change as a result of the proposed development would occur are as follows:
- Walkers using the network of rights of way adjacent, and in close proximity to, the Site. Largely restricted to the public footpath to the west (CSP/16/1) and public bridleway to the east (CSP/44/1) (also the route of the Old Shire Lane and South Bucks Way);
 - Walkers using the network of public rights of way further afield, particularly the routes (and common land) to the east near Harefield, but also to the north, on the edges of Maple Cross;

- Receptors associated with the edges of the local settlements, including Maple Cross and Harefield, and to a lesser extent South Harefield and Chalfont St Peter; and

- Users of the local transport network, but largely limited to Denham Lane, the M25 and Denham Way, as well as Park Lane further to the east.

8.13 The MSA itself would result in a major transformation in the landscape to the east of the M25 with a less significant change to the west. The landscape change would arise from the cutting of, at some parts, 10 metre deep development platforms to replace the natural contours of the chalk valley, the introduction of significant built development, landscape bunds to increase the effective height of the new woodland planting, and provision of the associated infrastructure in and around the building complex, including slip roads, overbridge, and lighting.

8.14 The illustrative masterplan indicates that new landscaping features would be created around the perimeter of the site in the form of native tree and shrub planting. This would be supplemented with areas of wildflower planting and ornamental planting around the proposed buildings and parking areas. Also proposed are a series of wetland planting within the incorporated drainage features. It should be noted that there would be off-site habitat enhancement works (to be secured in the S.106 agreement) in the form of bulb planting.

8.15 Chapter 7 of the ES and relevant addendum describes the impacts of the proposed MSA on the various character area designations during the construction and operation periods of the proposed development, which the Council's landscape consultants found to be generally accurate.

8.16 The assessment of impacts for the proposed development is based upon the 'future baseline' of how the mitigation and restoration on completion of HS2 would influence the landscape. However, although the 'future baseline' considers a scenario post HS2 restoration and mitigation, these aspects will be relatively 'young' lacking time depth and the local landscape context will reflect a relatively new character until such measures are fully established in the medium to longer term.

8.17 Early phases of construction are likely to see the formation of the development platforms, the consequence being that the landscape mounds (proposed predominantly along the eastern edge of the site, but wrapping around the southern and northern extents as well) would in the main, also be created in the early phases. Consequently, the reduction of ground level, along with the physical screening provided by the landscape mounds would restrict the perception of ongoing construction activity from the wider

landscape. The ES therefore considers that only the impacts during construction would result in ‘significant effects’ in respect of published character areas (i.e. the Chalfont St Peter Mixed Use Terrace LC, Maple Cross Slopes LCA and Heronsgate/Chalfont Farmland LCA). Once the development is completed, and in the long term, there would be ‘no significant effects’ in respect of published character areas. This is partly due to the scale of the site by comparison to the wider LCAs, but also due to the influence of transport infrastructure in general and the diversity of the landscape through the area (including several urbanising influences such as settlement edges, commercial/industrial areas, HS2 etc).

8.18 The application site would be read in the context of components such as, the motorway, historic landfill, quarry and Orchard Caravan Site. Considering the site itself, there would be a clear change to its landscape that would give rise to a significant landscape effect. However, the site does not exist, nor is it perceived, in isolation, and therefore landscape effects for the site also consider it in its ‘local landscape context’. Consequently, on balance, at completion the magnitude of impact on the site and its local landscape context is considered to be moderate adverse. This would reduce to minor to moderate adverse landscape impact in the long term.

8.19 A summary of the landscape character effects, are set out in Table 2 below. These have been determined by the applicant’s Landscape Visual Impact Assessment and subsequent review from a specialist landscape consultant appointed by the Council, who agreed with the broad assessment, with minor differences in professional opinion, as reflected in the table below. Differences between the Council’s landscape consultants view and that outlined by the applicant’s landscape consultant are mainly due to professional judgement and perceived effectiveness of the mitigation proposals. The general landscape conclusions in terms of residual effects broadly align, that there will be no residual significant landscape effects in the longer term.

Table 2 Summary on landscape character

| Receptor | Level of Residual Effect | Significance |
|---|---------------------------------|---------------------|
| Hertfordshire Maple Cross Slopes LCA | Minor Adverse | Not Significant |
| Chalfont St Peter Mixed Use Terrace LCA | Minor to Moderate Adverse | Not Significant |
| Colne Valley Regional Park LCA | Minor to Moderate Adverse | Not Significant |

| | | |
|--------------------------------------|---------------------------|-----------------|
| Heronsgate/Chalfont Farmland LCA | | |
| Site and its Local Landscape Context | Minor to Moderate Adverse | Not Significant |

8.20 Noting the above, the proposed MSA development and associated infrastructure is considered to have some significant landscape character effects which would be limited to localised impacts. This impact is particularly prevalent during construction phase as the proposals would result in a substantial change to the landform to accommodate the main part and operational area of the MSA. In the longer term, any physical landscape impacts during operation would be limited due to mitigation which includes formation of levels to reduce potential visual impact and also earth mounding along the eastern edges, which have been designed to reference the undulating profile of the valley face.

8.21 In terms of the effects on the wider landscape, these would be generally limited because of the setting down of most of the development and the resultant extent of containment by topography and existing and proposed natural and man-made features. However, there would be some adverse effects on views across the Colne Valley, an important element of the wider landscape character. This would particularly be the case from the east valley. These eastern views are important given that they are most effected by the proposed development due to landform and site orientation.

8.22 It is worth noting that the boundary of the Chilterns AONB is located c. 1.8km to the north-west of the Site. Distance, along with intervening vegetation and topography contribute to the physical and visual separation between the site and the AONB. On this basis, it is reasonable to assume that it is unlikely the proposed development would give rise to any direct or indirect impacts on the setting of the Chilterns AONB.

Visual effects

8.23 The submitted LVIA has also identified the visual effects that would arise during construction and occupation of the proposed MSA development. 22 viewpoints have been explored in terms of impact upon view, these were selected due to locations directly adjacent to the site, or very close to the site.

8.24 Based on the ZTV, the visual envelope of the site is broadly as follows:

- To the north, limited to landscape areas between Horn Hill (between Chalfont Common and Maple Cross) and Woodcock Hill, although the

majority of views are screened by the combined influence of landform and vegetation;

- To the east, some foreshortened views from the western valley side, more heavily screened views in the valley base and some more open but distant views on the eastern valley face, up to an approximate limit at Harefield, where the built form of the settlement and further changes to topography limit any views from beyond;
- From the south, up to an approximate limit at South Harefield (albeit from the very limited instances) where locations are both elevated and open, with other southern limits restricted to locations around Durden Court, noting that woodland and the extensive water bodies to the south prevent or restrict opportunities for views to the Site; and
- From the west, up to a limit of Denham Lane at Chalfont St Peter although views from this distance tend to be screened by landform and vegetation, with available views more limited to the rights of way in close proximity to the Site.

8.25 Overall, views of the site, and likely views of the potential development, are restricted to a limited area. This includes locations on (or just outside of) the boundaries of the site itself, particularly where rights of way run parallel to the eastern and southern boundaries. Views are also available from the east, however the more 'direct' nature of such views are offset by the far greater distance. More generally, views from locations in the immediate context of the site are more restricted. It is also considered that visual impacts would decrease as the development moves from the construction phase to the operational stage due to establishment of landscaping.

8.26 The 22 viewpoints selected were review by a specialist landscape consultant appointed by the Council. It is considered that the viewpoints selected are an acceptable representation of the scheme's visual impact. The follow Table 3 provide a summary of residual development impact. Again, where the Council's landscape consultants views different from the applicant's assessment it was down to difference in professional judgment, and not significance of effect, in the longer term. Table 3 is a summary of the Council's Landscape Consultants assessment.

Table 3 Summary of visual effects

| Viewpoint | Level of Effect- short term | Level of Effect – long term | Significance |
|--|------------------------------------|------------------------------------|---------------------|
| 1. View looking south-west from the Hillingdon Trail | Minor to Moderate Adverse | Negligible to Minor Adverse | Not Significant |

| | | | |
|--|---------------------------|-----------------------------|-----------------|
| on Springwell Lane, north of Harefield | | | |
| 2. View looking west, from Park Lane and the junction with Belfry Avenue, west of Harefield | Minor to Moderate Adverse | Negligible to Minor Adverse | Not Significant |
| 3. View looking west from the public footpath and common land west of Harefield | Moderate Adverse | Minor to Moderate Adverse | Not Significant |
| 4. View looking west from the car park of The Old Orchard public house, west of Harefield | Minor to Moderate Adverse | Minor Adverse | Not Significant |
| 5. View looking west from the Hillingdon Trail on the public footpath within the Colne Valley, west of Harefield | Minor to Moderate Adverse | Negligible to Minor Adverse | Not Significant |
| 6. View looking north-west from the Colne Valley Trail and Grand Union Canal Walk | Neutral | Neutral | Not Significant |
| 7. View looking north-west from the public footpath to the east of South Harefield | Neutral | Neutral | Not Significant |
| 8. View looking north-west from the South Bucks Way and Old Shire Lane circular walk near Durden Court | Moderate Adverse | Minor Moderate Adverse | Not Significant |
| 9. View looking north-west from the South Bucks Way and Old Shire Lane circular walk north of Juniper Wood | Moderate to Major Adverse | Moderate Adverse | Not Significant |
| 10. View looking north-west from the South Bucks Way and Old Shire Lane, adjacent to the south- | Moderate to Major Adverse | Moderate Adverse | Not Significant |

| | | | |
|---|-----------------------------|-----------------------------|-----------------|
| eastern boundary of the site | | | |
| 11. View looking north from the South Bucks Way (public bridleway), adjacent to the southern boundary of the site | Moderate to Major Adverse | Moderate Adverse | Not Significant |
| 12. View looking north-east from the South Bucks Way (public bridleway) close to its junction with Denham Lane | Neutral/Negligible Adverse | Neutral | Not Significant |
| 13. View looking east from Denham Lane, north-west of Mopes Farm (and Tims Dairy) | Nil | Nil | Not Significant |
| 14. View looking south-east from the public footpath adjacent to Bloom Wood, east of Chalfont St Peter | Minor to Moderate Adverse | Minor Adverse | Not Significant |
| 15. View looking south-east from the public footpath, just west of the M25 | Moderate Adverse | Minor to Moderate Adverse | Not Significant |
| 16. View looking south from the public footpath off Horn Hill Road, west of Maple Cross | Minor Adverse | Negligible to Minor Adverse | Not Significant |
| 17. View looking south from the public footpath close to Horn Hill, just west of the M25 | Neutral | Neutral | Not Significant |
| 18. View looking south-west from the public footpath on the settlement edge of Maple Cross | Negligible to Minor Adverse | Negligible | Not Significant |
| A: View from HS2 construction site | Negligible | Nil | Not Significant |

| | | | |
|---|---------------------------|-------------------|-----------------|
| representing views from Chalfont Lane | | | |
| B: View from HS2 construction site representing views from the South Bucks Way and Old Shire Lane, close to Chalfont Lane | Moderate to Major Adverse | Minor to Moderate | Not Significant |
| C: View from HS2 construction site representing views from the South Bucks Way and Old Shire Lane, adjacent to the eastern boundary of the site | Moderate to Major Adverse | Moderate Adverse | Not Significant |
| D: View from HS2 construction site representing views from the public bridleway to the east of the site | Moderate to Major Adverse | Moderate Adverse | Not Significant |

8.27 With regard to the above table, the viewpoint impacts show that there would remain no significant visual effects in the longer term (i.e. no long term visual effects are judged to be 'moderate to major' or 'major') based on the viewpoints selected for use within the LVIA. The table shows the most significance of effect are experienced from close proximity to the Proposed Development, and generally to the East (aka adjacent public rights of ways; Viewpoints 18D, 18C, 18D, 15, 11, 10, 9, 8 and 3) however, the LVIA demonstrates that it is possible to mitigate such views through use of screening in the form of landscaped mounds and landscape planting.

Night time visual effects

8.28 Paragraph 185 (c) of the NPPF states that planning decision should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The existing site which is recognised for being rural in nature is relatively unlit, visible lit sections are related to adjacent urban development (outside the site) and the M25 lighting.

8.29 Core Strategy policy CS4 seeks to ensure that for all new development regard should be had to ensuring minimal disruption in terms of light pollution in the wider area.

- 8.30 In terms of nighttime visual effects, it is recognised that the proposed MSA and the associated access and facilities would require lighting. Chapter 7 of the ES and ES Addendum identifies the proposed lighting for the site and appendix 2.1 includes a lighting assessment for the proposed MSA development in accordance with Institute of Lighting Professionals (ILP).
- 8.31 In terms of the ILP the application site is located within Environmental Zone E2 which is defined as a rural surroundings, low district brightness areas.
- 8.32 The following areas of the MSA proposal would require artificial lighting:
- Car, HGV and coach parking areas
 - Internal access roads
 - Service areas
 - Primary access roads and roundabout
 - Fuel filling station.
- 8.33 Potential effects on the landscape fabric of the site attributed to the installation of lighting have been identified during construction and operation phases.
- 8.34 Whilst the PRoWs are available to access during the hours of darkness, they are by their inherent nature more difficult to access and less likely to be used for recreation, especially as they are not particularly convenient to access in some locations.
- 8.35 The site is also located directly adjacent to the existing motorway corridor, which is lit (as opposed to the time of the Warren Farm appeal consideration, when the M25 remain unlit in this section) and a source of lighting from around the landscape. Viewpoints from four locations were appraised in the ES in term of potential impacts from lighting. None the viewpoints selected were considered to have significant effect.
- 8.36 For the proposed development, construction lighting is likely to be limited to the site and be intermittent in respect of the time of day and season. For works related to access and slip roads, construction lighting would be consistent with the existing motorway corridor, which is lit at this point and a prominent source of lighting. Other light sources would be situated in the main, eastern parcel of the site and include low level construction lighting, sources associated with site compounds, construction plant and some taller construction plant (albeit limited in duration). Due to access aligning with the existing motorway corridor and the mitigation inherent in the proposed development such as the lowering of ground levels and inclusion of screening in the form of landscape mounds, lighting for the proposed development is not likely to be a distinctive element in the landscape other than at a localised

level. Consequently, lighting effects at construction, for each of the landscape character areas are not considered to be significant.

- 8.37 For the operational area of the MSA, much of the development platform would sit below the landscape mounds which, along with planting, would limit the opportunity to perceive any lighting spill from across the main site. Some skyglow may be apparent, particularly if able to access the landscape from the PRoW network immediately east of the site, however this perception would remain in the context of the existing motorway, along with any permanent lighting related to HS2 (albeit this is limited).
- 8.38 Closest night-time viewpoints from the MSA would be seen immediately beside or across from the bright motorway lighting, reducing its potential effect; and from further away viewpoints, effects are unlikely to be significant due to distance.
- 8.39 Furthermore, where lighting effects occur, there would remain extensive parts of the landscape between the site and nearby settlements which are not influenced by lighting of the proposed development, including the darker pocket of landscape west of the M25 and up to the settlement edge of Chalfont St Peter, and, notwithstanding the route of HS2, to the east down to the route of the A412.
- 8.40 Subject to the imposition of conditions and s106 obligations requiring full details of proposed external lighting and other relevant frameworks/strategies, the ES considers that external lighting of the operational development of the MSA alongside mitigation, would have a negligible effect in terms of potential impact from obtrusive light on sensitive receptors and location. The Council's Landscape Consultant agrees with these findings in relation to lighting.

Conclusion on landscape character and visual effects

- 8.41 The proposed development would result in the loss of undeveloped agricultural land, to include new buildings, hard surfacing and soft landscaping. In addition, a new access would be created off the M25, together with an overbridge. Mitigation in the form of bund landscaping, woodland and other planting is proposed for the purposes of biodiversity net-gain.
- 8.42 In terms of the landscape character, the ES and ES addendum conclude that the proposed development would have a minor to moderate adverse effect on the relevant LCAs in the long term (15 years from establishment); and at most a moderate visual impact to the closest viewpoints (adjacent rights of way). The Council considers that the proposed development would be most

visible from the south-eastern end of the site, across the valley where landscaping may not be as successful in screening views from the slope at its steepest. Nevertheless, it is accepted that these impacts would be localised and would not result in significant harm to the wider context.

- 8.43 Due to the localised effects on the landscape character it is considered that there would be little change to the key characteristics of the wider Colne Valley Regional Park.
- 8.44 Overall, given the residual (with mitigation) south-eastern visual prominence of the site, the impacts on the landscape character and visual effects of the development are considered to result in considerable harm, contrary to Core Strategy Policy CS4 and Local Plan Saved Policies GC1 and GB30. This harm carries considerable weight, with significant weight applied to the policy conflict with Policies CS2 and GC1, and Paragraphs 130 and 174 NPPF .

9.0 Agricultural Land

Core Strategy Policy:

CS4 Ensuring that Development is Sustainable

- 9.1 Policy CS4 of the Chilterns Core Strategy, requires efficient and sustainable use of soils including taking account of the presence of the best and most versatile agricultural land when siting new development.
- 9.2 The NPPF at paragraph 174b notes the benefits of protecting BMV agricultural land. The footnote (58) to paragraph 175 relating to local plans also states 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.
- 9.3 In assessing the effects of development on agricultural land it is necessary to have given consideration to the Agricultural Land Classification (ALC), devised by the Ministry of Agriculture Fisheries and Food (1988). This is the standard method used for determining the quality of agricultural land.
- 9.4 BMV is defined as Grades 1, 2 and 3a; this is land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses. Grades 3b, 4 and 5 are not classed as BMV. This classification (ALC) is appropriate for assessing the quality of farmland, to ensure informed choices are made about its future use within the planning system.
- 9.5 Detailed soils reports have been produced to determine the ALC grade of agricultural land to the east and west of the M25, and these reports were carried out in accordance with Natural England's TIN049, 'Agricultural Land Classification: protecting the Best and Most Versatile agricultural land'. These

reports feed into Section 10 of the ES, which consider the site baseline as land at optimum agricultural state, prior to HS2 construction.

- 9.6 The applicant's assessment concludes that the application site comprises of 15.9ha (44.3%) of Grade3b agricultural land, 6.7 ha (18.7 %) of Grade3a BMV Agricultural Land, and 2.19 ha (6.1 %) of Grade 2 BMV land. There is also 11.08 ha (30.9 %) of non-agricultural land present within the Site. Thus, a quarter of the land is classified as BMV, and the preservation of such land is recognised as being beneficial, as per paragraph 174 of the NPPF. The entirety of this BMV identified would undergo a permanent change to non-agricultural use by way of building or associated infrastructure.
- 9.7 The loss of this BMV agricultural land does not represent a significant loss locally or in the wider context of the area and it is not considered of significant impact by the applicant. This would be a residual effect, as no mitigation is proposed in the form of re-provision of agricultural land.
- 9.8 Furthermore, the applicant explained that reinstatement of agricultural land after construction works does not usually lead to land of the same quality. This is due to factors such as compaction and weather conditions affecting the displaced soils, particularly during soil handling. It was suggested, based on research, that only some 20% of such land is reinstated to the same quality after construction works. The agricultural land on the site may therefore not be restored to BMV agricultural land. This assessment is therefore outlining a worse case scenario.
- 9.9 Officers consider the loss of agricultural land to be less than significant in the context of the wider provision of BMV in the locality, of which the application site accounts for 0.0016 % of all BMV quality land within the wider area. Therefore, the loss of BMV agricultural land in this instance would be afforded limited negative weight as the permanent loss of this agricultural land cannot be mitigated. Appropriate construction mitigation measures should be secured, as there is the potential for loss and disturbance to the soil resource to occur; the resultant effect of which could be significant, and have other unintended consequences regarding water contamination; this can be dealt with through a planning condition(s). The proposal is considered to accord with the aims of Policy CS4 of the Core Strategy and Paragraphs 174 and 175 of the NPPF.

10.0 Highway Safety, Transport and Access

Core Strategy Policies:

CS25 Dealing with the Impact of New Development on the Transport Network

CS26 Requirements of New Development

Saved Local Plan Policies:

TR2 Highway Aspects of Planning Applications Throughout the District

TR3 Access and Road Layout Throughout the District

TR16 Parking and Manoeuvring Standards Throughout the District

10.1 Chiltern's District Core Strategy policy CS25 asks for assurance that planned development will not adversely impact on the transport network. Planning applications should be accompanied by an assessment outlining the impact of the new development on the transport network, as well as public transport, traffic flows, air quality, accessibility levels and road safety.

10.2 Core Strategy policy CS26 sets out the need for new development to make suitable connections, with development proposals expected to: "Provide safe, convenient and attractive access on foot and by cycle, making suitable connections with existing footways, public footpaths, bridleways, restricted byways and cycle ways, local facilities and public transport so as to maximise opportunities to use these modes".

10.3 The policy also outlines that new development will be expected to:

"b) Ensure that the convenient use and enjoyment of existing public rights of way, such as footpaths and bridleways and restricted byways, are not affected by development;

c) Integrate with local public transport services and also where appropriate provide direct routes protected from traffic congestion, interchange, stops and waiting areas;

d) Be appropriately located to the road network and provide satisfactory vehicular access to and from the area of development so that the convenience, safety, and free flow of traffic using public highways are not adversely affected

e) Provide appropriate and effective vehicular and cycle parking and servicing arrangements;

f) Ensure that all vehicular traffic generated by future development does not materially increase traffic problems, for example, congestion and local air quality, taking account of off-site improvements or contributions towards them which may be secured;

g) Secure the preparation and implementation of measures which minimise and manage parking and travel demand, including as appropriate travel plans, parking management plans and car clubs;

h) Ensure that developments will be served by adequate infrastructure capacity in terms of water supply, foul drainage, waste water and sewage

treatment, high speed broadband access and other utilities, without leading to problems for existing users”.

- 10.4 Saved Chiltern District Local Plan policy TR2 sets out a number of principles that proposed development should accord with. Of relevance to the proposal, are the requirements to provide satisfactory access onto the existing highway network; the highway network in the vicinity of the site should have capacity to accommodate any additional flow of traffic generated by that development without significantly exacerbating any existing overloading or other traffic related problems; traffic of excessive volume size or weight will not be accepted on unsuitable roads, and standards of road safety for all users should, at minimum, be maintained and where appropriate, improved.
- 10.5 Saved Local Plan policy TR3 requires highway access and layout arrangements of proposed development to be in accordance with standards adopted by Buckinghamshire County Council and any current policy guidance from the Department for Transport. Also, off-site highway improvements may be required in some circumstances.
- 10.6 Saved policy TR16 is applicable to off-street parking provision, with vehicle parking standards set out for different forms of development. Suitable provision shall also be made for disabled drivers, motorcycles and cycle parking. Provision should accord with Standards in Policy TR16. Policy TR15 is relevant to the design and layout of car parking areas, with a number of criteria cited.
- 10.7 Paragraph 106e of the NPPF (2023) states that planning policies should provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.
- 10.8 Footnote 44 explains that ‘policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services (and most such proposals are unlikely to be nationally significant infrastructure projects).’
- 10.9 Paragraph 110 of the NPPF advises the following:
 - a) Appropriate opportunities to promote sustainable transport can be, or have been taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users; and

c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”

10.10 Paragraph 111 of the NPPF states that: “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

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

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

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

10.14 All vehicular access to the proposed MSA would be exclusively from the Motorway, with no vehicular access from the local highway network. Cycle and pedestrian access (not for motorised vehicles), would be provided via Chalfont St Peter CSP/44/1 (restricted byway), linking onto the A412 Denham Way. As such baseline conditions were established from the Motorway network between Junctions 16 and Junction 17 only. Baseline traffic flows for the M25 were obtained from traffic vehicle counts undertaken pre Covid-19 Pandemic, in May 2019. The survey outputs were processed to calculate base year (2019) link flows passing the proposed MSA site and turn in rates were derived from link flow data at the Cobham MSA, which is considered to represent a similar development with all vehicle access taken from the M25. WebTRIS baseline data for between Junction 16 and Junction 17 in the vicinity of the proposed MSA scheme was also analysed for 2019 and 2021 to confirm that the 2019 data continues to provide a robust basis for assessment. National Highways request a further Road Safety Audit (RSA) to support existing survey work. This work has been done with mind to concurrent construction with HS2. As a result of the RSA, minor tweaks were made to General Arrangement Drawing for Access to and from the M25.

These changes do not effect material planning considerations, Parameter Plans, or Chapter 12 of the Environmental Statement.

10.15 Proposed access to the site would take the form of on/off slip roads located on both the northbound and southbound carriageways of the M25. The on/off slip roads on the northbound carriageway link to the MSA via an access bridge over the M25 and then a roundabout within the site on the western side of the M25 that also links the on/off slip roads on the southbound carriageway. Access across the M25 would be via a single overbridge 'loop' to allow vehicles from the northbound carriageway of the M25 to access/exit the MSA.

Impact on the Strategic Road Network (SRN):

10.16 National Highways is the highway authority, traffic authority and street authority for the SRN.

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

10.18 The applicant has worked with National Highways during the course of the application to ensure that the proposed development is deliverable without compromising the safety and operation of the M25. A response from National Highways was received in May 2023, and their main considerations are as follows:

10.19 The Design Manual for Roads and Bridges (DMRB), which contains information setting out the current standards relating to design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom.

10.20 The MSA proposals have been subject to a Stage 1 Road Safety Audit (RSA1). No significant impacts that would prevent the development from taking place on road safety audit grounds have been identified by National Highways at this preliminary stage. More detailed design access drawings have subsequently been provided and approved by National Highways through an Audit Report and Designers Response.

10.21 National Highways is supportive of a MSA facility in the North-west quadrant of the M25, and have raised no concerns regarding the location of the propose MSA facility in relation to M25 operation or safety.

Provision of a Secondary Access

- 10.22 No local access road is proposed in the current development proposal. National Highways and the operators of MSAs have found from experience that the provision of rear (or secondary) access(es) to MSAs often results in their regular abuse by motorists who take short cuts from the local road network to the SRN, or vice versa, which creates an unauthorised through route. This can lead to safety concerns and also ongoing costs for the operator in terms of multiple repairs.
- 10.23 The current policy on MSA rear accesses is set out within the DfT Circular 01/2022, "The Strategic Road Network and the Delivery of Sustainable Transport" which states at paragraph 91: "there must be no route through a roadside facility or its access link between the local road network and SRN. In addition, any subsidiary accesses must be restricted to staff, deliveries, parties carrying out duties for and on behalf of the Secretary of State, the company, the emergency services, and breakdown recovery and assistance."
- 10.24 On the other hand, Thames Valley Police have comment on the planning application and requested provision of some form of rear access route for emergency vehicle access to the MSA for crime prevention purposes. The lack of rear access road is highlighted as having potential to negatively impact accessibility for the Local Policing Area. The concerns relate to ability to deploy resource located within the local community close to the site, who are unable to access the site locally; officers that are not fast road trained cannot access the site, reducing resource available; and that congestion on the motorway could delay site access, with the relevant section of the M25 having no hard shoulder access once converted into a smart motorway. However, this latter concern is given very limited weight due to Central Government removing smart motorways from road building plans, cancelling this scheme's roll out. Further details on security are address later in this report. It is therefore considered that Thames Valley Police's concern regarding a lack of local access road to the MSA, can be overcome.
- 10.25 As all vehicular access to the proposed MSA would be exclusively from the Motorway, with no vehicular access from the local highway network, it is considered that no impact to the safe, efficient operation of the local road network would result. This is supported by Buckinghamshire Highways, who have raised no concerns with the planning proposals.

On-line vs Off-line locations

- 10.26 Paragraph 84 of Circular 01/2022 set out that that on-line (between junction) service areas, such as the one being proposed, are considered to be more accessible to road users and as a result are more attractive and more conducive to encouraging drivers to stop and take a break. They also have the added advantage of avoiding the creation of any increase in traffic demand at

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

Construction Traffic

- 10.27 In terms of construction traffic, access to the construction site would need to be agreed in advance with National Highways, with detailed matters to be subject to condition. Construction traffic would access the site from the M25. During the initial construction phase it is anticipated that temporary traffic management, involving narrowing of lanes and 50mph speed limit, would be implemented on the M25 during construction.
- 10.28 The construction period is assumed to be 24 months, within the submitted ES, with the MSA opening in 2027. The HS2 scheme in the vicinity of the proposed development is presently under construction and on the basis of the information available before Officers, it is understood that the key civil engineering works are due to be completed late 2024 by Align JV, with the South Portal compound being demobilised in early 2025 and the site being handed back over to HS2 to complete the railway systems installations. In this manner, it is expected that the HS2 key civil engineering works would have been completed before the construction of major works for the MSA begin. There is the potential for a short period during which both HS2 and the MSA construction activity take place concurrently. However, the ES outlines that this is likely to be towards the end of the HS2 construction programme after the substantial earthworks movement associated with the tunnel construction has taken place, and as such is unlikely to result in any significant cumulative impacts in relation to traffic. The spacing between the proposed MSA access and the HS2 temporary slip roads exceeds the minimum requirements set out in the DMRB. The RSA undertaken appraises the impact of the proposed development being constructed and operated concurrently with HS2. National Highways and Buckinghamshire Highways are satisfied that this concurrent arrangement is acceptable.
- 10.29 The Transport Assessment submitted with the ES Addendum sets out the temporary construction access measures in more detail, including construction related parking, management of construction deliveries, traffic management routing of construction vehicles and additional measures that are intended to reduce the impact of construction traffic. Construction traffic

has been forecast at around 50 HGV movements and 60 light vehicles per day on the M25. The additional construction vehicle movements associated with the proposed MSA would add less than 0.1% to the total flow on M25 and less than 0.25% HGV movements. The ES therefore considers it unlikely that construction traffic would represent a magnitude of increase that will require assessment of effects. On that basis, effects resulting from construction would be minor and not significant.

Parking

10.30 Buckinghamshire Council wide Parking SPG (2015) and Chiltern District Local Plan Policy TR16 relate to parking standards for new development, however neither set out specific parking standards for MSA development although it includes parking space dimensions and requirements for motorcycle, cycle and electric charging spaces. In more general terms Core Strategy policy CS26 refers to the expectation that new development will be expected to provide appropriate and effective vehicular and cycle parking.

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

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

- Car parking: 759 spaces (including 5% disabled bays)
- Caravan parking, motorhome and trailer: 23 spaces
- Motorcycle parking: 23 spaces
- Coach parking: 19 spaces
- HGV parking: 142 spaces
- Abnormal load: 1 space
- Staff parking: 38 spaces

10.33 This proposed parking quantum would align with the parking standards set out in Annex A, Table 2 of the Circular, and therefore, no objections are raised to parking provision from National Highways, with a condition recommended to secure the final parking details at a later stage.

10.34 In terms of the HGV parking referenced above, the proposed quantum would allow appropriate levels of HGV provision which would contribute significantly towards the need for additional parking for HGV's in the south east region. This would also meet National Highway's aims of preventing overspill of HGV parking in the immediate vicinity of roadside services and would be a benefit in terms of the welfare and safety of users of the SRN. The HGV parking area would allow overnight stays and would therefore accord with the aims of paragraph 109 of the NPPF.

10.35 In addition to the parking provision above, the proposed MSA development would also incorporate, as a minimum 20 active EV charging spaces, and 100 passive spaces. Officers consider that this level of on-site provision would help promote sustainable travel opportunities and would also align with paragraph 107e of the NPPF. The EV parking spaces would also be secured via planning condition.

Trip Generation

10.36 Whilst the MSA proposal is not expected to generate new traffic, there would be traffic growth in and around the area because of committed and planned development in the area. The main traffic impact of the proposed development would likely be the introduction of new merge, diverge and weaving movements as vehicles seek to access the MSA or re-join the motorway. There are predicted to be an average of 950 staff trips per day by car and an average of 65 delivery and servicing trips per day. To put this into context, the daily trips between J16 and J17 is 163,600 (in both directions).

10.37 From this it is calculated that the magnitude of increase in daily vehicle trips due to the proposed development, once operational, is approximately 0.6%. This effect of the increase in traffic is considered in the ES to be negligible, in accordance with DMRB HA205/082, and the magnitude of change below the thresholds for further assessment, in order to accord with the IEMA methodology. No further assessment is therefore required.

10.38 There would be no public access between the proposed development and the local road network and once the MSA is operational all customer, service and delivery access would be from the M25.

10.39 National Highways accept that operational trip generation would be minimal, and have no objection to the proposed scheme. It is therefore considered that the proposed development would be acceptable in terms of trip generation highway impact.

Accident / Collision Data

10.40 Within the TA accident/collision data has been considered on the M25, between junctions 16 and 17 over a five-year period (2015 to 2019). Data from 2019- 2021 has not been used due to the impacts of Covid restrictions on traffic flows in these years. The data shows that there have been 152 casualties over the period; 130 slight, 22 serious and no fatalities. The TA considers the development to have negligible effect on traffic flows and it can thus be concluded by Officers that the development would have a negligible effect on accidents and safety.

Promoting Sustainable Travel Opportunities

10.41 A draft Framework Travel Plan (FTP) has been submitted in support of the application, and the FTP draws upon information contained within the TA. This sets out the operator's commitment to operating the development in a way that provides opportunities for staff to travel to site by sustainable modes given the context of surrounding infrastructure. It also provides a strategy for minimising single occupancy car trips to the site by employees whilst promoting travel choice.

10.42 Public Rights of Ways (PRoW) are adjacent to the proposed development; to the east, Chalfont St Peter CSP/44/1 (restricted byway) part of the Old Shire Lane Circular Walk and to the south Chalfont St Peter CSP/43/2 (South Bucks Way) (bridleway) which crosses under the M25 via an underpass. The route along the south and east sides of the site follow a designated bridleway route, including part of the Old Shire Lane route which connects to the Chiltern Way and South Bucks Way routes. The Old Shire Lane route also connects with Tilehouse Lane and a designated pedestrian route to Denham railway station. Approximately half a mile to the east, there is a recently constructed cycle path along the A412 Denham Way which connects with Maple Cross.

10.43 The closest bus stops to the site are on the A412 Denham Way (10 minute walk to the North of the Site) and are served by the 724 service which is an hourly service from Harlow to Heathrow Airport via Watford, St Albans, Hatfield, Welwyn Garden City, Hertford and Ware. Further bus stops are located in Chalfont St Peter, with the nearest bus stops being on Copthall Lane (30 minute walk to the North of the Site), served by the 106 and 107 services connecting to Gerrards Cross and Slough. There are also bus stops at the Waggon and Horses on A413 Gravel Hill (40 minute walk to the north of the site), which are served by the 104 and 105 in addition to the 106 and 107. These services connect to High Wycombe, Chesham and Uxbridge

10.44 The proposed MSA is forecast to employ 310 full-time staff with various shift patterns throughout a 24-hour period. Estimated shift patterns have been provided within the draft FTP. The busiest shift period is estimated to be

between the hours of 07:00 and 15:30, with 154 staff (36%). Between 15:00 and 23:00hours, the next busiest period is estimated to generate 102 staff (24%).

10.45 The location of the proposed MSA and the likely shift working patterns mean that it is inevitable there would be a reliance on travel to the site by private vehicle mode, and sufficient provision for this is to exist on site. The operator has considered what measures could be employed to provide staff with improved opportunities for travel by sustainable modes, some of these measures are set out below:

- Encourage car sharing by promoting 'CarShare' or similar car sharing schemes;
- Provision of a shuttle bus service from public transport connection;
- Emphasis on local recruitment (through the Employment Strategy) would maximise the opportunities for accessing the site by sustainable modes;
- Free meals provided during rest periods to prevent need to travel off-site;
- Distribution marketing and awareness literature to staff, with personalised travel planning information;
- Annual awards given to employees who have consistently travelled sustainably and helped to progress the aims of the travel plan;
- A public display area providing customers and staff with information relating to greener driving methods, car sharing and park and share provision;
- Provision of secure and covered cycle parking spaces (and shower, changing and storage facilities);
- Distribution of maps to staff illustrating safe walking and cycling routes to relevant locations;
- Organisation of promotional events such as 'walk to work' days or weeks;
- Encourage the formation of a bicycle user group;
- Provision of literature on the health benefits of walking (either to work or in the course of work); and
- Appointment of a Travel Plan Coordinator, who would be responsible for the day-to-day implementation, monitoring and review of the travel plan initiatives.

10.46 The key objectives of the draft FTP are:

- To increase inclusivity for employees by encouraging and facilitating access to the site by a variety of modes of travel;
- To reduce the local impact of single vehicle occupancy employee car journeys to and from the site;
- To encourage a reduction in carbon emissions; and

- To encourage healthy lifestyles amongst employees.

10.47 Final Travel Plan targets would be set once the MSA is operational, as there would then be more certainty about tenant employees at that time. It is proposed that an initial travel survey of staff be undertaken within the first six months of opening, this is to establish a baseline. A more detailed survey would then be undertaken annually. At this stage an initial 5-year target reduction for single occupancy vehicle use is proposed against the baseline, to be achieved over a 5-year implementation period. Survey results are to be submitted to the Council, so that it can be decided how targets might be better achieved (if necessary). An annual report would be produced that would review the effectiveness of the FTP in the previous 12-month period, with details of any further measures that may be proposed over the following period. This can be secured through a S106 agreement. Officers therefore consider that measures can be put in place which promote the use of sustainable transport and prevent full reliance of private vehicles when accessing the site.

Public Rights of Way

10.48 There is presently disruption to the PRoW network adjacent to the site due to HS2 work, which has resulted in the temporary closure of adjacent footpaths, and realignment of these. Planning information therefore considers the PRoW network post-completion of the HS2 works.

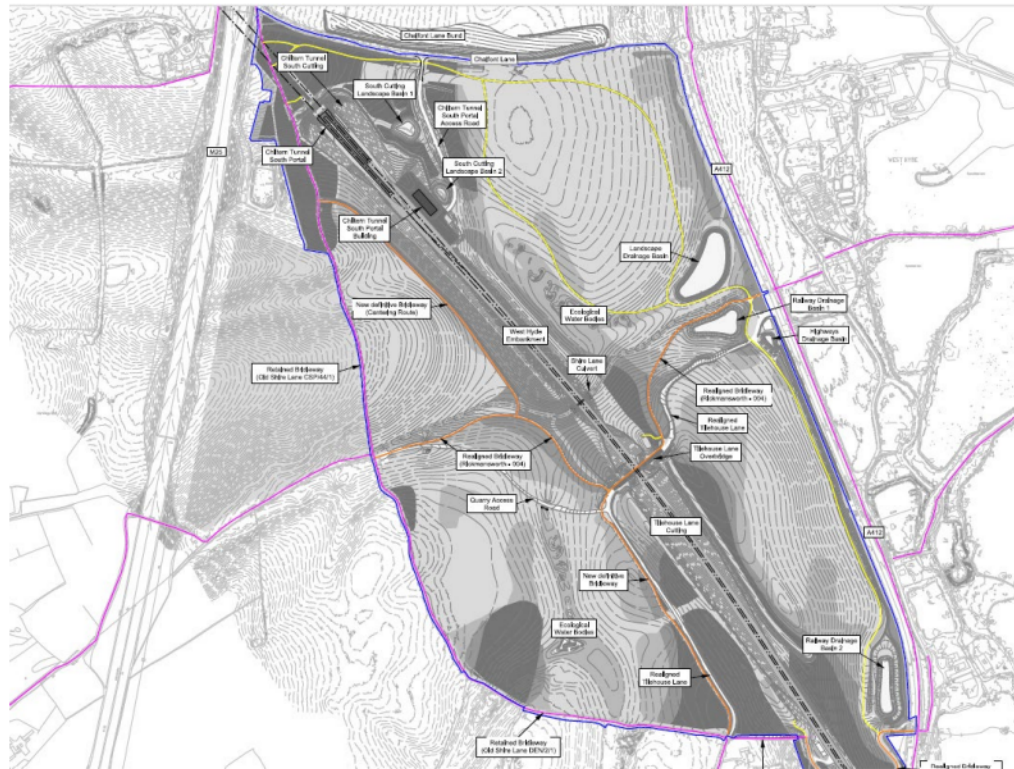
10.49 As part of the HS2 works the Rickmansworth 004 (bridleway) is realigned around the portal tunnel and an overbridge is provided to maintain connectivity, the route connects both DEN 2/1 and the A412 Denham Way at its previous locations thus maintaining the integrity of the PRoW network. Along the west of the HS2 alignment a new definitive Bridleway (Cantering Route) is provided that joins onto CSP/44/1 and the Rickmansworth 004 (bridleway). Towards the south of the HS2 route (Old Shire Lane DEN/3/bridleway) is realigned to facilitate the Colne Valley Viaduct. PRoW routes to west of site are retained in their current configuration. The PRoWs located directly to the east and south of the proposed MSA are not directly affected by the HS2 scheme.

10.50 Once HS2 is completed, the public right of way network will be reinstated, with some new permissive paths to be created. Please see figure 1 below.

Figure 1: Final Right of Way layout once HS2 is completed

Public Rights of Way

- PRoW Wider network and not affected by HS2
 - Passive Walking Routes delivered by HS2
 - PRoW Maintained / Realigned by HS2
- Other
- Application Boundary



Extract 1 - HS2 Rights of Way plan

10.51 It is proposed that the MSA would connect onto Chalfont St Peter CSP/44/1 (restricted byway), at the north eastern corner of the site, for employee pedestrian access only. This connection would provide staff with two routes onto the A412 Denham Way). The route to north via Chalfont Lane and the southern route which joins onto Rickmansworth 004 (bridleway) (10- 30 minutes walk. There is also the potential to enhance the onward network to the west of the M25 corridor through improvements to CSP/16/1 and other paths in the area.

10.52 The Buckinghamshire Strategic Access Officer considers this proposed arrangement to be acceptable. 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. Cycling would also 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.

10.53 A financial contribution of £125,000 is sought from the proposed development towards the completion of the A412 North Orbital Cycleway Contribution. This is directly relevant to the proposed development as it would facilitate employees cycling to work from Denham, Higher Denham and Denham train station. This is recommended to be secured by S.106.

10.54 It is also requested that a financial contribution of £180, 000 is sought to provided surfacing improvement to Old Shire Lane [Restricted Byway CSP/44/1] to facilitate convenient connections for employees cycling to work from Chalfont Lane. This is recommended to be secured by S.106 agreement.

10.55 The range of measures proposed to be secured would therefore be beneficial to the surrounding community and users of the landscape from both a social and environmental perspective. The enhancements to the Public Rights of Way network are supported by the Councils Strategic Access Officer.

Cumulative and Secondary Effects

10.56 The ES has considered cumulative impacts in terms of traffic and transport effects. In relation to other nearby major developments;

- The Orchards Caravan Site expansion
- HS2 Phase One
- Denham Park Farm Quarry

10.57 The Orchards Traveller site has been the subject of a number of planning applications since 1972 for the use of land as a gypsy caravan site. Currently there are 5 gypsy and traveller pitches with associated amenity blocks and amenity space on the site, with access from West Hyde Lane. These have been confirmed to be lawful development. Of relevance to the cumulative assessment is the permission which was granted in 1997 under CC/00/45/97 (or CH/1997/0982/RB Chiltern reference) for the “Extension of access road and hardstanding for use by mobile homes/residential caravans at West Hyde Lane Gypsy Caravan site”. This specifically granted permission for 11 pitches to be positioned on the Southern part of the site. This permission was implemented (four pitches) and is therefore considered to remain extant. It is therefore possible that these pitches could be implemented in line with the original permission. A further application which remains live has been submitted in relation to the extension of the gypsy and traveller site for additional pitches and extension to existing access road and provision of hard standing. Application PL/19/1434/FA is for an additional 6 pitches (totalling 11 pitches on site). The ES therefore considers that this quantum of development would have a negligible effect of traffic and transport conditions.

10.58 The route of HS2 passes to the east of the Site, along a broad north-west to south-east orientation. The planned route for HS2 (currently under construction) indicates that the railway will cross the M25 through a bored tunnel around Chalfont Lane, with the tunnel portal situated immediately to the east of the M25 and north of the MSA application site. Part of the MSA application site is currently in temporary possession of HS2 for temporary storage of material stockpiles from the HS2 construction. In close proximity to the MSA site, the permanent HS2 works comprise of the Chilterns South tunnel portal, tracks (situated in cutting before emerging onto embankment and subsequently the Colne Valley Viaduct), along with an area authorised for a sealing end compound and associated development, fencing and lighting located adjacent to the line of the route. The effects of HS2 have been determined through their separate application process, which was supported by an ES. The key civil engineering works of HS2 which are relevant to the application site are expected to be completed before the construction of works required for the MSA. As stated previously, whilst there is the potential for a short period during which both HS2 and the MSA construction activity take place concurrently, this is likely to be towards the end of the HS2 construction programme after the substantial earthworks movements and as such unlikely to result in any significant cumulative impacts in relation to traffic.

10.59 Denham Park Farm Quarry started operation in 2014 and proposed a three-stage approach to operation and restoration of the site over a fifteen-year period. The site currently has two inactive quarries which are in the process of being restored and one active quarry for the extraction of sand. It is also relevant to note that Denham Park Farm quarry has been in operation since 2014, therefore the traffic flows undertaken in 2019 would have included any associated traffic. The plans for its restoration by 2031 would likely only reduce traffic, therefore this is not considered to result in significant adverse effects.

10.60 In this regard the ES has concluded that there would be no significant cumulative effects together with the MSA.

Summary on Highway Safety, Transport and Access

10.61 National Highways do not consider that the proposal, once operational, would result in an unacceptable impact on highway safety, nor would the resulting impacts on the road network be so severe as to warrant refusal. The no objection positions adopted by both National Highways and Buckinghamshire National Highways show that the proposed development is deliverable for the Strategic Road Network, with no technical constraints.

10.62 Overall, it can be concluded that the proposal would be acceptable individually, secondary and cumulatively in terms of access, highway safety, parking and servicing, subject to the imposition of appropriate and necessary planning conditions, and s106 obligations in accordance with Core Strategy Policies CS24 and CS6, Local Plan Policies TR2, TR3 and TR16 and Paragraph 109 of the NPPF (2023). Limited benefits would result from the HGV parking provision as this meets an identified need in the south east region, and the enhancements to the Public Right of Way network are also a benefit that attracts limited positive weight in the overall planning balance.

11.0 Ecology, Biodiversity & Arboriculture

Core Strategy Policy:

CS24 Biodiversity

CS32 Green Infrastructure

Saved Local Plan Policies:

GC4 Landscaping Throughout the District

TW3 Resistance to Loss of Trees Covered By A Tree Preservation Order Throughout the District

NC1 Safeguarding of Nature Conservation Interests Throughout the District

11.1 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) places a duty on public authorities to have regard to the conservation and enhancement of biodiversity.

11.2 Schedule 14 of the Environment Act 2021 requires that development subject to planning permission in England, provides 10% uplift in Biodiversity net Gain. This will become a mandatory on November 11, 2023. Sections 98 and 99 of the Environment Act 2021, introduced the requirement of biodiversity gain on planning applications. Biodiversity uplift is supported by National and Local planning policy, as outlined below.

11.3 Chiltern's Core Strategy policy CS24 aims to conserve and enhance biodiversity. Core Strategy policy CS32 aims to identify, protect and enhance strategic green infrastructure assets.

11.4 Chiltern's Saved Local Plan policy GC4 states that trees, hedgerows of sound condition and of good amenity and wildlife value, together with any other important landscape features should be retained.

11.5 Local Plan policy TW3 resists the loss of trees covered by a Tree Preservation Order (TPO). Trees of good quality, or landscape significance, or amenity value, will be expected to be retained in good condition even where this will restrict, or prevent, development.

- 11.6 Local Plan policy NC1 seeks to safeguard nature conservation interests. Development will be refused where it will significantly harm an acknowledged nature conservation interest of established importance.
- 11.7 The Biodiversity Net Gain SPD (2022) sets out guidance on how biodiversity net gain can be delivered in Buckinghamshire.
- 11.8 Paragraph 174 of the NPPF emphasises the importance of development that contributes to and enhances the natural and local environment, with paragraph 174 (d) emphasising the importance of minimising impacts and providing net gains for biodiversity.
- 11.9 Paragraph 180 of the NPPF sets out a number of principles to be applied when considering applications affecting habitats and biodiversity. Amongst other things, these include avoiding significant harm to biodiversity as a result of development through locating to a site with alternative site with less harmful impacts, through the use of adequate mitigation measures or as a last resort through compensation. In addition, development resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Para 180d of the NPPF also sets out the requirement for measurable net gains in biodiversity.
- 11.10 The Colne Valley Regional Park has objectives which are relevant to the proposal, including:
- “To maintain and enhance the landscape, historic environment and waterscape of the Park in terms of their scenic and conservation value and their overall importance”, and
- “To conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features”.
- 11.11 In terms of national designations, the nearest to the site is Bloom Wood, which lies 350m to the north-west of the application site boundary and is identified as Ancient Semi Natural Woodland (ASNW). A second, separate parcel of unnamed ancient woodland lies to the east of Bloom Wood. The Mid-Colne Valley SSSI is located approximately 2km to the south east and is of significant ornithological interest, Old Park Wood SSSI is approximately 2km to the north east and Northmoor Hill Local Nature Reserve (LNR) is approximately 2km to the south east. All of these are situated outside of the survey area.
- 11.12 The ES considers that no direct loss of ancient woodland to Bloom Wood, the construction phase would not result in any significant dust deposition within the ancient woodland area due to the separation distance and standard

working practices to minimise dust. Surveys have not identified the presence of bat roosts, badger setts, dormice or notable breeding bird assemblages supported by the woodland. The application site is located at the downward slope away from Bloom Wood edge and the ES concluded that the woodland hydrology would remain unchanged. The impact on air quality is considered negligible, which includes any minor deterioration in vegetated habitats due to the operation of HS2.

- 11.13 In terms of the Mid Colne Valley SSSI, the ES considers that given the separation distance there would be limited potential for adverse effects during construction and any potential effect on water resources during mitigation/protective measures construction which would be temporary and low magnitude and hence minor adverse without mitigation/protective measures and operational impact would be medium adverse of minor significance without mitigation. A CEMP could be secured by condition to ensure this is minimised. The impact on breeding and overwintering birds is dealt with below. In terms of air quality the majority of vehicle trips would be focused on the slip roads and roundabout, any potential impact would be negligible.
- 11.14 Paragraph 180b of the NPPF (2023) states that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. At Paragraph 182 of the NPPF (2023), the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 11.15 Natural England considers the proposal would not have likely significant impacts on the aforementioned SSSIs, and the Council's Ecologist has not raised any concerns over the impact on the LNR, or the ten Local Wildlife Sites that are within 2km of the site and recommends conditions including the requirement for a LEMP. Burnham Beeches Special Area of Conservation (SAC) is located 8.7km away and would not be adversely impacted by the proposed development. There would not be any recreational pressures on the above ecological receptors as a result of the proposed MSA development. Consideration has been given to the impacts of air quality, this is addressed in Chapter 15 of the ES and concludes that the impacts construction phase or the operational phase of the MSA.
- 11.16 The Habitats Directives from the Conservation of Habitats and Species Regulations 2017 (as amended) aim to protect habitat and species of European Importance. It is a criminal offence to deliberately capture, injure,

kill, disturb, trade or destroy the eggs or breeding site of any protected species. The above regulations have been updated by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, whereby functions have been transferred from the European Commission to the appropriate authorities in England and Wales

11.17 Natural England provides standing advice in relation to protected species. This sets out the protection status for each of the species, together with avoidance, mitigation and compensation measures. The standing advice also relates how and when to conduct surveys for protected species. Natural England and Defra guidance seek to avoid harming or disturbing protected species proposals could reduce the size or alter the layout to retain the important habitat features, plan for construction work to be carried out to avoid sensitive times, such as the breeding season for wild birds. If it's not possible to completely avoid harm, disruption should be as minimal as possible.

11.18 Chapter 8 of the ES and ES addendum, together with supporting appendices, assesses the impact of the proposed MSA to determine whether any significant adverse effects on ecology and protected species would occur. The following Phase 1 Habitat Surveys were undertaken on the 9th December 2016 with update survey on 1st October 2018, 17th and 25th February 2022 and in September 2022:

- Arboriculture survey
- Badger survey
- Bat surveys
- Great crested newt survey
- Reptile survey
- Wintering birds survey
- Breeding birds survey

11.19 Habitat losses as a result of construction would involve the removal of negligible value arable land and improved grassland habitats in addition to the valued habitats considered (i.e. broadleaved secondary semi-natural woodland, ruderals, neutral grassland and species rich hedgerows). This would result in minor adverse effects.

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

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

- Mid Colne Valley SSSI (as referenced above)

- Habitats (Species rich hedgerows, neutral grassland and Ruderals)
- Badger
- Bats
- Great crested newt
- Wintering and breeding birds

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

11.23 Mitigation by design includes locating development outside areas of semi-natural and ancient woodland, as well as veteran trees, and ensuring that appropriate buffers are in place to reduce adverse effects. Additional mitigation measures include a series of proposals to ensure that any adverse effects are minimised. These measures would be secured by way of condition.

Badger

11.24 To mitigate for disturbance principally during the construction period, and to minimise the likelihood of accidental harm to existing badger setts, the construction locations would avoid all retained setts by at least 50m. In the absence of mitigation the ES considers this to be a low magnitude impact, which is minor adverse. A badger proof post and wire fence would be installed around the perimeter of the new slip roads to minimise the potential of vehicle collisions and hence injury/mortality to badgers.

Bats

11.25 Five trees were identified on site as have suitability for bat roosts. Only one tree (T103, a mature Oak *Quercus robur*) which was identified as having low potential for bat roosts would be impacted by the proposed development. The emergence survey confirmed the likely absence of bats with no bats recorded emerging from the tree throughout the survey period. Nonetheless, by way of mitigation, during the construction phase site lighting would be carefully orientated to minimise light trespass into sensitive habitats. In the absence of mitigation the ES considers this to be is minor adverse. By way of enhancement and off-setting, additional roosting opportunities would be provided by the installation of at least 30 woodcrete bat boxes within woodland.

Great Crested Newts

11.26 The ES states that a medium population of breeding GCN has been identified within a pond to the west of Denham Road over 400m for the application site. No ponds would be directly affected and habitats around the ponds and linkages remain unaffected. There is potential for foraging within 500m of a breeding pond, however the M25 represents a significant barrier so this

potential is low. The ES assesses that an unmitigated impact would be of low magnitude, minor adverse effect. Mitigation and reasonable avoidance measures would be proposed as part of a Construction Environmental Management Plan (CEMP), which can be secured by planning condition. Due to the separation distance between the ponds known to support great crested newts (Gerrards Cross Golf Course) and the site, a Protected Species Mitigation Licence is not considered necessary given the extremely low likelihood of adverse effects. Compensation measures are not required. Proposed site enhancements, including the creation of ponds/lakes on site may be of future benefit by creating potentially new habitats for this species. The council's newts officer raised no objection to the scheme subject to condition regarding the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents.

Birds

11.27 Detailed breeding and wintering bird surveys have been provided and record a total of 37 species, including a low number of red kites flying over the site and one breeding pair of red kites, field fare and redwing together with a low recording of breeding pairs recorded as of district value. The overwintering bird survey suggests the site is of district value and the site is unexceptional, being broadly analogous with similar arable dominated habitats. The ES states the medium adverse effect of minor significance in the absence of mitigation and same for the operation stage. Mitigation proposals to minimise disturbance of nesting birds and direct losses of active nests would be necessary. Timing restrictions would need to be imposed upon the clearing of breeding habitats, such that these habitats would not be cleared during the period March –September inclusive. New woodland and tree plantings around the site would provide new opportunities for nesting/foraging upon maturity. As a general enhancement measure additional nesting opportunities would be provided by the installation of at least 30 woodcrete bird boxes within woodland. The Council's Ecologist welcomes the offsite habitat creation to mitigate for breeding skylarks. This breeding skylark habitat creation and long-term management should be secured through a Section 106 agreement.

11.28 Some habitats would be lost as part of the proposed development. Losses would include <0.1 Ha of semi-natural broadleaved woodland, 450m of species rich hedgerow, <3Ha of Neutral grassland; and <4.4Ha of Ruderal habitats. As such, compensation and enhancement forms part of the proposed development scheme, both within the site boundary, and within an off-site habitat compensation area. This habitat compensation would be

managed and maintained for a minimum 30 year period. Taken together, these provisions include:

- c.5Ha of new native broadleaved woodland;
- c.1km of new species rich hedgerow
- Native standard tree plantings (c. 43 trees);
- c. 8.5Ha of neutral grassland;
- c. 1Ha of wetland grassland planting;
- c. 0.5Ha of wildflower planting;
- 6 new SUDs features;
- c.10 swales; and
- A green roof on the facilities building.

11.29 The proposed MSA developed, together with the off-site habitat creation is envisaged to result in a biodiversity net gain for habitats of 15% and hedgerows 29% which is demonstrated through a revised biodiversity metric requested by the Council, to which the Council's Ecologist has raised no further comments. The baseline for this assessment is restored HS2 land. This would be in compliance with the Council's adopted Biodiversity net-gain supplementary planning document. A Biodiversity Management Plan (BMP) would be conditioned to detail the full mitigation and enhancement package.

11.30 The application site is situated at its closest point within approximately 2km of Denham Aerodrome, 10 km from RAF Northolt and 15 km from Heathrow. In-line with the requirements set out in CAP738 – the Safeguarding of Aerodromes a Bird Hazard Management Plan would be produced to specifically address safety concerns and an assessment of the potential hazards; this would be secured by condition.

11.31 As stated above, Natural England have been consulted as part of the application and have reviewed the supporting information. Natural England have confirmed that they have no objection to the proposal on ecological grounds and have considered that the proposal would not unduly impact on any of the designated sites or protected, landscapes, including SACs (Burnham and Chiltern Beechwoods) due to the distance between the proposed development and the designated sites. Therefore no 'Appropriate Assessment' under the Habitat Regulations is required.

11.32 Ecology Officers are satisfied that the presence of protected and notable habitats and species has been given due regard. A condition would be recommended requiring an updated reptile survey, to be provided at appropriate times, as a precautionary approach to confirm the presence of reptiles along the M25 neutral grassland embankments, and immediate area at the time of the development. A number of other conditions to be secured in the event of approval, are also recommended which include the

requirement for a Construction Environmental Management Plan (Biodiversity), a Landscape and Ecological Management Plan, a lighting scheme for light sensitive wildlife and further details to demonstrate net gains in biodiversity.

Cumulative and Secondary Effects

11.33 The ES and ES addendum address other nearby major developments: HS2 Phase One, The Orchards Gypsy and Traveller site expansion and Denham Park Quarry. With regards to HS2 the assessment has already taken into account the restoration of the HS2 controlled area within the MSA application site into arable farmland. Given the relatively small scale of proposals at the Orchard Caravan site, adverse effects are considered unlikely, hence there would be minimal contribution to any overall cumulative effects. Denham Park Farm Quarry would influence the current protected species baseline in relation to the ongoing extraction, and the results of the current surveys reflect this. Following restoration there would be negligible cumulative effects with all impacts being expected to be mitigated according to the requirements of the quarrying consent.

11.34 As outlined above, some habitat loss would result, and this has been avoided where possible but where it has not then mitigation and compensation has been proposed.

11.35 Following the mitigation/compensation measures outlined above, no significant residual impacts are predicted to arise from the proposed development. The key receptors are the Mid Colne Valley SSSI and Bloom Wood ASNW. Neither would be significantly impacted by the proposed development. The NPPF (2023) and Environment Act (2022) requirements with regards to the exceedance of a 10% overall net gain can be delivered.

Summary on ecology and biodiversity

11.36 Overall, there are no outstanding objections from Natural England, the Ecology Officer, or the Newts Officer and subject to appropriate mitigation / compensation measures, combined with the proposed enhancements, there are no objections on ecological grounds. This is subject to these measures being secured through planning conditions and s.106 planning obligations.

11.37 The proposed development is considered acceptable on ecological grounds, with presence of protected species on, or adjacent to the site considered to be low, in accordance with Policy CS24 of the Core Strategy, Saved Local Plan Policy NC1 and accord with the aims of the Council's adopted Biodiversity Net Gain Supplementary Planning Document and the NPPF (2023). As such moderate weight is given to the BNG.

Arboriculture (Trees)

- 11.38 To inform the Arboriculture Impact Assessment (AIA) a tree survey was carried out in accordance with British Standard (BS): 5837, accompanying this AIA is a Tree Protection Plan (TPP). These were done to evaluate the direct and indirect effects of the proposed layout design on the surveyed trees and hedgerows.
- 11.39 Local Plan policy GC4 is of relevance where the tree population is affected.
- 11.40 There are no protected trees on or immediately adjacent to site.
- 11.41 The tree survey work assessed a total of 177 individual trees, five tree groups, three woodlands and nine hedgerows on, and immediately adjacent to, the site.
- 11.42 The survey revealed that, 9% of the individual tree population were classified as 'A' quality, 47% were classified as 'B' quality, 43% were classified as category 'C' quality and 1% were classified as category 'U' quality. All five tree groups and three woodlands were classified as category 'B' quality. The surveyed hedgerows were not allocated a quality category, as BS: 5837 does not include a methodology for the categorisation of hedgerows.
- 11.43 Eleven veteran trees are located on and adjacent to the site. Four of these (T122, T125, T138, T430) are located within the site boundary or close enough to the boundary to be a constraint to the development. These four veteran trees would be retained and BS 5837 compliant Root Protection Areas (RPAs) would be in place during construction to ensure their full protection. The other seven surveyed veteran trees (T141, T241, T170, T176, T247, T427, T444) are located far enough away from the site boundary that they are not a constraint to the development, with their RPAs and veteran buffer zones not within the site boundary.
- 11.44 It is identified that the proposed development would result in the loss of 8 trees, 1 tree group, 2 hedgerows (including partial removals). The majority of trees, groups and hedges requiring removal are low quality category 'C', with only 1 category 'B' trees and 1 category 'A' trees requiring removal. The removal of the category 'A' tree (T179) is considered by Officers to be of moderate impact. This is a mature oak tree, with good form. The loss of this tree would be compensated through new tree planting.
- 11.45 The trees and hedgerows that are to be retained on the site would be protected during the proposed works with appropriate tree protection fencing. A condition would ensure that an Arboriculture Method Statement (AMS) and tree protection measures are carried out in accordance with the Arboricultural Method Statement.

11.46 The Tree Officer was consulted on the proposal and confirmed that the proposed development would only involve the loss of one large tree and that the proposed replacement planting should compensate for this loss, therefore no objection was raised.

11.47 Proposed replacement planting to compensate for tree loss would be secured through planning conditions and the future woodland management would be secured through a s106 agreement. No objection to the proposal is raised on arboriculture grounds. The minor adverse effects identified are balanced out by the proposed mitigation and compensation measures. This attracts neutral weight in the overall balance and is considered compliant with Saved Policy TW3 of the Local Plan.

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

Core Strategy Policies:

CS20 Design and Environmental Quality

CS32 Green Infrastructure

Saved Local Plan Policy:

GC1 Design of Development Throughout the District

12.1 Policy CS20 of the Chilterns Core Strategy requires new development to be of a high standard of design which reflects and respects the character of the surrounding area and features which contribute to local distinctiveness. Furthermore, Policy CS32 relates to the identification, protection and enhancement of strategic green infrastructure; opportunities should be sought to connect provision to surrounding green infrastructure. Policy GC1 of the Local Plan states that development that is of a high standard and complies with other policies of the Plan will be permitted; the policy notes that design is about the appearance of the development and its relationship to its surroundings. The Policy sets out the criteria for assessments of planning applications such as scale, height, relationships, appearance of car parking and servicing areas, materials, form and designing against crime.

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

12.3 NPPF paragraph 130b says that “planning policies and decisions should ensure that developments are visually attractive as a result of good

architecture, layout and appropriate and effective landscaping”. In paragraph 134b it states that “significant weight should be given to outstanding or innovative designs which promote high levels of sustainability”. The National Design Guide is also a material consideration.

12.4 The application has been submitted in outline form with an illustrative masterplan and parameter plan indicating the layout, scale and appearance (matters reserved for subsequent approval) of the proposed development. The parameters plans fix parameters within which the development must sit. Access details are provided for approval at this stage. The level of detail provided with the outline application does provide a level of comfort about the design intentions and demonstrates the standards of design and sustainability that are aimed to be achieved for the development.

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

- Integrate within the landscape of the Colne Valley and Chilterns reflecting local character;
- Limiting views by using natural topography and screening the development to reduce visibility;
- Enhance green infrastructure connections;
- Limit visibility of the scheme in relation to sensitive views from the east and across the Colne Valley;
- Enhance user experience;
- Enhance connectivity;
- Integrating the buildings into the landscape;
- Use of locally recognise materials; and
- Use of organic forms and smooth curves

12.6 The supporting documentation advises that the proposed MSA development has been intentionally designed and located to assimilated into the landscape context and minimise potential impact on landscape character, views and visual amenity. The overarching considerations to achieve this include: limiting the influence on the landscape to the west of the motorway, to ensure the “broader dry valley” remains in-tact; maintaining the landscape between the existing highways infrastructure of the M25 and the proposed MSA in order to retain separation to existing settlements; providing

landscape screening which reflects the rising topography of the valley, and incorporating proposals for screening that are consistent with local landscape character.

- 12.7 The submitted Parameter Plan define land use zones and sets maximum building heights and envelopes to provide a level of certainty about the site layout, physical form, arrangement of buildings, extent of landscaping/green infrastructure and appearance of buildings that are likely to come forward at reserved matters stage. The Parameter Plan would be a condition of approval.
- 12.8 Access is the only matter applied for in detail. Access is proposed to be gained via slip roads on the northbound and southbound motorway for access and egress. An overbridge which passes over the M25 and enters the main MSA area on the eastern side of the M25 would serve vehicles visiting the MSA that are exiting the M25 on the northbound side. The provision of roundabouts on each side of the M25 would ensure safe access onto the slip roads, in accordance with DMRB standards. The overbridge would incorporate a single span with tied arch structure. A Fuel Filling Station would be located close to the main entrance and exit points from the site, also located to the east of the M25. The main MSA facilities building would be located to the north-eastern part of the site. Wrapping around the western and southern sides of the amenity building are the parking areas, which are divided into northern and southern sections by the central landscape / SuDS feature. Within the parking areas are sections designated for general cars, coaches, caravan / motor homes/ trailers and HGV use.
- 12.9 The Illustrative Masterplan provides a landscape strategy with sufficient detail about the extent of proposed landscape enhancement. This indicates wooded edges and landscape mounds would be planted around the site peripheries, which would help contain the development, reduce visual impact and contribute towards biodiversity enhancement. As landscaping is a Reserved Matter, there is no commitment to the majority of this landscape being proposed, further details would be required and assessed at the Reserved Matters stage.
- 12.10 Appearance of the proposed development (i.e. its design) represents one of the Reserved Matters, and the submitted Design and Access Statement (DAS) provides information to demonstrate the intended design approach, palette of materials and explain the design principles and concepts that have informed the evolution of the development.
- 12.11 The supporting DAS explains how the site layout takes into account the appeal decision of CSP1, highlighting how the relocation of the built facilities to the east of the motorway, has the following benefits; further distance from

Chalfont St Peter, closer proximity to the M25, greater distance from ancient woodland, no previous landfill and facilitation for a more compact form of development. The disadvantages with the land to the east of the M25 are; (once the land has been restored) steeper topography, more irregular topography and increased visibility from east due to this topography and limited landscaping. Addressing the negatives, necessitates increased landscaping, lessening of building heights and a lowering of development platform, to reduce visual prominence of the proposed development.

12.12 The supporting DAS advises that the form of the facility building is a direct response to the undulating landscape in the surrounding area, which is typical of the surrounding Chilterns landscape. The building roof has been influenced by 'leaf form' and is to be a green roof feature. As well as the positive sustainability and biodiversity aspects, the proposed green roofs also helps to integrate the buildings within the surrounding landscape, and should help minimise the buildings visual impact on the landscape and countryside. The development would also be lowered to reduce visibility of the proposed development. Green roof details can be secured via planning condition to ensure the design, specification and proposed maintenance regime is appropriate.

12.13 Details submitted in the DAS demonstrate that the materials palette envisaged at this stage would reflect the surrounding area, with a particular focus on materials that relate to the Chilterns, using a limited palette of materials, with a local emphasis. This local element is reflected in the envisaged use of flint and timber on large elements of the building. Utilising these natural building materials (combined with the green roofs) would further help integrate the buildings into the landscape and shows a sensitive approach to the site context. These 'local' building elements are illustrated as being supplemented by contemporary glazing and a striking sweeping roof, resulting in a contemporary form of architecture. Glazing panels situated directly beneath the curved roof would give the effect of the roof appearing to float above the building.

12.14 A similar architectural approach, and materials palette is proposed for the fuel filling station, albeit with a different, simpler roof design that would be more functional and suited to the use. This approach to external materials would ensure a coherent design across the site, which ties together the facility building elements on site through a commonality of materials, which are sensitive to their context. Whilst it is recognised that appearance is reserved for subsequent approval, the submitted documentation demonstrates that a contemporary form of architecture can be sympathetic to the local context with sensitive materials palette, and can be designed to be locally distinctive.

- 12.15 In terms of 'scale', the Parameters Plan establishes maximum building heights. A maximum building height of 9.5m is proposed for the facilities building and a maximum height of 7m is proposed for the fuel filling station. The maximum parameters would be controlled via planning condition, which would ensure that the detailed proposals which come forward at Reserved Matters stage do not conflict with the assessment already carried out.
- 12.16 Overall, the MSA proposal seeks to relocate buildings to the eastern side of the M25, in a more compact built form than proposed to the western side under CSP1. To integrate the development into the landscape as much as possible sensitive siting, design and height of buildings have been explored. The proposed levels have been determined to ensure the MSA is placed as low in the landscape as possible to reduce the potential height and prominence of any components, particularly in relation to cross valley views from the east.
- 12.17 Conditions would be recommended with any grant consent, which fix the Parameters Plans details of the scheme and ensure that the development comes forward at the detailed design stage, in substantial accordance with the design principles as established by the Design and Access Statement and Indicative Masterplan. This would ensure that there is sufficient information to allow for the likely significant environmental effects of the scheme design to be assessed, whilst ensuring sufficient flexibility in terms of the final proposal design.
- 12.18 Therefore, subject to appropriate conditions being imposed to agree the layout, scale, appearance, landscaping, levels, materials and lighting; Officers consider the proposed development would be acceptable in terms of compliance with design Policies CS20 and CS32 of the Core Strategy, Saved Local Plan Policy GC1 and the NPPF (2023) provision on design.

13.0 Residential Amenity

Saved Local Plan Policies:

GC3 Protection of Amenities Throughout the District

GC7 Noise-generating Developments Throughout the District

- 13.1 Chiltern's Local Plan Policy GC3 refers to the protection of amenities throughout the local plan area. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.
- 13.2 Paragraph 185 of the NPPF advises that planning decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living

conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and,
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

- 13.3 Regard should be had to the National Policy Statement for England (NPSE) which defines categories for observing any adverse effects. The Planning Practice Guidance (PPG) provides further detail about how the effect of noise levels can be recognised.

Residential Amenity – outlook, privacy and light

- 13.4 The closest residential properties to the site are those at The Orchards traveller site, which lies approximately 0.2km to the north west of the site off Shire Lane. Aviary Cottage, Denham Lane, falls approximately 0.3k to the south-west of the application site. Mopes Farm lies approximately 0.5km to the south east of the site, with the edge of Chalfont St Peter lying approximately 0.6km west of the western boundary of the site. The eastern boundary of the site is approximately 1k away from the Three Rivers District settlements of Maple Cross and West Hyde.

- 13.5 Due the separation distances outlined above, and intervening features of HS2 and the M25, when viewed from neighbouring resident perspective, it is considered that no unacceptable impacts would occur to the closest residents. At this stage, detailed matters are reserved for subsequent approval and, as such, the submitted plans provided are illustrative only. However, the illustrative details show a green buffer between the existing residential properties and the built form within the site such that should ensure no adverse loss of light, outlook or loss of privacy. Thus, the scheme could be designed at the detailed stage so as to ensure the amenities would not be adversely affected in this regard.

Residential Amenity – Noise and Vibrations

- 13.6 Paragraph 185 of the NPPF advises that planning decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of

the site or the wider area to impacts that could arise from the development. In doing so, they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development –and avoid noise giving rise to significant adverse impacts on health and the quality of life; and
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

13.7 Regard should be had to the National Policy Statement for England (NPSE) which defines categories for observing any adverse effects. The Planning Practice Guidance (PPG) provides further detail about how the effect levels can be recognised.

13.8 Chiltern’s Core Strategy policy GC7 states that noise-generating development will not be permitted where the noise levels and/or the noise characteristics which would result from that development would cause an unacceptable degree of disturbance.

13.9 Noise impacts of the proposed development are considered in detail through Chapter 14 of the ES, this considers the impact of noise on key sensitive receptors during construction and operation phases.

13.10 ES consideration has been given to the following in the assessment carried out:

- Potential effects of noise during the construction phase on existing sensitive receptors;
- The potential effect of changes in noise at existing sensitive receptors during the operation phase;
- Noise from road traffic on the proposed motorway junction uses to access the proposed MSA; and
- Noise from the proposed MSA (i.e. external plant noise).

13.11 Current ambient and background noise levels were established at proposed and existing receptor locations. These locations are:

- The Orchards site –220m north
- Aviary Cottage, Denham Lane –340m south west
- Hill House, Chalfont Lane- 810m north east
- Corner Hall, Old Uxbridge Road – 990m east
- 2 Colne Cottages, Old Uxbridge Road- 1.2km south east
- Cedar Grange, Tilehouse Lane – 1.1km south east

13.12 Baseline noise surveys were undertaken in 2019 prior to the commencement of HS2 construction, however consideration is also given to the implications of the HS2 dynamic baseline as far as possible based on the information

available. The existing background sound survey was carried out in accordance with BS:4142. This is a recognised standard for assessing sound from industrial processes, fixed installations, unloading and loading of goods, mobile plant/machinery and vehicles.

- 13.13 The long-term noise impact of HS2 in receptors at the development site would be from train passes. The train passes are in their nature a transient process which is unlikely to significantly affect either the LAeq or LA90 at receptors. These acoustical parameters are those which are used in the assessment of noise at receptors. However, HS2 could slightly increase the baseline noise environment at existing sensitive receptors, making any potential noise from the proposed MSA less audible as the baseline increase.
- 13.14 The main construction activities that could give rise to noise effects at receptors are identified, this includes the following sources: noise from construction vehicles, road traffic noise, vibration from construction plant and traffic and HS2 related construction activities. A BS: 4142 assessment was carried out as a method of rating and assessing the significance of sound of an industrial and commercial nature.
- 13.15 BS:8233: 2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', gives recommendations for the control of noise in and around buildings and suggests appropriate criteria and internal noise limits for existing residential dwellings.
- 13.16 Baseline existing daytime and night time noise levels were recorded from a number of monitoring locations that were considered to be representative of the existing sensitive receptors identified. Roads surrounding the site, including the M25 and Denham Lane, were considered to be the main potential sources of noise affecting the site. Other audible noise sources recorded during survey periods on site were from aircraft (daytime and night time), birdsong, and from one monitoring location (ML6) noise from Pipwoods Kennels and Cattery.
- 13.17 In terms of noise generated by construction activities, it has been assumed that the construction phase of the MSA would generate 50 HGVs and 60 light vehicles per day for the construction period between 2025 and 2027. Access to the site would be via the M25. The Traffic Assessment (TA) shows that these construction vehicles would cause a change of 0.1% to the total flow on the M25.
- 13.18 Therefore, the number of construction vehicles is not considered to cause a significant increase in road traffic flows, relative to the existing flows on the major road links surrounding the MSA. Therefore, there is unlikely to be a

significant increase in noise at existing sensitive receptors during the construction phase.

13.19 Similarly, the proposed MSA is not considered to be a significant generator of traffic. Typically, MSAs are used by motorists travelling between point A and point B. However, employees at the MSA and some local residents may visit the MSA from their home address. These vehicle movements are considered to be minimal in comparison with the existing flows on the M25.

13.20 The earthworks and construction phase activities have the potential to generate short term increases in noise levels, above those recommended in BS5228-1. The noise effect of the construction phase on existing sensitive receptors is considered in the ES to be moderate to no adverse effect. It is therefore recommended that mitigation measures be put in place that would reduce the scale of the potential effect.

13.21 In terms of vibrations from earthworks and construction phases, as a worst-case scenario, earthworks and construction works may potentially take place at a distance of approximately 220 metres from existing residential properties. At such a distance, it is unlikely that vibration due to the operation of various construction plant, and in particular a vibratory roller, would be above the threshold of complaint. Further, the vibration levels are highly unlikely to be above the threshold of structural damage.

13.22 As this is an outline planning application specific details regarding types of equipment to be installed at the MSA site, and/or their likely time of operation are not known at this stage. Some of the operational activities have the potential to generate noise (i.e. delivery of goods, movements of HGVs and noise from fixed plant). Noise from fixed plant is considered in accordance with BS:4142. The results indicate that generally noise from the proposed MSA is likely to cause a low impact at some existing sensitive receptors during the day time. This is also the case for noise at night time, with the exception of noise level being above background sound level, for two receptors at night-time. The level of exceedance is considered in the ES to be minor adverse impact, with low impact to all other receptors. However, sensitive receptors would be less sensitive to vehicle movement noise from use of the proposal slip roads given the existing noise environment. As such, the impact would be reduced to low impact, and no design mitigation is required.

13.23 To reduce the potential effect of noise levels generated by the construction phase of the MSA, at existing receptor locations in the immediate vicinity of the site, mitigation measures would be required. This can be secured by planning condition (i.e. to ensure best working practices are employed for the duration of construction phase). Once the best working practices detailed in

the mitigation section of this ES chapter are implemented, the residual noise effects associated with the earthworks and construction phase would be none, with only brief periods of moderate adverse effects likely in the short term at local level, which are not significant.

13.24 To keep ground borne vibration to a minimum mitigation measures such as substitution of different plants and methods of work could be used which cause less vibration and vibration of plant could be isolated at source. Once such mitigation measures are implemented the residual vibration effects associated with the earthworks and construction phase would be none, which is not significant.

13.25 HS2 may be audible at the proposed amenity building. However, the amenity building does not include any overnight accommodation, or highly noise sensitive spaces. The amenity may include some limited office accommodation, which are sensitive to noise. However, these spaces could be protected from noise from HS2 using local methods, such as enhanced acoustic glazing, or locating the spaces away from the building facades nearest to the railway line.

Secondary and Cumulative Effects

13.26 The ES has considered the secondary effects of noise in relation to HS2 as part of the dynamic baseline for the assessment, The Orchards Gypsy and Traveller site is considered as an existing sensitivity receptor for the purposes of assessment and Denham Park Farm Quarry was in operation during the noise measurements, and would likely be undergoing restoration during the construction and operation of the proposed development. The cumulative effect of these other developments therefore do not need to be considered further.

13.27 No objection has been raised by Environmental Health Officers to the potential noise impacts. It is noted that the noise climate of the immediate area is already dominated by vehicular movements on the M25. It is understood that specific details regarding the types of equipment to be installed would not be known by the operator at this stage, therefore a condition should be secured requiring a further BS:4142 assessment be undertaken at detailed design stage. Other more detailed mitigation measures should be secured through planning conditions also, as well as further details of the construction programme and methodologies.

13.28 In summary, Officers consider that the proposed development would not result in any significant noise disturbance, loss of light, outlook, or overshadowing to, neighbouring properties. Although there would be some impact during the construction phase, conditions outlining mitigation

measures can be imposed to ensure that amenities are adequately protected. It is therefore considered that at the detailed stage the proposal could be designed so as to accord with Chiltern's Local Plan policies GC3 and GC7 and Paragraph 185 of the NPPF.

14.0 Environmental issues

Core Strategy Policies:

CS4 Ensuring that Development is Sustainable

CS5 Encouraging Renewable Energy Schemes

Saved Local Plan Policies:

GC4 Landscaping Throughout the District

GC9 Prevention of Pollution Throughout the District

Contaminated land

- 14.1 Policy CS4 of the Core Strategy requires the remediation of contaminated land, including treatment of contaminated material in line with national policy advice.
- 14.2 Saved policy GC9 of the Local Plan states the Council will not grant permission for any development likely to generate unacceptable levels of air, water or ground pollution or give rise to pollution problems resulting from the disturbance of contaminated land.
- 14.3 Paragraph 183 of the NPPF advises that planning decisions should ensure that:
 - a. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
 - b. After, remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c. Adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 14.4 Paragraph 184 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 14.5 The impacts in terms of contaminated land are addressed within Chapter 11 of the ES. In support of the application, a Phase 1 Geo-Environmental Desk Study Investigation was also carried out. This includes an assessment to identify risks of contamination and stability relating to the construction and operation of the proposed MSA development.
- 14.6 Historically the site has been in agricultural use. Adjacent land has been used for quarrying of sand, gravel and chalk and these areas subsequently infilled. Four landfill sites are found to be present in the vicinity of the application site, and these involve three historic sites and a currently permitted inert site. Presently, the majority of the site is being used for temporary storage of materials being excavated from the adjacent HS2 site. This land would be restored back to agricultural use with previous soil depths reinstated. Site investigations have established the waste boundaries and only superficial deposits of clay, sand and gravel are present within the application site boundary.
- 14.7 The ES Chapter 11 identifies some potential contaminative impacts during both the construction and operation phases. Through design and implementation of the mitigation this would result in significance of effect being reduced to either negligible/none or minor adverse/negligible. This is provided the mitigation measures proposed are incorporated into the detailed design of the scheme, or otherwise secured by condition.
- 14.8 The Council's Environmental Protection Officer has reviewed the relevant details contained within the ES and supporting information and raises no objection. The ES therefore considers that recommendations for further intrusive investigations can be carried out prior to the commencement of development. These measures can be secured by way of condition.
- 14.9 The ES identifies the secondary effects, HS2 has already be considered in the chapter's assessment. The potential cumulative effects arising from other major developments including the extension the travellers' site and Denham Park Farm Quarry are considered to be negligible.
- 14.10 Noting the above, Officers therefore considered that the proposed development overall would not result in significant effects for ground conditions following implementations of the mitigation measures recommended in the ES and conditions as recommended by the Council's Environmental Protection officer. The development is considered to accord with Policy CS4 of the Core Strategy, Saved policy GC9 of the Local Plan and Paragraphs 183 and 184 of the NPPF (2023).

Air quality impact

- 14.11 Paragraph 186 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA's) and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.
- 14.12 Local Plan policy GC9 states that development likely to generate unacceptable levels of air pollution will not be permitted.
- 14.13 Detailed air quality considerations are contained within Chapter 15 of the ES. This comprises a qualitative assessment to assess the potential air quality impacts during construction (i.e. dust) and an air dispersion model, to assess the potential impacts of the operational phase of the proposed development. Assessments have been undertaken in accordance with guidance from the Institute of Air Quality Management.
- 14.14 The closest sensitive receptors to the proposed development are identified in the ES to be the Orchards site, adjacent to the north west boundary and residential and industrial properties along Denham Lane (285m west and south west at closest point).
- 14.15 As the closest sensitive receptor to road traffic emissions, pollutant concentrations at The Orchards site were predicted to ascertain whether or not these would be likely to exceed objectives and limit values.
- 14.16 Background air pollutant concentrations were established as baseline conditions, but as there are currently no monitoring locations in the vicinity of the site, background concentrations were obtained from DEFRA concentration maps. Modelling of these showed that all predicted concentrations were below relevant objectives and limit values.
- 14.17 The overall significance of the proposed development on air quality was assessed in the ES for both the construction phase, and the operation phase. As there are no demolition works required, the construction phase would entail earthworks, construction and track out (transportation of dust and dirt by vehicles travelling from site). The operational phase considered road traffic emissions and the impact on human receptors. A 'with development' and a 'without development' scenario was modelled.
- 14.18 The ES predicted concentrations of nitrogen dioxide (NO₂), and particulate matter (PM₁₀) (PM_{2.5}) for all development scenarios assessed, including opening year, show that these are below the relevant objective and limit values, and that impacts as a result of the Proposed Development are negligible. Therefore, in accordance with IAQM guidance, the ES concludes

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

14.19 Effective mitigation during the construction phase would also reduce the potential for nuisance dust and particulate matter. Officers recommend a CTMP be secured through planning condition, which would include proposed measures to deal with dust suppression during construction. Further site specific mitigation can be mitigated through the CEMP, also recommended to be secured through planning condition.

14.20 The Proposed Development would introduce a new pollutant source to the local area however Officers consider this is not predicted to be significant as the majority of use is from traffic already present on the road network that is merely passing through the services. The implementation of the electric charging units would promote sustainable travel options and residual effects can be considered not significant, as a negligible impact is predicted to occur.

Secondary and Cumulative Effects

14.21 Potential cumulative air quality impacts resulting from HS2 were taken into consideration in the submitted ES. As the key civil engineering works of HS2 are expected to be completed before any construction work would commence for the proposed development, any traffic associated with HS2, whether construction traffic, or the small number of vehicles associated with routine maintenance, are considered minimal within the future baseline and are expected to be negligible in the context of the background traffic levels. The ES therefore considered that the construction and operation of HS2 would not result in any additional effects. Traffic from Denham Park Farm Quarry has also been factored into 2019 traffic surveys, and it considered that the expansion of Orchards Caravan Site would have a negligible traffic impact on the M25.

14.22 Overall, the assessments carried out show that the impact during the construction phase is considered not to be significant, and at the future year/opening year scenario the proposed development would have a negligible impact on concentrations of NO₂, PM₁₀ and PM_{2.5} at the existing sensitive receptors considered. Notwithstanding this, mitigation is proposed. For these reasons, Officers therefore considered that the proposed would not lead to an unacceptable risk from air pollution, nor would it led to any breach of national objectives as required by national policy. Accordingly, the development complies with Policy GC9 of the Local Plan and Paragraph 186 of the NPPF (2023).

Sustainable Design and Construction

14.23 Chiltern's Core Strategy Policy CS4 sets out sustainable energy requirements for new development, with all new major development expected to have regard to this policy, to ensure long-term sustainability of development and help contribute towards national targets to reduce overall CO2 emissions. Policy CS5 encourages the use of renewable energy in schemes. In developments of more than 10 dwellings or 1,000 square metres of non-residential floorspace, the Council will require that at least 10% of their energy requirements are from decentralised and renewable or low-carbon sources. Other relevant guidance is provided in the Sustainable Construction and Renewable Energy Supplementary Planning Document.

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

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

Energy Strategy

14.26 The Energy Statement addresses energy demand and carbon emissions associated with the proposed development and considers the extent to which the development complies with local policy.

14.27 Due to the outline nature of the application it is not possible to carry out detailed assessment of energy demands, instead benchmarking is used at this stage, which is an accepted approach. The proposed building parameters, submitted as part of the outline application have been used to inform this benchmarking approach. The total energy demand for the Chiltern Chalfont Services has been estimated as 3,613,606 kWh/yr, based on indicative floor areas and industry benchmarks.

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

- Use less energy
- Supply energy efficiently

- Use renewable energy

14.29 A feasibility study into viable technologies that would aim to meet up to 10% of the proposed development's energy demand, as outlined in Core Strategy policy CS5, has been carried out. However, it is likely that the Part L 2021 requirement for a 27% emission reduction would be the main driver for reducing emissions, assuming development commences before 2025.

14.30 Potentially viable building design and technologies that have been identified at this stage, and that could meet the requirements of Core Strategy Policy CS5 are:

- Solar shading
- Ventilation
- Thermal mass
- Ground source heat pumps (GSHP)
- Air source heat pumps (ASHP)
- Combined Heat and Power

14.31 The initial feasibility study has indicated that the size and proposed use of the application site make it a feasible location to install a ground source heat pump system, either loop array or vertical borehole depending on geology and ground installation capacity. The statement identifies building design and layout could reduce energy demand, improve energy efficiency measures as well as locally sourced materials and opportunities for viable renewable technologies. At detailed design stage the applicant is committed to undertaking a detailed BREEAM pre-assessment, with an aspiration for achieving a high BREEAM score. It is likely that Air Source Heat Pumps and Combined Heat and Power would be dismissed at the further design stage due to their negative impacts (noise, visual appearance and cost).

14.32 Officers consider that the technologies which have been identified meet the requirements of Core Strategy Policy CS5, to provide at least 10% of their energy requirements from decentralised and renewable or low-carbon sources. Albeit, further detailed feasibility work would need to be undertaken and provided at detailed design stage (Reserved Matters) in relation to detailed design that comes forward for the proposed development. For this reason, a condition is required to submit further details, for approval of the proposed Energy/Sustainability Strategy, in order to demonstrate compliance with the NPPF and Core Strategy policies CS4 and CS5.

Waste and Recycling

14.33 Site investigation and geophysical surveys have been undertaken to ensure that no historic waste or permitted landfill site is present within the site boundary.

14.34 Waste arising from the Proposed Development could include inert materials, masonry, steel, wood, metals, earth, plasterboard, and glass; and non-construction waste including general waste, canteen waste, plastics, and packaging. Opportunities for waste recycling would be considered as part of the detailed design to ensure that the Waste Hierarchy is adhered to. A Site Waste Management should be secured through condition.

Climate Change

14.35 Climate Change was not scoped into the Environment Impact Assessment as no significant effect was considered likely to occur as a result of the proposed development in isolation, or in combination with other developments. Officers are satisfied with this approach.

14.36 Paragraph 154 of the NPPF (2023) states that new development should be planned for in ways that avoid increased vulnerability from climate change, reducing greenhouse gas emissions through location, orientation and design. The need to support the transition to a low carbon future in a changing climate, taking full account of factors such as flood risk, and encouraging the reuse of existing resources and use of renewable resources. Aspects of climate change are therefore also cover a number of other topics including contaminated land, air quality, biodiversity, transport, sustainable drainage and design, which are discussed within the relevant Sections of this report.

14.37 These include:

- new planting of 5ha of native woodland, 1km of new hedgerows, c 43 new trees, 8,5ha of wetland grassland planting, 0.5ha wildflower planting. 6 new Suds features, 10 swales, 100 EV charging points as part of the proposed MSA and passive provision so would be future proofed to ensure further EV charging points across the site as the transition to electric cars (in line with the Government's announcement to end the sale of petrol cars by 2030).
- Use of energy efficient LED lighting scheme which would be capable of being dimmed to lower levels when not required. The proposed MSA building would be designed to incorporate measures for maximising light and ventilation. PV panels natural building materials and green roofs would feature in the design of the proposed building to ensure for an energy efficient development. The proposed MSA development would also incorporate SUDs and flooding mitigation to take into account climate change.

14.38 Noting the above, officers consider that the proposed development is capable of meeting the aims of the NPPF in respect of achieving a low carbon development. In addition, it is considered that the proposed MSA incorporates sufficient measures to address the matters of climate change

and the reduction of carbon emissions. It is considered that the development would accord with the NPPF and development plan policies relating to Climate Change and the reduction of carbon emission.

15.0 Heritage, Conservation and Archaeology

Saved Local Plan Policies:

LB1 Protection of Special Architectural or Historic Interest of Listed Buildings Throughout the District

LB2 Protection of Setting of Listed Buildings Throughout the District

AS2 Other Unscheduled Archaeological Remains Throughout the District

15.1 Sections 66(1) and 72(1) of the Planning (listed Buildings and Conservation Areas) Act of 1990 sets out the duties of Local Planning Authorities in respect of the treatment of listed buildings and conservation areas through the planning process. The application of NPPF policy is consistent with the discharge of duties under the above sections of the 1990 Act, in relation to the desirability of preserving features of special architectural or historic interest, and in particular, listed building; and character or appearance of a conservation area. Paragraph 199 confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 201-2 set out different balancing exercises depending on whether substantial harm to/total loss of significance, or less than substantial harm to significance, would be caused. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

15.2 Chiltern's Local Plan policies LB1 and LB2 sets out the approach to heritage protection. These policies refer to the protection of the historic environment buildings and their setting and contribution to the local scene, and whether the proposed works would bring substantial planning benefits for the community. It is recognised that this is not entirely consistent with the language of paragraphs 201 and 202 of the NPPF, as the NPPF refers to 'significance' and levels of 'harm' to heritage assets.

15.3 A Heritage Statement and partial Geophysical Survey support the application, of which the impacts were addressed in Chapter 9 of the Environmental Statement. No designated heritage assets are located within the application site. The closest heritage assets are to the south-west of the site, at Mopes Farmhouse, Barn to south west of Mopes farmhouse and Mopes farm cottage, and Barn to north-west of Mopes farmhouse which are all Grade II Listed Buildings, and hereby designated heritage assets. The Heritage Officer consulted on the application confirmed that the relocation of the MSA from CSP1 would result in the larger and more intrusive areas of development being located further away and separated by the motorway from the heritage assets. As such, the proposed scheme would have no impact on the designated or non-designated heritage assets, or their settings.

15.4 Overall, there would be no harm to the significance of the setting of the listed buildings at Mopes Farm. The proposed development is considered to comply with Heritage related Policies LB1, LB2 of the Local Plan and the NPPF (2023).

Archaeology

15.5 Chiltern Local Plan Policy AS2 is of relevance to proposed development where there is the potential to affect archaeological remains.

15.6 The baseline evidence and assessment of the archaeological potential are based upon the known historic background of the application site and the currently recorded evidence in the Buckinghamshire and Hertfordshire Historic Environment Records, cartographic and documentary sources and modern and historic aerial imagery. The archaeological potential of the site has been partially evaluated by geophysical survey (Sumo Surveys Ltd 2019). The east of the site has also been subject to evaluative works in association with HS2 however, only a limited amount of information was available in relation to these works. Whilst the assessment of the archaeological potential of the application site is based upon this evidence and professional judgement, any groundworks have the potential to encounter previously unknown archaeological remains.

15.7 The proposed site lies within an area where numerous discoveries of multi-phase archaeology have been recorded. Archaeological investigation, construction works and field walking have combined to reveal a landscape occupied from the Mesolithic period onwards. Due to information available relating to trial trench evaluations undertaken within the east of the site, suggests that no significant medieval archaeological remains were identified within this part of the site.

15.8 Officers do not considered that disturbance to archaeology remains would occur during the construction or operation of the proposed development due

to no presence of significant archaeological remains within the application site. The landscape of the site has been altered during the post medieval to modern landscape due to the construction of the M25 during the latter half of the 20th century and recent ongoing work for HS2. The geophysical survey did not identify any anomalies suggestive of post-medieval to modern date within the western part of the site and no significant archaeological remains from these periods appear to have been identified during trial trenching in the east of the site. Significant remains are not therefore anticipated within either the western, or eastern parts of the site.

15.9 In-line with ES recommendations, the Archaeology Officer outlined that the area to the east of the M25 has been archaeologically evaluated by HS2 with no further investigation expected. However, the area to the west requires archaeological evaluation where below ground impacts would occur due to high potential to impact on buried archaeological remains. A staged condition is therefore recommended requiring the developer to secure appropriate investigation, recording, publication and archiving of results in order to satisfy paragraph 205 of the NPPF, and Local Plan policy AS2.

Secondary and Cumulative Effects

15.10 With regards to HS2, the above assessment has considered the HS2 proposals, at the relevant stage of completion and/or operation at which they are predicted to be, within the assessment baseline.

15.11 With respect to the Orchard Caravan, and Denham Park Farm Quarry sites, no cumulative or in-combination effects have been identified with regards to heritage.

15.12 The impact of the Proposed Development would not result in any additional impacts to heritage assets greater than those assessed above.

15.13 Overall, there would be no harm to archaeology, subject to investigative conditions and necessary mitigation. The development is considered to comply with Archaeological related Policy AS2 of the Local Plan and Paragraph 194 of the NPPF (2023).

Overall heritage conclusion

15.14 In conclusion, there would be no harm to the significance of the setting of the listed buildings at Mopes Farm, or archaeology, subject to investigative conditions and necessary mitigation. The proposed development is considered to comply with Heritage related Policies LB1, LB2 of the Local Plan and the NPPF (2023) and archaeological related Policy AS2 of the Local Plan and Paragraph 194 of the NPPF.

16.0 Healthy & Safe Communities

Core Strategy Policy
CS30 Reducing Crime and the Fear of Crime

Saved Local Plan Policy:
GC1 Design of Development Throughout the District

- 16.1 Chiltern's Core Strategy policy CS30 encourages new development that has been designed so as to minimise criminal activity and support development proposals aimed specifically at improving community safety. Saved Local Plan policy GC1 also expects that regard is had for reducing opportunities for crime.
- 16.2 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces. Paragraph 92 (b) of the NPPF advises that developments should be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 16.3 Thames Valley Police have comment on the planning application and requested provision of some form of rear access route for emergency vehicle access to the MSA for crime prevention purposes. The lack of rear access road is highlighted as having potential to negatively impact accessibility for the Local Policing Area. The concerns relate to the ability to deploy resource located within the local community close to the site, who are unable to access the site locally; officers that are not fast road trained would be accessing the site; and that congestion on the motorway could delay site access, with the relevant section of the M25 having no hard shoulder access once converted into a smart motorway. However, this latter concern is given very limited weight due to Central Government removing smart motorways from road building plans, cancelling this scheme's roll out. Furthermore, National Highway's position is to prevent unofficial through routes to the M25 thereby secondary access roads connecting the MSA is strongly discouraged. There is therefore competing policy objectives regarding local road access.
- 16.4 A Security Framework was submitted within the Planning Statement. This outlines measures such as; clear wayfinding, careful use of landscaping to avoid hiding places and to encourage nature surveillance, extensive use of CCTV coverage, lighting and on-site security staff. The success of this Security Framework would be monitored via S.106 agreement through the formation of the Security Steering Group. This would further help to bolster crime

prevention within in the proposed MSA facility, reducing the necessity and frequency of which Thames Valley would need to access the site.

- 16.5 Overall, it is considered that crime and safety concerns can be mitigated through a security Framework, reducing the risk of crime to a less likely occurrence, which would be policy compliant
- 16.6 In terms of accessibility, the proposed MSA has been designed to create a fair and inclusive facility. The Design and Access Statement sets out that the proposed development would be constructed in accordance with Part M of the Building Regulations with accessible toilets and changing facilities provided on the ground floor. All servicing routes for the Facilities Building would be accessible from the service yard to the east with shared corridors running around the perimeter of the building which are extended to serve every unit. Both Centre Management and primary plant areas on the mezzanine floor are served by suitable DDA-compliant lifts for easy access. Disabled parking bays would be provided within the parking area and within the Fuel Filling Station forecourt.
- 16.7 Buckinghamshire Fire and Rescue have no objection to the proposed development subject to meeting fire hydrant, emergency parking and clear access requirements.
- 16.8 Noting the above, Officers considered that matters pertaining to accessibility accord with Policies CS30 of the Core Strategy and GC1 of the Local Plan.

17.0 Economic Benefits

Chalfont St Peter Neighbourhood Plan
Policy PWI1

- 17.1 Policy PWI1 supports new employment in rural areas so long as they accord with policies in the Neighbourhood Plan and higher level policies.
- 17.2 The NPPF (paragraph 81) supports planning decisions that help create conditions in which businesses can invest, expand and adapt, stating that significant weight should be placed on the need to support economic growth and productivity. Paragraph 83 of the NPPF also states that “planning decisions should recognise and address the specific locational requirements of different sectors”.
- 17.3 Chapter 6 of the ES considers the socio-economic of the proposed MSA development. It is anticipated that the proposed MSA, when at full capacity, would generate approx. 300 full time jobs. It is also anticipated that a further approx. 200 jobs could be supported by direct or induced expenditure (e.g. services bought-in to the site or spending outside the site by employees). In addition, the proposed development would have a beneficial effect on the

construction industry in terms of employment within the area. The construction phase (24 months) is likely to generate approx. 230 people on site at any one time.

- 17.4 Noting the above, it is considered that the proposal would generate notable employment opportunities. The Council's Economic Development officer is supportive of the economic benefits, the creation and employment and investment in the local area. However, this benefit is tempered as there is no guarantee that jobs would go to Buckinghamshire residents furthermore, the population profile of the Chilterns District does not match the job skill offer within the MSA.
- 17.5 The applicant is developing a Local Employment Strategy to help prioritise jobs to local Buckinghamshire residents. This would be secured as part of the s106 agreement.
- 17.6 The proposed MSA represents a major new employment opportunity, and there is support for this from the Council's Economic Development Officer, subject to a Local Employment Strategy being secured that would ensure the benefits (direct and indirect) are captured for local people.
- 17.7 It should be noted that in dismissing the CSP1 MSA scheme the Planning Inspector made reference to the fact that a new MSA would create a number of economic benefits. Paragraph 127 of the appeal decision states 'these economic, social, and environmental benefits, taken together, are substantial.'
- 17.8 Based on the longer-term operational number of jobs, these economic benefits attract significant positive weight in the overall planning balance in accordance with Policy PWI1 of the Chalfont St Peter Neighbourhood Plan and Paragraph 81 of the NPPF.

18.0 Minerals

Buckinghamshire Minerals and Waste Local Plan

Policy 1 Safeguarding Mineral Resources

Policy 10: Waste Prevention and Minimisation in New Development

- 18.1 The application site is located within a Minerals Safeguarding Area in the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP), for sand and gravel. The Mineral Resource Assessment and supplementary Geological Report borehole logs provide conclusive evidence that the dominant superficial deposit on the site is clay, with very little sand and even less gravel. There is therefore no significant quantity of safeguarded mineral on the site. This sufficiently demonstrates that the proposed development area does not contain potentially workable mineral deposits and therefore

satisfies Policy 1 of the BMWLP. Buckinghamshire's Minerals and Waste Officer has confirmed this.

- 18.2 A condition would be requested requiring a Mineral Recovery Plan to be produced and updated throughout any development, which would allow assessment of areas of construction where minerals would be potentially recoverable. This would contribute towards sustainable development, in line with Policy 10 of the Minerals and Waste Local Plan.
- 18.3 The Environment Agency (EA) were consulted on the planning application and raise no objection subject to a condition requesting borehole investigations and informatives relating to extraction of waste within the application site. A Remedial Strategy and Remediation Management Plan would be requested by condition to ensure HS2 mineral deposits and site excavations are not re-used in the build of the MSA. Accordingly, there are no residual concerns from a minerals perspective in terms of the removal of sand and gravel and this is afforded neutral weight.

19.0 Flooding and Drainage

Core Strategy Policy

CS4 Ensuring the Development is Sustainable

Saved Local Plan Policies

GC9 Prevention of Pollution Throughout the District

GC10 Protection from Flooding in the Areas as Defined on the Proposals Map And Throughout the District

- 19.1 Chiltern's Core Strategy policy CS4 expects that proposals for new development will have carried out an assessment of surface water drainage impacts and incorporate Sustainable Drainage Systems (SuDS). At the same time, new development should not increase the risk of flooding within the site and to adjoining land/properties. Overall the aim should be to reduce the risk of flooding a result of new development.
- 19.2 Chiltern's Saved Local Plan policy GC9 states that permission will not be granted for any development likely to generate unacceptable levels of water pollution. Policy GC10 states that permission for new development will not be granted (outside of the floodplain) where this will increase the risk of flooding due to additional surface water run-off, and appropriate run-off attenuation measures may be required.
- 19.3 The NPPF paragraph 159 advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 161 of the NPPF requires all plans to apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate

change, so as to avoid, where possible, flood risk to people and property. Paragraph 162 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where appropriate, applications should be supported by a site specific flood risk assessment (paragraph 167) and when determining applications LPAs should ensure that flood risk is not increased elsewhere.

- 19.4 The NPPF paragraph 169 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 19.5 In addition to the above, the Council has carried out a Strategic Flood Risk Assessment (SFRA) (December 2018). This was carried out by the former Chiltern and South Bucks District Councils as part of evidence base for the since withdrawn Chiltern and South Bucks Local Plan (2014-2036). The aim of the SFRA is to provide strategic guidance on considering flood risk when determining planning applications.
- 19.6 Level 1 of the SFRA has the purpose of informing choices where future development should be located by providing a summary of past recorded flooding from sources such as rivers and surface water. It also provides information in terms of mapping areas of low, medium and high flood risk based on Environment Agency flood maps and how these could change with climate change.
- 19.7 The level 1 SFRA also outlines how the LPA should use the SFRA (amongst other things) it sets out the need to determine the variations in risk from all sources of flooding in their areas, and the risks to and from surrounding areas in the same flood catchment. It also sets out the requirement to apply the Sequential Test, and when necessary, the Exception Test when determining land use applications and planning applications.
- 19.8 The Chilterns and South Bucks Strategic Flood Risk Assessment Stage 1, states that The River Misbourne caused flooding in Chalfont St Peter High Street in 2001. The steep nature of the catchment around Chalfont St Peter means that the general area could be susceptible to surface water flooding, particularly when groundwater levels are high. Several roads and properties have flooded in the past, with the poor state of the drainage network sometimes contributing.

Sequential Test

19.9 Due to the pockets of high and medium surface water within the application site itself, a sequential test is required in line with Paragraph 161 of the NPPF. The purpose of the sequential test, as explained by Paragraph 162 of the NPPF, is to steer new development to areas of lowest flood risk. This means that *“development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”*.

19.10 In terms of the assessment of the submitted Sequential Test the Planning Practice Guidance (PPG) provides guidance on its application as follows:

“Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.....the approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding”;

19.11 It goes on to say;

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

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

Initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Climate change will also impact upon the level of protection infrastructure will offer throughout the lifetime of development.

The Sequential Test should then consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas, ignoring the presence of flood risk management infrastructure.

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

19.12 The PPG recognises that the sequential test will be defined by local circumstances relating to the catchment area for the type of development proposed. It continues:

'When applying the Sequential Test, a pragmatic approach on the available of alternative should be taken'. It goes on to state that; 'The developer should justify with evidence to the Local Planning Authority what area of search has been used when making the application. Ultimately the Local Planning Authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increase flood risk elsewhere.'

19.13 Further advice is provided in the Environment Agency and DEFRA guidance on the sequential test and alternative sites, including whether it is allocated in a local plan, any issues preventing development and whether these can be overcome, capacity (eg housing density), local plan evidence base documents (including HELAA) and comparing the risk.

19.14 Turning to the sequential test submitted with the planning application, the applicant's state that this demonstrates that there are no alternative sites available at a lower risk of flooding by using the following filtering criteria:

- area of search is between Junctions 15 and 20 of the M25 Motorway, including the links between the junctions;
- Stage 1: Highway and technical considerations required for an MSA, including weaving distances and on-line locations; and
- Stage 2: Statutory designations i.e Heritage assets, Irreplaceable habitats, Presence of, existing development, Need for a MSA
- Stage 3: Consideration of suitability in relation to technical planning constraints i.e planning history, site-specific environmental, technical and planning constraints, and land availability

19.15 Stage 1 eliminated three links (J17-18, J18-19 and J19-20) based on highway constraints. The remaining junction links are held in abeyance as there are online alternatives available. Two links (J15-16 and J16-17) progress to Stage Two.

19.16 At Stage 2, sites are only excluded if there are significant planning constraints, for example if the site is occupied or in close proximity to existing development, or the site is covered by irreplaceable habitat (ancient woodland and veteran trees). Sites are not excluded where constraints may reasonably be accommodated and/or addressed. All sites fall within the Green Belt, therefore this is also not an eliminated criteria at this stage. 5 sites are identified to move onto stage 3:

- Site A – Junction 15 to 16 – west of M25 – Elk Meadows/Bangors Park Farm

- Site B – Junction 15 to 16 – east of M25 – Palmers Moor Farm
- Site C – Junction 15 and 16 – west of M25 – North of Slough Road (Colne Valley Services CVS MSA)
- Site D – Junction 16 and 17 – west of M25 – Warren Farm
- Site E – Junction 16 and 17 – east of M25 – Land adjacent HS2 (CCS MSA)

19.17 The following Table 4, provides a summary of the comparative scoring between these five sites at stage 3.

Table 4 Stage 3 Sequential Test Site Review

| Site | Need (gaps met) | Planning Constraint | Availability | Green Belt Impact on Purposes | Flood Risk |
|------|-----------------|---|--------------|-------------------------------|--|
| A | 20/42 | Listed buildings Ancient Woodland | N | 3/5 | Flood Zone 3b Surface Water Flooding |
| B | 20/42 | N/A | N | 3/5 | Flood Zone 3b Surface Water Flooding |
| C | 20/42 | Listed Buildings Ancient Woodland Veteran tree | Y | 3/5 | Flood Zone 3b Surface Water Flooding |
| D | 19/42 | Listed Building Ancient Woodland | Y | 2/5 | Surface Water Flooding |
| E | 19/42 | N/A | Y | 1/5 | Surface Water Flooding |

19.18 The above table summarises the stage 3 sequential test assessment. The applicant's consider that this demonstrates that there are three available sites that can meet the identified need (C-E) for a MSA. Of these, site D (CSP1) has recently been subject to appeal and dismissed due to substantial Green Belt harm which was not clearly outweighed by other material considerations

and therefore failed to demonstrate very special circumstances. On this basis, the applicants consider it is reasonable to discount this site. In flood risk terms both sites, C and E, have areas of elevated surface water flood risk so in pluvial risk terms they are broadly comparable. However, the applicants consider that Site C contains areas of Flood Zone 3b whereas Site E is located entirely in Flood Zone 1 meaning in terms of fluvial flooding, Site E is sequentially preferable, having regard to paragraph 162 of the NPPF. The applicants consider that on this basis, Site E is preferable in flood risk terms and the CSP2 MSA site, is the only acceptable site in flood risk planning terms.

- 19.19 Overall, the applicants consider that the Sequential Test submitted with the application demonstrates that there are no reasonably available sites that could accommodate the proposed development at a lower risk of flooding. Therefore, the sequential test is passed. An exception test is not required as the application site is located entirely within flood zone 1.
- 19.20 The competing CV MSA and CSP2 MSA applicants have taken a different approach to their sequential tests and conclude that each of their respective sites are sequentially preferable to the other.
- 19.21 The applicants for CV MSA argue that their site is preferable in flood risk terms. At Stage 2 of the CSP2 MSA sequential test, as well as looking at planning constraints and history, considers traffic flow and gap analysis as a definitive measure at this stage; sieving out sites which are less well performing in terms of meeting gaps and traffic flows thereby the need objective for the proposed development. This means that CSP2, at junction 16 and 17 of the M25, is filtered out at this stage 2 analysis. CV MSA also conclude that both CSP2 and CV MSA are susceptible to flood risk in some way, and therefore considered equally in regards to this planning constraint. The CSP2 and CSP1 sites are treated the same and the Inspectors conclusions on CSP1 referred to.
- 19.22 Beyond the PPG there is no detailed guidance on the methodology to follow or criteria to use in assessing a sequential test and that this is a matter of judgement for the council as the decision maker.
- 19.23 The approach taken in CSP2 MSA sequential test focuses more on flood risk, and places less emphasis on the difference between the number of gaps and traffic flows a specific MSA location would serve. Officers have concerns over this approach, as these technical factors are relevant as to whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, as set out in paragraph 162 of the NPPF.

- 19.24 The NPPF makes it clear that all sources of flood risk should be taken into account and to steer development to areas of lowest risk, whilst recognising that some development may need to be placed in areas of flood risk.
- 19.25 It is acknowledged that there is surface water flood risk at both the application site and the CV MSA site; while there is no fluvial flooding risk at the application site, and fluvial risk at CV MSA. Officers therefore consider that there is a greater risk of flooding from the fluvial flooding in addition to the surface water flooding at the CV MSA site. CSP2 MSA site could therefore be regarded as at lower risk of flooding.
- 19.26 In applying the remainder of the sequential test as set out in paragraph 162 of the NPPF consideration then falls to whether the site is appropriate for the proposed development. The appropriate test would consider the wider merits of the sites. It would therefore be appropriate for this to be considered further in the Alternatives Sites Assessment below, where the relevant comparison of the main factors are being assessed in that section (section 23).
- 19.27 It is noted that the PPG advice states where it is not possible to locate development in low risk areas, the Sequential Test should go on to compare reasonably available sites within medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas. In so far as the PPG may be read a comparison is therefore carried out in the same way as set out under the approach under the paragraph above.

Flood Risk Mitigation and Drainage

- 19.28 The proposed MSA development would be located primarily to the east of the M25. The land west of the M25 would incorporate the slips roads for the purpose of access and ingress to the MSA. Two small pockets of high and medium surface water areas sit to the north and south the west side of the site. The entire application site is located within Flood Risk Zone 1, having a less than 1 in 1000 annual probability of river or sea flooding in any given year.
- 19.29 The site is located within the Thames River Basin District and the Thames Groundwater Management Catchment. An existing drainage network associated with the M25 runs centrally through the site and there are sensitive hydrological and hydrogeological receptors within proximity, including the River Colne and a Source Protection Zone (SPZ). In addition, the site is located within a surface water Drinking Water Safeguard Zone. There are no existing surface water features within the application site itself.

- 19.30 ES Chapter 12 and relevant addendum, considers in depth the potential impact of the proposal on water resources, and this includes a Flood Risk Assessment (FRA).
- 19.31 A construction Environment Management Plan would be conditioned to avoid impact on ground and surface waters during construction of the built. The proposed development optimises site layout in relation to surface water flood risk, located built form away from any areas of flood risk. The development proposals have also been refined through successive appeal decisions. Such, that the proposal would appear to have been sequentially laid out to avoid more vulnerable uses within a higher risk of flooding.
- 19.32 To ensure that the proposed development does not have any adverse off-site impacts and increases flood risk elsewhere, surface water runoff would be sustainably managed and disposed of using SuDS techniques. A detailed drainage strategy has been designed for the site, incorporating a range of SuDS measures including swales, infiltration soakaway/basins, infiltration trenches, lake/open water attenuation and flood control drainage. Appropriately sized attenuation is to be provided across the site, with the attenuated water discharging to ground. This will be controlled further by way of appropriately worded conditions.
- 19.33 Management and maintenance of the SuDs would be secured through a financial contribution within the S.106 agreement.
- 19.34 The LLFA has confirmed that there are no outstanding concerns in relation to either flood risk or the drainage strategy, and it is recommended that conditions be secured in the event of any approval. These conditions would secure a detailed surface water drainage scheme for the site, and a commitment to adhering to a whole-life maintenance plan for the site.
- 19.35 The Environmental Agency were consulted on the planning application and raised no objection to the management of water subject to recommended conditions pertaining to, contamination, risk assessment for the use of infiltration of surface water, the use piling and details of underground storage tanks.
- 19.36 Affinity Water have no objection with the proposed water management on the site, subject to conditions relating to investigations prior to excavations for construction, details relating to site contamination and specific details on the proposed onsite drainage and storage systems.
- 19.37 Thames Water raised no objection in relation to foul and surface water drainage.

Secondary and cumulative Effects

- 19.38 The ES and ES Addendum sets out the potential cumulative effects on the water environment if two or more major developments are constructed and operational in the same catchment, at the same time. Potential cumulative effects include deterioration in water quality as a result of pollutants entering into waterbodies during construction and alteration to the hydrological regime from inappropriate drainage design resulting in increased flood risk downstream of both development.
- 19.39 HS2 construction has been considered as part of the baseline assessment within the ES and ES addendum chapter, therefore the ES therefore considers that there would be no significant cumulative effects.
- 19.40 The extension to the Orchards Gypsy and Traveller Site expansion and continuing operations of Denham Park Farm Quarry would require their own mitigation in relation to the water environment, they would also be subject to control and regulation from the relevant issuing authority. Therefore, the potential cumulative effects arising from other major developments including the extension the travellers' site within the same catchments as the application site are considered to be negligible.
- 19.41 In summary, the Alternative Site Assessment section will consider the flood risk sequential test further and matters relating to flood risk. No objections have been raised by the LLFA or the Environment Agency and therefore flooding impact would not be significant, subject to appropriate mitigation. The sequential test will be dealt with later in the report.

20.0 Utilities

Core Strategy Policy

CS26 Requirements of New Development

- 20.1 Chiltern's Core Strategy Policy CS26 requires that development is served by adequate infrastructure capacity in terms of water supply, foul drainage, waste water and sewage treatment, high speed broadband access and other utilities, without leading to problems for existing users.
- 20.2 A utilities assessment has been undertaken to consider the available capacity for water, gas and electricity at the application site. The assessment has been undertaken assuming potential load requirements of conventional fuels e.g. gas and grid electric, based on similar MSA buildings.
- 20.3 The assessment found existing connections for gas, water and foul waste would be suitable for the proposed development with minimal or no further work required.

- 20.4 In terms of electricity, the response from SSEN identified that reinforcement work would be required in order to ensure capacity for the development, based on an enquiry of 2MVA, and a quote was provided for this work. This does not factor in provision for EV charging points.
- 20.5 Diversions of the overhead electricity transmission lines are likely to be required as well as to the pylons present to the east of the M25 corridor and for the 500mm water main which runs east-west under the M25 (and therefore lies in the northern part of both the east and west part of the site). Discussions are ongoing with between the applicant and Scottish and Southern Electricity Networks (SSEN) and Affinity Water in this regard.
- 20.6 In relation to the overhead electricity lines and pylons, it is proposed that these are relocated underground and following discussions with SSEN a favoured route has been identified which lies within the MSA redline. It is considered that this work would be undertaken by SSEN either prior to, or in tandem with the construction of the MSA.
- 20.7 It is likely that the proposed development would connect to the public water, foul sewage and electricity supply. Thames Water have confirmed sufficient foul sewage capacity to accommodate the development. Affinity Water have also raised no objection to water use of the proposed development. The MSA should also be able to extend BT Openreach superfast broadband connection in the location area to the application site.
- 20.8 Works are likely to be provided within existing highways and would not significantly impact any sensitive areas as defined in the EIA Regulations. Subject to best practice construction measures being implemented, it is not expected that this potential off-site work would result in likely significant effects.
- 20.9 Overall, Officers consider sufficient utility infrastructure is available in the immediate area to accommodate the development proposal.

21.0 Aviation Safety

- 21.1 The application site is within a number of safeguarding zones for airports. Notably, Heathrow Airport, which lies approximately 15km to the south, RAF Northolt located approximately 10km to the south east and Denham Aerodrome which sits approximately 1.3km to the east of the proposed MSA site. LPAs are required to consult with all safeguarded airports in relation to the possible impacts of proposed developments within the defined safeguarded area surrounding such airports.
- 21.2 Denham Aerodrome is not officially safeguarded under the Town and Country Planning Direction 2002, although it is unofficially safeguarded, in accordance

with Circular 1/2003, by the submission of a safeguarding map with the former Chiltern District Council (now Buckinghamshire Council).

- 21.3 All three airports were consulted as part of the proposed MSA development. Only Denham Aerodrome submitted an objection to the planning application. The main points of objection relate to the material weight given to aviation matters, that the application site is within an area of intense activity where aircrafts are at a low height and how development on this land would impact space required for forced emergency landing. The MSA is proposed directly beneath the downwind leg of the circuits for Runway 06/24 and Runway 12/30. Surrounding areas for emergency landing are limited, with the application site forming the longest area of land available. In turn, this is said to have implications on the business running of Denham Aerodrome.
- 21.4 The application is accompanied by a note on Aviation Risk Issues prepared by York Aviation, this concluded that the proposal would not adversely impact on the operations of the Aerodrome or the air safety associated with activity on the site. In order to gain an independent appraisal on impact of Aviation matters the Council procured its own Aviation specialists, Alan Stratford and Associates (ASA). ASA conclude that the MSA development would result in loss of open fields required for aviation safety purposes (in the event of a forced emergency landing) however, due to the small proportion of overhead flights, required degree of aircraft turn, topography of the land and negotiable land constraints, such as the M25, HS2 and electricity pylons. The use of the appeal site for emergency landing would be limited. ASA concluded that the proposed MSA would not constitute an unacceptable safety risk to operations at Denham Aerodrome.
- 21.5 The Civil Aviation Authority, which has been set up to meet the Department for Transport's objective of sustaining the UK network of airfields are a non-regulatory team who provide advice to Government, licensed and unlicensed airfields and Local Planning Authorities on matters that are relevant to CAA functions, and formally commenced engagement with airfields. In short, they are an objective third party. In their comments on the planning application, they state that the proposed development would significantly reduce the amount of space available for forced landing should such an incident occur.
- 21.6 This matter was also considered in full during the CSP1 appeal inquiry. The Planning Inspector concluded that aviation safety is a material planning consideration in that planning has a role in controlling the use of land in the public interest. Therefore, the lost land area for forced landings is a material consideration in a planning decision. The Inspector acknowledged that the application site is not the only land available for forced landings, but a good proportion of the circuit. The constraints of the site namely to the east comprising, the M25, electricity pylons, woodland, HS2 line and topography

were noted as affecting the utility for forced emergency landings. The introduction of the MSA, slip roads and over bridge would create a further hazard and reduce this utility further. Overall, it was concluded that there would be a moderate reduction in the utility of the area of land for forced landings when taken together and therefore some reduction in choice for a pilot. Some harm would therefore result to aviation safety through an increased risk for aircrafts pilots and passengers, although this would not reduce the attractiveness of Denham Airport as a place to fly from. The Inspector also noted that the increase in aviation risk was not of a magnitude which would be sufficient, in itself, to justify dismissing the appeal. But it is an issue that should be attributed some harm in the overall planning balance. It is important to also note however, that the Inspector stated that *“north-east corner, would not be particularly suitable for forced landings at present. That part of the appeal site to the east of the M25 has the line of pylons along its western boundary and woodland to the south. HS2 will run to the east. Parts of the site has the chalk valley running through it. Some of the area is suitable for forced landings but its utility is affected by the nearby features and its topography.”* The north-east corner of CSP1, now comprises a large proportion of the application site.

- 21.7 Warren Farm MSA application ref: 96/08215/CM, which also incorporates the application site, and a larger extent of land concluded; *“it seems to me that the MSA would take only a small proportion of that remaining [3.53]. I accept that some areas are not conducive to safe landings due to slopes or obstructions. However, it is significant that the MSA sites are, inevitably, close to the M25 with its embankments and fast-moving and usually heavy traffic and that a line of high voltage electricity pylons runs alongside it on the east side. Furthermore, for a number of years at least, both sides would be affected by mineral workings. As a result of these factors the potential for use of the sites for emergency landings, and hence the effect of their use for MSAs, is limited in any event.”*
- 21.8 The circumstances to the east of the M25 remain very much the same as described.
- 21.9 A bird safety hazard management plan is recommended to address and safety concerns and potential hazards and can be secured by condition.
- 21.10 Therefore, factoring the relocation of the MSA facility to the eastern site area, Officers consider that the application would still result in some harm to aviation safety, however, given this area has limited opportunities for suitable emergency landing areas, this would not pose a significant risk in terms of air safety or of risks to those on the ground to justify a reason for refusal.

Other Material Considerations

22.0 Need case for MSA development

- 22.1 Government Guidance provides a policy context for operators and others involved in identifying and filling gaps in the MSA network.
- 22.2 The National Policy Statement for the National Networks (2014) states at paragraph 2.2 that “the national road and rail networks that connect our cities, regions and international gateways play a significant part in supporting economic growth and productivity as well as facilitating passenger, business and leisure journeys across the country”.
- 22.3 The Department for Transport Circular 01/2022 ‘The Strategic Road Network and the Delivery of Sustainable Development’ sets out government policy in regards to the function and provision of MSAs on the motorway network. Annex A of the Circular, specifically sets out policy on the provision of standards for road facilities (including MSAs) on the SRN. The Circular highlights that MSAs perform an important safety function by providing opportunities for travelling public to stop and take a break. Such roadside facilities should be spaced so that there are opportunities to stop approximately every 30 minutes. However, timing is not prescriptive as, at peak hours on congested parts of the SRN, travel between MSAs may take longer than 30 minutes.
- 22.4 For this reason, National Highways recommends that the maximum distance between driver facilities on the SRN should be no more than 28 miles (which is typically 30 minutes travelling time). The distance between services can be shorter, but to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the ‘Design Manual for Roads and Bridges’, including its provisions in respect of junction separation.
- 22.5 In determining applications for new MSAs, Local Planning Authorities (‘LPAs’) should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should LPAs seek to prevent competition between MSA operators; such authorities should determine applications on their specific planning merits. This is interpreted as meaning that once a gap between MSAs is shown to exist, it is not necessary to have regard to other considerations in determining whether a need exists, a need either exists or it does not.

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

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

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

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

22.9 As highlighted above, MSAs exist in order to meet a safety and welfare need on the SRN. The absence of such facilities in areas where there is a demonstrable unmet need places the safety and welfare of the travelling public at risk and increases the chances of fatigue related accidents. It is necessary therefore to consider whether there is an existing unmet need for an MSA facility to serve the north-west of the M25.

22.10 Table 5 below, shows the locations of the 42 gaps (2-way traffic flows) identified by the applicant on the Northwest quadrant of the M25 motorway between motorway service areas; this has been taken from the applicant's Planning Statement. There are an additional 5 gaps (or 10 if counting in both directions), to and from London Gateway, which are also in excess of 28 miles but these gaps include small sections of non-Motorway. Gaps outlined in this table are measured by the distances between the centres of MSA car parks, and include gaps in both directions. It should be noted that the gaps in provision identified in table 5 and table 6, below, do not take into account the frequent times when it may take drivers in excess of 30 minutes to travel 28 miles due to congestion on a section of the network. Although, average traffic speed is also a relevant consideration, as National Highways recommends, through Circular 01/2022, that the maximum distance between driver facilities on the SRN, should not typically be more than 30 minutes travelling time, as average travelling speeds fall due to traffic capacity during peak period, then gaps in provision of 28 miles or more become significantly worse in terms of meeting the 30 minutes travelling time guidance.

¹Table 5 Gaps in excess of 28 miles between MSAs on the north western quadrant of the M25

| | Route between existing MSAs | Distance (Av. In both directions) | Motorways |
|----|------------------------------------|--|------------------|
| 1 | South Mimms and Cobham | 44.6 miles | M25 |
| 2 | South Mimms and Reading | 54.5 miles | M25 & M4 |
| 3 | Cobham and Reading | 43.1 miles | M25-M4 |
| 4 | Cobham and Toddington | 53.3 miles | M25- M1 |
| 5 | Reading and Toddington | 63.5 miles | M4-M25-M1 |
| 6 | South Mimms and Beaconsfield | 28.2 miles | M25-M40 |
| 7 | Cobham and Beaconsfield | N/A | M25-M40 |
| 8 | Beaconsfield and Reading | 37.4 miles | M40-M25-M4 |
| 9 | Beaconsfield and Toddington | 36.6 miles | M40-M25-M1 |
| 10 | Fleet and South Mimms | 50.5 miles | M3-M25 |
| 11 | Fleet and Beaconsfield | 33.1 miles | M40-M25-M3 |
| 12 | Fleet and Toddington | 60 miles | M3-M25-M1 |
| 13 | Heston and Beaconsfield | N/A | M4-M25-M40 |
| 14 | Heston and South Mimms | 32.5 miles | M4-M25 |
| 15 | Heston and Toddington | 41.3 miles | M4-M25-M1 |
| 16 | Fleet and Reading | 50 miles | M3-M25-M4 |

¹ Based off Statement of Common Ground for application ref: PI/19/2260/OA

| | | | |
|-----|--------------------|----------|-----------|
| 17. | Heston and Reading | 31 miles | M4 |
| 18. | Fleet and Heston | 28 miles | M3-M25-M4 |

22.11 When considering the appeal for the previous Chalfont St Peter MSA, the Inspector acknowledged a need between Junction 15 and 20 of the M25. Paragraph 66 of the Inspector’s Decision Letter (APP/X0415/W/21/3272171) states as follows, “there are no MSAs on the western section of the M25 between South Mimms (junction with the A1) and Cobham (near the A3). Taking into account the wider motorway and strategic road network connected via the M25, including the M1, M40, M4 and M3, there are some 42 gaps between MSAs exceeding 28 miles. Some of the gaps are upwards of 50 miles. There are a few other gaps close to 28 miles on these heavily congested stretches of the motorway network, where travelling can often take considerably longer than 30 minutes, particularly during peak periods. There is a clear need for a new service area in the north-west quadrant of the M25 between the junctions with the M1 and M4.”

22.12 The proposed MSA has been positioned between Junctions 15 and 16 of the M25, between 30 non compliant gaps (two way traffic flows), and would address 19 of these gaps, by bringing them down to less than 28 miles. This is detailed further in Table 6, below. Gaps reduced below the 28 miles have been shown in green highlight. Gaps to which the MSA proposal does not ‘plug’ are highlighting in grey.

Table 6 Gaps met by proposed MSA

| Number | Route between existing MSAs | Motorways | Distance (Av. Distance In both directions) | Chalfont St Peter 2 MSA at Junction 16-17 of M25 (Av. In both directions) |
|--------|-----------------------------|-----------|--|---|
| 1. | Cobham and South Mimms | M25 | 44.6 miles | 26.7 miles (towards Cobham) 19.9 miles (towards South Mimms) |
| 2. | Reading and South Mimms | M4-M25 | 54.5 miles | 36 miles (towards Reading) 19.9 miles (towards South Mimms) |
| 3. | Cobham and Reading | M25-M4 | 43.1 miles | 44 miles (towards Cobham) 43 miles (towards Reading) |
| 4. | Cobham and Toddington | M25- M1 | 53.3 miles | 26.7 miles (towards Cobham) 29 miles (towards Toddington) |

| | | | | |
|-----|---|------------|------------|--|
| 5. | Reading and Toddington | M4-M25-M1 | 63.5 miles | 36 miles (towards Reading) 29 miles (towards Toddington) |
| 6. | South Mimms and Beaconsfield | M25-M40 | 28.3 miles | 19.9 miles (towards South Mimms) 9.6 miles (towards Beaconsfield) |
| 8. | Beaconsfield and Reading | M40-M25-M4 | 37.4 miles | 37 miles (towards Beaconsfield) 38 miles (towards Reading) |
| 9 | Beaconsfield and Toddington | M40-M25-M1 | 36.6 miles | 9.6 miles (towards Beaconsfield) 29 miles (towards Toddington) |
| 10. | Fleet and South Mimms | M3-M25 | 50.5 miles | 33 Miles (towards Fleet) 19.9 miles (towards South Mimms) |
| 11. | Beaconsfield and Fleet | M40-M25-M3 | 33.1 miles | 33 miles (towards Beaconsfield) 34 miles (towards Fleet) |
| 12. | Fleet and Toddington | M3-M25-M1 | 60 miles | 33 miles (towards Fleet) 29 miles (towards Toddington) |
| 14. | Heston and South Mimms | M4-M25 | 32.5 miles | 13.9 miles (towards Heston) 19.9 miles (towards South Mimms) |
| 15. | Heston and Toddington | M4-M25-M1 | 41.3 miles | 13.9 miles (towards Heston) 29 miles (towards Toddington) |
| 16. | Fleet and Reading | M3-M25-M4 | 50 miles | 50 miles (towards Fleet) 50 miles (towards Reading) |
| 17. | Heston and Reading | M4 | 31 miles | 31 miles to Heston 31 miles to Reading |
| 18. | Fleet and Heston | M3-M25-M4 | 28 miles | 28 miles to Fleet 28 miles to Heston |
| | Additional gaps reliant on non-Motorway stretches | | | |
| | London Gateway and Cobham | M1-M25 | 46.2 miles | 21 miles (towards London Gateway) 26.7 miles (towards Cobham) |
| | London Gateway and Fleet | M1-M25-M3 | 52.8 miles | 21 miles (towards London Gateway) |

| | | | | |
|--|---------------------------------|------------|------------|---|
| | | | | 33 Miles (towards Fleet) |
| | London Gateway and Reading | M1-M25-M4 | 56.2 miles | 21 miles (towards London Gateway) 36 miles (towards Reading) |
| | London Gateway and Heston | M1-M25-M4 | 34.1 miles | 21 Miles (towards London Gateway) 13.9 miles (to Heston) |
| | London Gateway and Beaconsfield | M1-M25-M40 | 30.4 miles | 21 miles (towards London Gateway) 9.6 miles (towards Beaconsfield) |

22.13 Table 6 indicates that the appeal proposal would fall between 42 existing gaps along the western section of the M25, which are 28 miles or greater; and would resolve 19 of them by bringing them down to less than 28 miles. The development would also be compliant with the minimum requirements for an MSA as set out in Table 1 of Circular 01/2022.

22.14 In conclusion, it is considered that there is a clear needs case for the proposed MSA in this section of the M25 motorway; this has been demonstrated against Government Policy in Circular 01/2022 and by the Inspector in his decision on the recent CSP1 appeal decision. This proposal would respond to an unmet need for a MSA facility to serve the northwest quadrant of the M25 motorway, which is required in the interests of the welfare and safety of drivers and their passengers of vehicles. Notably, this point has also been recognised by National Highways in their formal consultation response (May 2023). Meeting this identified need would have considerable road safety benefits and would represent a significant positive in the planning balance.

23.0 Consideration of Alternatives and the Alternative Sites Assessment

23.1 It has been established through previous appeal decisions that there is a need for one MSA in the north-west quadrant of the M25. The development proposal gives rise to clear public convenience or advantage, by fulfilling this safety function, but also inevitable and adverse effects or disadvantages to the public, by virtue of Green Belt, landscape and other identified harm. Case law indicates that, in such circumstances, it is considered appropriate to consider the extent to which an alternative site would amount to a preferable approach to meet the identified need. As such, the competition between sites for meeting this identified need has prompted the alternative site assessment, as a material consideration. Consideration of alternatives is relevant to the VSC test which, is considered later in the report, at the Planning Balance. The applicant has included an assessment of the

alternatives sites within the submitted planning statement and supplementary planning statement. This section of the report will undertake an alternative site comparison exercise, of key planning considerations, before concluding on whether an alternative site to CSP2 would amount to a preferable approach to meet the identified need. The conclusions drawn will then be pulled forward into the Overall Assessment at the end of the report.

23.2 There is no agreed published methodology for undertaking an Alternative Site Assessment (ASA). Circular 01/2022 provides guidance to the process of identifying an appropriate location for a new MSA, and is the starting point for establishing the minimum requirements for MSA development. This has influenced the approach to the methodology in the submitted ASA. In addition, EIA Regulations places no obligation on applicants to actively assess alternatives or to justify the choices they have made.

23.3 The submitted ASA was undertaken in the context of Circular 02/2013 (paragraphs B13 – B15) (before it was superseded in December 2022) which establishes a clear policy preference for on-line (between junctions) MSAs as opposed to locations at junctions (off-line). This preference for on-line MSAs is carried through to the updated Strategic Road Network and the Delivery of Sustainable Development Circular 01/2022. The ASA has been carried out to identify where there is an existing need for a new MSA facility on the SRN to the west of the M25, specifically between junctions 15 and 20 to identify where this need can be best met and then to assess potential locations in terms of their ability to meet this need. The ASA identifies and appraises whether there are potential alternative sites to the application site proposed that would meet the operational requirements of the development and appraises the planning and environmental considerations with each one.

23.4 A number of potential locations for an on-line MSA between Junctions 15 and 20 have been identified on the basis of the following:

- Applying a threshold size of approximately 12 hectares, being the estimation of the minimum area of land required to accommodate a MSA.
- The identification of land that is free from development and considered to be available.
- Where a site is developed whether there is a reasonable prospect of redevelopment.

23.5 This process led to the identification of 5 potential sites:

- Site A – Land between Junctions 15 and 16 (west of M25 – Elk Meadows/Bangors Park Farm)
- Site B – Land between Junctions 15 and 16 (east of M25 – Palmers Moor Farm)

- Site C – Land between Junctions 15 and 16 (west of M25 - North of Slough Road – “CVMSA”)
- Site D – Land between Junctions 16 and 17 (west of M25 – Warren Farm- “Chalfont St Peter 1”)
- Site E – Land between Junctions 16 and 17 (east of M25 – Land adjacent to HS2- “Chalfont St Peter 2”)

23.6 Please see Appendix F for a plan of all five sites identified.

23.7 In terms of the site selection the applicants’ key considerations of a preferred site on the SRN on the north west quarter of the M25 were:

- How each location served existing need;
- The highway safety and operational constraints;
- The identification of any major planning, operational and environmental constraints; and
- Wider planning assessment, including planning history and Green Belt purposes.

23.8 It is noted that Green Belt surrounds the entire M25 (and adjacent sections of the M1, M40, M4 and M3). Therefore, this designation means there are no alternative MSA locations outside of the Green Belt. For this reason, the Green Belt has not been included as a major constraint for the purpose of eliminating site locations.

How each site served existing need

23.9 In terms of meeting existing need, any site located between Junction 15 (M4 Interchange) and Junction 16 would meet 14 gaps in excess of 28 miles between MSA locations (measures from car park to car park). Sites located between Junction 16 (M40 Interchange) and Junction 20 (Denham Way Junction) of the M25 would serve 15 gaps. This is based off the 21 routes between existing MSAs (excluding Beaconsfield and Cobham which is under 28 mile gap). When counted in each direction, there are 42 non-compliant gaps on these 21 routes, of which J15-16 serve 20/42 and J16-17 serve 19/42.

The highway safety and operational constraints

23.10 Potential sites which would not be acceptable to National Highways, i.e. do not meet the appropriate safety and operational standards, have been identified and excluded from the ASA process. The exception to this is Site C which is being promoted by CV MSA and is currently subject to a live planning application. The reason for this is that in the case of Site C, National Highways have approved a departure to the weaving standards.

23.11 Weaving on a road is the means by which vehicles are able to change lanes in a safe and convenient manner. It is something which National Highways, in

respect of main roads and in particular motorways, have an adopted approach and which it seeks to apply in a fair and consistent manner. Officers' understanding of the matter is that safety arising from weaving requirements will be examined and that decisions will be made to allow for an appropriate distance according to the particular factors that apply. Weaving dimensions, which start with a normal or usual physical distance between given points, can, where appropriate and justified, be changed to accommodate activity at a particular location. The final decision of the authority in that respect will enable a development to proceed with appropriate weaving distances for the circumstances, taking into account relevant factors that arise. That process may include the use of departures where appropriate, but with the resultant design being seen as acceptable and policy compliant, even when reduced below a level that would be the norm or usual distance.

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

“The length of the carriageway between a successive merge or lane gain and diverge or lane drop, where vehicles leaving the mainline at the diverge or lane drop have to cross the paths of vehicles that have joined the mainline at the merge or lane gain.”

23.13 DMRB Paragraph 4.35 relates to rural Motorways, which includes the M25. The guidance states that the desirable minimum weaving distance must be 2 kilometres / 1.24 miles.

23.14 National Highways can allow a departure from the required design standards however, in seeking to identify potential locations for new a MSA it is preferable to minimise the use of departures or relaxation of this standards.

23.15 Only two links, those being between Junctions 15 and 16 as well as between Junctions 16 and 17 have sufficient space to accommodate an on-line MSA outside the minimum weaving distances without the need for any departures from standards.

23.16 Site C would not meet the minimum weaving distances required for a MSA, but the process undertaken by National Highways, and the indication given by them, is that an acceptable arrangement can be achieved to provide for a safe solution. As such there is no actual difference between the two applications as made.

The identification of any major planning, operational and environmental constraints

23.17 Examples of major constraints include:

- Land allocated for alternative development in a Local Plan
- Land which falls within Flood Zones 3a and 3b
- Other significant and environmental designations, e.g
- Sites of Special Scientific Interest (SSSI)
- Local Wildlife Sites
- Local Green Space
- Ancient Woodland
- Designated Heritage Assets

23.18 An assessment of each site's contribution to Green Belt Purposes was undertaken. Consideration was also given to the previous planning history on each site, including previous appeal decisions where a judgement was made on preferred location for MSA locations (Sites A, B and D).

23.19 In the applicant's ASA, Site A was discounted due to location within Flood Zones, 2 3a and 3b, ancient woodland to the north of the site and presence of three listed buildings (two Grade II and one Grade II*). Other issues of land ownership due to private residencies within the site and the fact that an MSA proposal on this land was considered and dismissed in 1999.

23.20 Site B was discounted by the applicants due to land ownership issues due to private residencies within the site, and previous planning history pertaining to a dismissed MSA at this site location in 1999. This site would also result in more harm to the Purposes of the Green Belt than any other site considered due to being located within an important strategic gap between Uxbridge, Iver and Iver Heath.

23.21 Site C was discounted by the applicants in the ASA, due to not meeting minimum weaving distances and thereby requiring approval of a departure from National Highways and development constraints of Flood Zones 3a and 3b, ancient woodland within the site, and three Grade II listed buildings being present within the vicinity site. Thus the CV MSA site was sieved out at this stage.

23.22 Site D was discounted due to being considered by the Inspector in appeal decision ref: APP/X0415/W/21/3272171 (CPS1) and subsequently refused due to a preference for a MSA on an alternative site which would be less harmful (CV MSA, Site C).

23.23 Site E, the application site, was therefore the only site brought forward for further consideration by the applicants, on the basis that there are no major

constraints that would preclude the delivery of a MSA. Whilst part of the site did form part of the previous Warren Farm proposals, this was just in relation to part of the access and therefore the planning history for Warren Farm (CSP1, Site D) is not considered to count against Site E.

23.24 The comparison between Site C, CV MSA and Site E, CSP2 is explored further below.

The Alternative MSA Sites

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

23.26 The CSP1 scheme was dismissed on the grounds that the scheme would cause substantial harm to the Green Belt. Other harm was found in terms character and appearance of the area, loss of BMV agricultural land and impact to aviation safety. In coming to this conclusion the Inspector also gave consideration to the other two proposals for MSA's on the western section of the M25.

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

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

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

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

As things stand, the greatest distinction in terms of harm is the effect of the Moto site on the highway network.'

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

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

23.31 In terms of the comparison of the dismissed CSP1 scheme and the subject application the Inspector recognised that overall the proposed CV MSA site would have *"clear advantages in terms of Green Belt in that whilst the impact on Green Belt purposes would be broadly comparable, the impact on openness would be less"*.

23.32 The Inspector recognised that there would be major adverse visual effects in terms of changes to landscape impacts in respect of the Colne Valley scheme (reduce to major by new planting) (paragraphs 104-105). However, due to the site circumstances the Inspector considered CV MSA had advantages over the CSP1 scheme, stating at paragraph 106:

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

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

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

23.34 Since, this appeal decision, the application site comprises an amended scheme to CSP1, known as CSP2. The CV MSA still comprises a live planning application, pending consideration planning ref: PL/20/4332/OA, and proposal have also undergone the following revisions to scheme design:

- Changes to access road design in-line with National highway comments
- Removal of hotel facility

23.35 The subject MSA scheme and the revised CV MSA scheme are making their case for why their site is the best placed and best suited to meet the need. However, only one of the MSA proposals can, in reality, come forward to meet the identified need.

23.36 When it comes to judging acceptability of the CSP2 proposal, it is reasonable and proper to take into consideration the circumstances of the other proposed MSA at CV MSA, as this is a material consideration for the decision maker that will be required to be taken into account.

23.37 A review of the two current MSA proposal are summarised in table 7 below. The Inspector's conclusions on the appealed CSP1 site are shown in **bold**, with comments with relating either to CSP1 or CV MSA location, which he also considered at that appeal:

Table 7 Alternative MSA Comparison of Main Considerations

| Topic Area | Iver Heath (Colne Valley Services) | Warren Farm (Chalfont St. Peter 2) | Warren Farm (Chalfont St. Peter 1 – Dismissed on appeal) | Summary |
|------------------|------------------------------------|-------------------------------------|--|--------------------------------------|
| Site Size | The site comprises approximately | The site comprises of approximately | 59.52ha of agricultural land | CSP2 proposed MSA has a smaller land |

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| | <p>45ha of agricultural land immediately adjacent to the M25 motorway between J15 and 16.</p> <p>13.25ha of developed area</p> | <p>35.87ha of agricultural land on either side of the M25 between J16 and J17. Part of the eastern area is currently used as HS2 compound for the Chiltern Tunnel</p> <p>8.71ha of developed area</p> | <p>on either side of the M25. Developed area is 11.6 hectares</p> | <p>area and smaller developed area.</p> <p>CV MSA has a larger land take to accommodate for parking required by additional traffic flow on the M25.</p> |
| Green Belt | <p>Inappropriate GB development. Would result in significant harm to openness of the GB in spatial terms and moderate visual impact.</p> <p>Limited harm to GB purposes a) and b) and moderate harm to c)</p> <p>Overall harm: moderate</p> | <p>Inappropriate GB development. Would result in significant harm to openness of the GB in both spatial and visual impact.</p> <p>No harm to purpose a) and b). Moderate harm to purpose c)</p> <p>Overall harm: significant</p> | <p>Yes CSP1 limited harm to GB purposes a); significant harm to c) and no material harm to b)</p> <p>Iver Heath Limited harm to GB purposes b)</p> <p>Development at Iver Heath broadly comparable and spatial dimension of harm would be similar.</p> <p>Iver Heath adverse impact in visual dimension from local viewpoints Overall CV MSA would have clear advantages in Green Belt terms compared to</p> | <p>Each proposal is inappropriate development in the GB and would impact on openness of the GB.</p> <p>CV MSA less harmful in visual impact terms of openness, due to reduce visual prominence Overall moderate harm.</p> <p>CSP2 less harmful in terms of conflict with Green Belt Purposes Overall significant harm</p> |

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| | | | CSP1. Although broadly comparable in terms of purposes, there would be considerably lesser impact on openness. | |
| Scale and Height Parameters | Facilities/Amenity Building – up to 14.3m maximum Fuel Filling Station – up to 8m | Facilities/Amenity Building – up to 9.1 maximum Fuel Filling Station – up to 7m | Facilities/Amenity Building 13.5m maximum Fuel Filling Station Up to 7m Hotel Up to 13.5m | CSP2 MSA has a smaller scale buildings and lower overall heights. Both are indicative. |
| Building Footprint | Facilities/Amenity Building – 4,500sqm Fuel Filing Station – 500sqm Drive-Thru Coffee – 300sqm | Facilities/Amenity Building – 4,700sqm Fuel Filling Station – 480sqm | Facilities/Amenity Building – 7,800sqm Fuel Filling Station - 450sqm Hotel – 3,570sqm | CSP2 MSA has marginally less buildings and lower quantum of building footprint. |
| Biodiversity | The site is not subject to any statutory designated ecological sites. Two sites of SSSI within 2km. Biodiversity Opportunity Areas to west and east. No protected species found on site. GCN Pond within 500m- District License procedure | The site is not subject to any statutory designated ecological sites. Two Sites of Special Scientific Interest located within 2km. No protected species on site. No significant effects. | Loss of a Veteran Tree. Demonstrated that >10% biodiversity net gains achievable (35.8%). Iver Heath - Harm in relation to veteran tree at Iver Heath would be comparable. Any loss of veteran trees could be | CVS MSA GCN District Licence process and 3 tests followed to mitigate. MSA proposal would result in the loss of a veteran tree. No loss of veteran tree at CSP2. CV secures higher BNG. |

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| | <p>followed and 3 tests passed. No significant effects.</p> <p>Demonstrated that >10% biodiversity net gains achievable; 85.92% habitat and 58.35% hedgerows.</p> <p>Loss of Veteran Tree</p> | <p>Demonstrated that >10% biodiversity net gains achievable; 15% habitat and 29% hedgerow.</p> <p>.</p> | <p>compensated for or replaced</p> | |
| Water | <p>Flood Zone 1 - Western Parcel Flood Zone 2 and 3 (a and b) and Surface Water Flooding on eastern parcel.</p> <p>Flood impact mitigation included</p> | <p>Flood Zone 1 – both parcels Two small pockets of surface water Flooding comprising low ditches on western section.</p> <p>Flood impact mitigation included</p> | <p>Flood Zone 1 – both parcels Pockets of Surface Water Flooding on western section</p> <p>Iver Heath – Works that would take place in zones 2 and 3 would not comprise vulnerable development. If there are not reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding, then sequential test is capable of being met.</p> | <p>CV MSA experiences fluvial flooding. CSP2 does not experience fluvial flooding.</p> <p>Both CV MSA and CSP2 have areas of Surface Water Flooding.</p> <p>Flood impact mitigation included in both CV MSA and CSP2 MSA</p> <p>Sequential test dealt with later</p> |
| Air Quality | <p>Site is located in x2 Air Quality Management</p> | <p>Site is located in Air Quality Management Area – M25</p> | <p>Site is located in Air Quality Management Area – M25</p> | <p>CSP2 located in one AQMA, CV MSA in two.</p> |

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| | Areas – M25 and Iver Parish. Iver Parish AQMA relates to a residential area. | | | |
| Cultural Heritage | <p>One Grade II listed building adjacent to the southern area of the site. White Cottage</p> <p>A further three Grade II listed buildings are located within 120m east of the site. Barn to North East of Mansfield Farmhouse, Mansfield Farm House and Dovecote east of Mansfield Farmhouse</p> <p>A Grade II* listed dairy is located approximately 390m south of the site. Dairy in the grounds of Elk Meadows</p> <p>Two Archaeological Notification Areas – western and eastern areas of the site.</p> <p>Second ANA extends into the western area of the site</p> | <p>Three Grade II listed buildings at Mopes Farm - located within 250m south west of the site.</p> <p>Two Archaeological Notification Areas (ANAs) within the southern extent of the site.</p> | <p>Three Grade II listed buildings at Mopes Farm - located within 250m south west of the site.</p> <p>Two Archaeological Notification Areas (ANAs) within the southern extent of the site.</p> <p>Iver Heath - There would be less than substantial harm to the significance of designated heritage assets. The level of harm would likely be towards the lower end of the scale</p> | <p>Less than substantial harm in terms of setting on designated and non-designated heritage buildings and archaeology with CV MSA proposal at lower and low to medium end of the scale respectively.</p> <p>CSP2 no harm identified.</p> |

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| <p>Landscape Character</p> | <p>Located on land elevated above the M25.</p> <p>Located within the Thames Valley National Character Area (NCA).</p> <p>Within the Colne Valley Regional Park</p> <p>Site located at the boundary of two LCAs. In places the strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts would be localised and predicted to be moderate. No residual significant effects in the longer term.</p> | <p>Topographic effects, built development would create platforms which cut into the sloped landscape below the M25.</p> <p>Located within the Thames Valley National Character Area (NCA).</p> <p>Within the Colne Valley Regional Park</p> <p>Site located within boundary of four LCAs.</p> <p>Landscape impacts would be localised and predicted to be moderate. No residual significant effects in the longer term.</p> | <p>Located on smoothly rounded undulating land from small valleys.</p> <p>Within a landscape of mixed farmland with hedgerows, hedgerow trees</p> <p>Site within the Colne Valley Regional Park (CVRP)</p> <p>Within two LCA's.</p> <p>The strength of character/intactness of the LCA is 'weak'.</p> <p>Landscape impacts would be localised and predicted to be significant</p> | <p>Both sites are within the Colne Valley Regional Park</p> <p>The proposed developments would result in negative change to landscape character however, neither would result in major adverse harm in the long term.</p> |
| <p>Visual Effects</p> | <p>ES identifies that the combination of topography and local woodland naturally screen</p> | <p>Site relatively well-contained, no intervisibility with Chalfont St Peter.</p> | <p>ES identifies that local views into the site are limited to the west due to undulating</p> | <p>CV MSA would be well contained within the landscape. Moderate harm</p> |

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| | <p>most of the views into the site from the surrounding area, particularly that part of the site lying west of the M25. Four PRoW footpath routes through or adjacent to the site.</p> <p>Residential properties located adjacent to southern boundary and south western boundary.</p> <p>No long term impact, moderate harm identified.</p> | <p>East-facing part of the site would be visible from the valley and higher residential areas in Harefield and Maple Cross.</p> <p>Localised impact, with no significant impact in the longer term. Considerable harm identified.</p> | <p>topography and wooded landscape.</p> <p>Three public rights of ways (PRoW) Footpaths located within or adjacent to the site.</p> <p>visual receptors north of the site. Glimpsed views, through vegetation, from Denham Lane, located approximately 400m west of the site.</p> <p>Long distance views towards from the Chiltern Way</p> <p>Significant effects predicted from 4 viewpoints.</p> <p>Iver Heath is relatively well-contained by Woodland to the north east and south. There would be localised effects.</p> <p>Iver Heath overall is not as sensitive as Warren Farm. Of note is the relationship with</p> | <p>identified in the long-term.</p> <p>CSP2 MSA would be integrated into the landscape through existing / proposed earthworks and planting, it would be more widely visible across the Colne Valley. Considerable harm identified in the long-term.</p> |
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| | | | <p>users of the M25. Those passing the appeal site (CSP1) would be on an embankment, whereas at Iver Heath they are in a cutting. Therefore, the landscape and visual harm of an MSA on the Iver Heath site would be likely to be considerably less than that proposed on the appeal site.</p> | |
| Noise | <p>Residential properties adjacent to both the south and east of the site. The nearest property is located 80m to the east. Residential receptors are also located on the edges of Iver Heath.</p> | <p>Residential properties adjacent to north, east and western site boundaries. The nearest property is The Orchards traveller site located 220m to the north of the site.</p> | <p>Nearest potential noise sensitive receptors are the residential receptors located on the edges of Chalfont St Peter, fronting Denham Lane and West Hyde Lane. The Orchards traveller site is also located immediately north.</p> | <p>Both MSAs considered acceptable on noise grounds.</p> |
| Residential Amenity | <p>Mansfield Farmhouse located approx. 100m to the east</p> <p>Mansfield Lodge and New Cottage approx. 80m to the east (when measured from</p> | <p>The Orchards traveller site, located 500m to the north west, when measured from the closest slip road.</p> <p>Aviary Cottage, Denham Lane,</p> | <p>The Orchards traveller located 200m to the north</p> <p>Mopes Farm located 200m to the south west</p> | <p>Both MSA proposal broadly comparable in terms of separation distance to neighbouring properties to main MSA</p> |

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| | <p>the closest slip road (southbound M25).</p> <p>White Cottage located adjacent to the south (approx 170m from main MSA buildings, 200m from slip road and 40m from new Slough Road access)</p> | <p>located 500m to the south-west, when measured from closest slip road.</p> <p>Mopes Farm located 600m to the south east, when measured from closest slip road.</p> | | <p>buildings and slip roads.</p> <p>No significant impact to neighbouring residential amenity from either MSA.</p> |
| Ground Conditions and soil | No loss of BMV Land | <p>8.89ha of BMV agricultural land</p> <p>BMV Land would be restored as part of the HS2 restoration</p> | <p>Historic landfill sites adjacent, and others in close proximity.</p> <p>Iver Heath would not result in the loss of BMV.</p> | <p>CSP2 would result in the loss of BMV land.</p> <p>CV MSA proposal would not result in loss of BMV land.</p> |

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| Mineral Extraction | The site is located within a Minerals Safeguarding Area for sand and gravel. The Minerals Assessment (Land and Mineral Management, 2020) identifies that the western area of the site contains the larger reserve of the mineral resource which could be extracted prior to construction. | Located within a Minerals Safeguarding Area for sand and gravel | Located within a Minerals Safeguarding Area for sand and gravel – subsequently identified to be too isolated and of insufficient quantity to be commercially viable for extraction. | CVS MSA proposal would result in mineral recovery which is a benefit. |
| Disadvantages of Mineral Extraction | Short term impacts on the landscape | No extraction of mineral | Mineral extraction would meet local and national policies and would be benefit due to shortfalls in sands and gravels in the south east | |
| Advantages of Mineral Extraction | Contribution to the Council's land bank | | Unlikely that mineral extraction would significantly delay the site coming forward | |
| Aviation Safeguarding | 4.9km from Denham Aerodrome | 2km from Denham Aerodrome | 2km from Denham Aerodrome | Objection from Denham Aerodrome. CSP2 MSA has |

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| | 8km from Heathrow Airport 6km to RAF Northolt | 15km from Heathrow Airport 10km to RAF Northolt | Inspector concluded likely to be some harm to aviation safety but did not see the risk being of a magnitude which would be sufficient in itself to justify dismissing the appeal. Iver Heath site would not have an adverse impact on aviation safety | no significant impact on aviation safeguarding. CV MSA has no safeguarding issues |
| Online/Offline | On-line | On-Line | On-line | Both comparable as on-line |
| HGV Parking | 150 Spaces | 142 Spaces | Up to 200 spaces | Both MSA's comparable in terms of HGV parking |
| General Parking | 991 Car Parking including 51 Disabled Spaces 50 Staff Spaces 30 Coach Spaces 30 Caravan Spaces 28 Motorcycle Spaces | 759 Car Parking including 38 Disabled Spaces 38 Staff Spaces 19 Coach Spaces | 1030 Car Parking Spaces including 52 Disabled Spaces 18 Coach Spaces 22 Caravan Spaces 22 Motorcycle spaces 1 Abnormal Load Space | Comparable provision CV MSA marginally more parking relative to traffic flow. |
| Electric Charging | 100 active | 100 passive/ 20 active | Up to 20 active, spaces and up to 100 passive | Both proposed MSA's are comparable in terms of electric charging provision |

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| Carbon Reduction | Yes | Yes | Yes | Both site capable of carbon reductions. |
| Sustainable Drainage | Yes | Yes | Yes | Both sites would incorporate SUDS. |
| Renewable Energy | Yes – to be explored at design/Reserved Matters stage | Yes – to be explored at design/Reserved Matters stage | Yes – to be explored at design/Reserved Matters stage | Both MSA proposals would be comparable |
| Passive Building Design | Yes | Yes | Yes | Both proposed MSA have potential to achieve passive building design. To be explored at design/Reserved Matters stage. |
| BREEAM | Yes | Yes | Yes | Both proposed MSAs would achieve BREEAM building standard |
| Green Roofs | Yes | Yes | Yes | Both proposed MSA schemes would include Green Roofs |
| Sustainable Travel | <p>Staff Access pedestrian and cycle on to Slough Road</p> <p>Public Transport accessibility to bus stops on Slough Road</p> <p>Shuttle bus to Uxbridge</p> <p>CVS is close to local areas of population</p> | <p>Staff Access pedestrian and cycle via Chalfont St Peter CSP/44/1 (restricted byway), onto the A412 Denham Way</p> | <p>Footpath/staff access onto Denham Lane. Workers minibus proposed as part of the Travel Plan</p> <p>Iver Heath – The site is capable of being accessed by foot and cycle. There are buses serving the A4007 and Uxbridge Tube Station is 1 and half miles to the</p> | <p>Both MSAs provide pedestrian and cycle access. CV MSA provides for shorter distances, and more opportunities , in terms of sustainable accessibility</p> |

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|----------------------------------|---|--|---|--|
| | | | East. Proposals would include a staff shuttle bus. The site is capable of achieving a good level of accessibility | |
| Secondary/Rear Access | <p>Yes</p> <p>No secondary vehicular access for TVP.</p> <p>Rear Access from Slough Road for staff drop off and emergencies</p> | <p>No</p> <p>No secondary vehicular access.</p> | <p>Yes</p> <p>Footpath/Staff access onto Denham Lane</p> | <p>CV MSA would provide for a secondary access road for emergency vehicles only</p> <p>CSP2 would provide for no secondary vehicular access.</p> <p>It is considered that there are benefits and disbenefits to each approach.</p> |
| Weaving Assessment | <p>Non-compliant weaving distance - Departure approved in principle by National Highways</p> | <p>Compliant weaving distances</p> | <p>Compliant weaving distances</p> | <p>National Highways raises no objection to either MSA</p> |
| Highway impact and safety | <p>No Objection From National Highways subject to recommended conditions.</p> <p>No objections from Buckinghamshire Highway Authority – subject to conditions and/or S106 obligations</p> | <p>No Objection From National Highways subject to recommended conditions.</p> <p>No objections from Buckinghamshire Highway.</p> | <p>No objection from National Highways or Buckinghamshire Highway Authority subject to conditions and/or s106 obligations</p> | <p>No objection on highway grounds on either MSA.</p> |

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|----------------------------------|---|--------------------------------------|--|--|
| Traffic Flows | 207,816 vehicles (junctions 15-16) | 166, 482 vehicles (junctions 16- 17) | 166, 482 vehicles (junctions 16- 17) | The greatest traffic flows are through the link between J15 and 16. CV MSA captures a greater number of traffic movements, and therefore users. |
| No. of Non-compliant Gaps | 20 (plus reduce 2 further gaps) | 19 | CSP1 – 19 and Iver Heath – 20 The Iver Heath scheme would be better placed in addressing more gaps than CSP, would reduce the gap between Beaconsfield and Cobham and would serve more motorway users owing to traffic flows | CV MSA proposal would address one more gap than CSP2 (and reduces 2 further gaps) |
| Economic Benefits | c300 FTE Jobs in the first year of opening rising to c399 FTE jobs when fully operational | c300 FTE Jobs | Once fully operational c.340 full time equivalent jobs estimated | Both MSA proposals are comparable in term of economic benefits . CV MSA would be located in close proximity to population centres including Uxbridge and Slough. |
| Deliverable Timescales | 21 months estimate; Mineral extraction to be resolved first. | 24 months | 15 – 18 months estimate. Iver Heath – reasonable prospect of | Both MSAs are comparable in terms of delivery times. |

| | | | | |
|--|------------------------------|------------------------------|---|--|
| | See below on deliverability. | See below on deliverability. | delivery and realistic timescales in 2026/27 | It is considered appropriate to allow an opportunity for the consent process to take its course, in order that a fully informed decision can be taken. See below on deliverability. |
|--|------------------------------|------------------------------|---|--|

Comparative Analysis - Summary of Key Findings:

CSP2 MSA

- 23.38 CSP2 MSA would be inappropriate development in terms of Green Belt and would result in significant spatial harm and significant visual harm to the openness of the Green Belt and is relatively well self-contained. It would result in harm to 1 out of 5 purposes of the Green Belt of which purpose c) is moderate. Overall the harm to the Green Belt is significant.
- 23.39 CSP2 MSA is the smaller site overall and extent of built development with parking and HGV parking, a max footprint of 5,180sqm and 7m-9.1 max heights set.
- 23.40 During construction there would be significant effects reducing operationally to moderate effects on landscape character and considerable landscape visual effects, and having regard to mitigation this overall would be considerable harm.
- 23.41 The eastern has surface water flood area. Flood risk can be effectively mitigated.
- 23.42 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.
- 23.43 It would serve a lower volume of traffic flow (166,482 -approximately 41,000 vehicles less than between junctions 15-16) and vehicle users travelling along this stretch of the M25. It would also serve 19 non-compliant gaps on the 44 mile gap in provision along strategic highway network.

- 23.44 There are other economic, social and environmental benefits arising from the creation of jobs and investment during and post construction with a Local Employment Strategy, rights of way enhancements, a net gain in biodiversity.
- 23.45 120 EV charging points are to be provided with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.
- 23.46 CSP2 MSA would result in loss of BMV agricultural land.
- 23.47 No objections subject to conditions from National Highways and Bucks highways.
- CV MSA
- 23.48 CV MSA would be inappropriate development in terms of Green Belt and would result in significant spatial harm and moderate visual harm to the openness of the Green Belt and is relatively well self-contained. It would result in harm to 3 out of 5 purposes of the Green Belt of which purpose a) and b) are and c) is moderate. Overall the harm to the Green Belt is moderate.
- 23.49 CV MSA is the largest site overall and extent of built development with parking and HGV parking, a max footprint of 5,300sqm and 8m-14.3 max heights.
- 23.50 During mineral extraction and construction there would be significant effects reducing operationally to localised and moderate effects on landscape character and landscape visual effects, and having regard to mitigation this would overall result in a moderate harm.
- 23.51 There would be less than substantial harm to the setting of a number of listed buildings at the lower end of the scale to be weighed against public benefits. There would be harm at the lower end of the spectrum to the setting of the non-designated heritage asset to be weighed in the planning balance.
- 23.52 It would result in the loss of a veteran tree for which wholly exceptional circumstances can be attributed, and compensatory planting is proposed to mitigate this loss. A protected species GCN District License can be secured.
- 23.53 The western section of CVS MSA is within Flood Zone 1. However, the eastern section is within flood zones 2 and 3 (high risk) and all three surface water flood area. Flood risk can be effectively mitigated.

- 23.54 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.
- 23.55 It would serve a high volume of traffic flow (207,816 - approximately 41,000 vehicles more than between junctions 16-17) and vehicle users travelling along this stretch of the M25. It would also serve 20 non compliant gaps on the 44 mile gap in provision along strategic highway network and reduce 2 further gaps.
- 23.56 There are other economic, social and environmental benefits arising from the removal of mineral in the form of sands and gravel in a minerals safeguarding area, creation of jobs and investment during and post construction with a Local Employment Strategy, rights of way enhancements, a significant net gain in biodiversity.
- 23.57 100 EV charging points are to be provided, with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.
- 23.58 No objections subject to conditions from National Highways and Bucks highways.

Summary

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

- 23.64 The comparison on flood risk will be dealt with below in considering the sequential test.
- 23.65 In terms of meeting the need, officers consider that the CV MSA site is locationally better placed compared to CSP2 site to serve the greatest number of gaps and traffic flow on this section of the motorway which would deliver the most benefits in terms of the safety and welfare of drivers (and their passengers) and meeting the need.
- 23.66 Turning now to the sequential test, CSP2 MSA site is accepted as being at lower risk of flood, however there are wider factors that need to be considered in applying paragraph 162 of the NPPF. A judgement is required on whether the site under consideration is appropriate for the development. Regard is paid in applying the sequential test to the “without mitigation” impact on the issues considered. Taking all the factors into account, in particular having regard to the area of search, highway technical matters, locational factors including gaps served and traffic flow, constraints including impact on the Green Belt purposes and openness, deliverability and the availability of sites, officers consider that although CSP2 is at lower risk of flood, it would not optimise the number of gaps, or be on a stretch of the M25 with the highest volume of traffic to maximise the associated safety and welfare benefits for motorway users. It would cause greater harm overall to the Green Belt, and considerable harm to the landscape and would therefore not be regarded as an appropriate development in applying the sequential test. Officers consider that CSP2 would not be appropriate as it does not meet the identified need as well as the preferred site and result in greater harm. The sequential test is not passed in respect of CSP2.
- 23.67 A sequential approach to site design has been taken in both of the MSA applications. The flood risk in both schemes can be satisfactorily mitigated to ensure the development is safe for its lifetime taking into account the vulnerability of users without increasing flood risk elsewhere and incorporating SUDS.
- 23.68 There are a number of matters where both sites are broadly comparable as listed in the table above.
- 23.69 Turning now to benefits, both sites would have benefits in terms of jobs and economic growth with CV MSA being closer to population centres, both would have some limited benefits in terms of rights of way enhancements and HGV parking. CV MSA would deliver greater benefits in terms of biodiversity net gain and facilitating minerals extraction. This would reinforce the conclusion that CV MSA has less harm and is an appropriate

development to meet the need for an MSA on this part of the M25 as an alternative site and deliver greater benefits.

23.70 Deliverability is dealt with in the section below.

24.0 Deliverability

- 24.1 The CSP2 MSA applicants estimates a 24 month period, for delivery of the MSA. Deliverability is capable of being a material consideration where it relates to the planning merits of the case, such as where, as here, two sites are competing for a single opportunity (i.e. to meet the need for roadside facilities in this quadrant of the M25). Phasing of the development is a matter to be discussed further at the more detailed design stages, however it is considered that construction of major works of the scheme would commence after the completion of key civil engineering works of HS2, which is due to be completed 2025. Therefore, for the purposes of assessment, it has been assumed that construction of the Proposed Development could commence on Site 2025 and last for approximately 24 months. This would result in completion 2027. HS2 Chilterns Tunnel Team have been notified of this timeline, and have not provided comment.
- 24.2 The CV MSA applicants estimates a 21 month period, including mineral extraction for delivery of the MSA.
- 24.3 In general terms, the grant of planning permission establishes that a proposed scheme is acceptable on planning grounds, without prejudice to any further consents or procedures dealing with property-related rights that are addressed by separate legislation. A developer may need to overcome such impediments before a permission is implemented and they are not generally treated a material to the determination of a planning application.
- 24.4 However it may not always be appropriate to treat this distinction as absolute when taking into account material considerations in the determination of a planning application. Deliverability of a scheme is capable of being a material consideration where it relates to the planning benefits merits of a case; in particular where there is a need to be met, and two or more sites compete for the single opportunity, the ability of one to meet the need through implementation and the difficulties of the other to do so, can be regarded as material. Deliverability is considered to be material on this basis in the circumstances of this case. The land within the red line boundary of the CV MSA application was acquired by the Council's predecessor authority under the Green Belt (London and Home Counties) Act 1938 (the "1938 Act"). The Act prevents the alienation of the land in question without the consent of the Secretary of State, who in giving consent may require exchange land to be provided and may impose such terms or conditions as he may determine.

- 24.5 Given the purpose of the Act, it appears that the focus of the consent procedure will be on whether to prevent industrial or building development on the Green Belt, and although it can be anticipated that national green belt policy will be relevant to that decision, officers are unaware of any published and up-to-date criteria that the Secretary of State will apply when reaching his decision. Further, it is not known what approach the Secretary of State would take to the provision of exchange land.
- 24.6 In such circumstances, the need to obtain the consent of the Secretary of State represents a potential impediment to the delivery of the CV MSA scheme, however without further information on the specific basis upon which any application for consent will be decided, or the outcome of the consent process, it is difficult satisfactorily to decide on the weight to be accorded to this issue.
- 24.7 In circumstances where (for reasons explained later) the CV MSA application is considered to be otherwise preferable on land use grounds to the alternative CSP2 MSA proposal, it is considered appropriate to allow an opportunity for the consent process to take its course, in order that a fully informed decision can be taken. Officers do not consider that it would be preferable either to proceed simply to grant permission for the CV MSA scheme instead of the CSP2 scheme, when the degree to which the consent process relating to the MSA scheme might affect its delivery is unclear, or conversely reject now the CV MSA scheme in favour of the CSP2 scheme, given that the MSA scheme holds in prospect the ultimate delivery of an otherwise preferable scheme to meet the identified need.
- 24.8 It is recognised that allowing the consent process to be followed itself has possible timing implications. However any potential adverse effects on the delivery of a scheme to meet the clearly identified need which arise from an initial delay relating to the consent procedure are considered to be outweighed by the advantages in ensuring that a final decision on the MSA scheme, and the CSP2 scheme as an alternative, are made with improved knowledge of whether there is an actual constraint to delivery of the MSA scheme.
- 24.9 If consent is obtained, then for the reasons given in the CV MSA report, officers' current view is permission should be granted for the CV MSA application, subject to any further material considerations that arise out of the consent process (or generally before the final decision is taken). If consent is withheld, this is likely to alter the balancing exercise relating to CSP2 as the competing alternative in this case, again subject to any further material considerations.

24.10 The resolution recommended at the end of this report therefore acknowledges that a final determination of the CSP2 MSA application will not be made at this stage. It also recognises that in any event the proposals amount to inappropriate development exceeding 1000 sqm within the Green Belt it will be necessary separately to consult the Secretary of State pursuant to the Town and Country Planning (Consultation) (England) Direction 2021, in order to ascertain whether the Secretary of State wishes to call in the proposals for his own determination.

25.0 Infrastructure and Developer Contributions

25.1 Having regard to the statutory tests for planning obligations in the Community Infrastructure Levy regulations and the National Planning Policy NPPF it is considered that the following planning obligation(s) are required to be secured within a signed section 106 agreement if the application is considered to be acceptable. The following draft obligations are agreed by the applicant:

Employment and Skills Strategy:

25.2 A written strategy containing targets to facilitate the employment and training of local people on the land during the construction and operation of the development which shall be submitted to and approved in writing by the Council at the same time as the first Reserved Matters application.

Local Procurement Strategy:

25.3 A written strategy for the promotion of business opportunities for local businesses in connection with the development which shall be submitted to and approved in writing by the Council at the same time as the first Reserved Matters application.

SUDS Scheme Whole Life Maintenance Plan:

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

SUDS Management Company:

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

Cycleway Contribution:

25.6 A financial contribution of £125,000 (index linked) is sought towards the completion of the A412 North Orbital Cycleway 2019 Scheme. This is directly relevant to the proposed development as it would facilitate employees cycling to work from Denham, Higher Denham and Denham train station.

Restricted Byway Contribution:

25.7 A financial contribution of £180,000 (index linked) will be put towards the surfacing improvement to Old Shire Lane [Restricted Byway CSP/44/1] to facilitate convenient connections for employees cycling to work from Chalfont Lane. The route shall subsequently be resurfaced with Flexipave, or similar, at 3m width.

Details of and timescales for implementation of the Security Framework:

25.8 A Framework with the objective of increasing safety for members of the public and employees subsequently agreed by the Owner, the Developer and Thames Valley Police and (should such amendments impact on connections to the strategic road network) by National Highways.

Security Steering Group:

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

ANPR Cameras Contribution:

25.10A sum of £44,000 to benefit Thames Valley Police as a contribution towards the provision of four ANPR Cameras on the land.

Off-Site Biodiversity Net Gain:

25.11 Provision of and future management for at least 30 years, of the Biodiversity net gain land (land which is under the applicants control, situated adjacent to the application site, north west of the proposed development) by a body to be created and fully funded by the developer.

25.12 The draft s106 obligations are a material consideration in this case. These are designed to mitigate the impact of the proposed development and provide wider enhancements, including, but not limited to the surrounding landscape.

Community Infrastructure Levy (CIL):

25.13 The CIL Charging Schedule was adopted by (former) Chiltern District Council on 7 January 2020. It came into effect on 17 February 2020. A CIL Correction

Notice was subsequently approved (March 2020) to amend a correctable error in the previously adopted CIL Charging Schedule. The “large sites” definition in the Schedule was the correctable error that was amended. The proposed development would be CIL liable.

26.0 Overall Assessment

- 26.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 26.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and
 - c. Any other material considerations
- 26.3 The proposed MSA development would constitute inappropriate development which by definition is harmful to the Green Belt and would result in significant spatial and visual harm to the openness of the Green Belt. The proposal would also conflict with one of the five Purposes of including land in the Green Belt as set out in paragraph 138 of the National Planning Policy Framework (‘the NPPF’), resulting in moderate harm to purpose c). In addition, the proposal would not accord with Local Plan Policies GB2 and GB30 of the Chilterns Local Plan to which moderate weight is afforded to this policy. The MSA development would result in substantial harm to the Green Belt.
- 26.4 There would be considerable harm to the character of the landscape and visual impacts including the Colne Valley Regional Park, contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan. These identified impacts would be localised and with mitigation there would remain considerable negative impact, which attracts considerable weight. Policy CS4 is broadly consistent with the NPPF and according the development’s conflict with this policy is afforded significant weight.

- 26.5 The development would result in a limited loss of Best and Most Versatile (BMV) agricultural land in conflict with Policy CS4 of the Chilterns Core Strategy.
- 26.6 The proposed MSA location would also fail to pass the flood risk sequential test, due to an appropriate alternative for the proposed development available at another site contrary to Policy CS4 of the Chilterns Core Strategy and policy GC10 of the Chilterns Local Plan. Significant weight is accorded to policy conflict with CS4, and moderate weight to Policy GC10.
- 26.7 The proposal complies with other development plan policies on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, highways, parking and access, public rights of way, meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenities.
- 26.8 Overall there is a conflict with the Development Plan as a whole and it is therefore necessary to consider whether material considerations indicate a decision otherwise. This will include consideration given to consistency of the Development Plan policies with the NPPF as a material consideration.
- 26.9 Turning to other material considerations, there are a number of factors that should be considered.
- 26.10 Circular 01/2022 is a material consideration and provides guidance on the process for the process of identifying an appropriate location for a new MSA and criteria. The proposal would accord with this Circular.
- 26.11 The NPPF is a material consideration in determining applications. Paragraph 11 sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the need to include minerals application are out-of-date [footnote 8], granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote 7]; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 26.12 There are relevant development plan policies that apply to this application and the report identifies where those development plan policies are not fully consistent with the NPPF. Those policies which are most important for

determining this application are Core strategy Policy CS1 and Local Plan Policies, GB2, GB30 and GC1 relating to the principles that go to the heart of the development in respect of Green Belt, landscape character and context. For the reasons set out in the report Policy GB2 and GB30 are not fully consistent with the NPPF, however moderate weight can still be attached to them having regard to paragraph 219 of the NPPF.

- 26.13 Overall the suite of the most important development plan policies for determining the application are not considered to be up to date and as such paragraph 11 d) of the NPPF is considered further below.
- 26.14 The report sets out an assessment of the relevant issues against the NPPF having regard to economic, social and environmental objectives in paragraph 8 and the policies set out and is summarised in the following paragraphs, including the requirement in considering Green Belt harm to consider whether very special circumstances exist, quantifying the heritage harm and weighing any harm against public benefits and planning balance, and the weight to be given to harm and benefits where referenced.
- 26.15 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to heritage, utilities, trees and hedgerows, parking and access, public rights of way, meeting the challenge of climate change and flooding mitigation, conserving and enhancing the natural environment, archaeology, well-designed places, contamination, noise, air quality, energy, lighting, minerals and residential amenity.
- 26.16 National Highways as the strategic highway authority and Buckinghamshire Highway Authority as the local highway authority do not raise a 'severe' impact or unacceptable impact on highway safety having regard to paragraph 111 of the NPPF. There is some positive benefit resulting from the rights of way enhancements and provision of HGV parking, which are afforded limited positive weight.
- 26.17 In terms of aviation safety, Officers consider that this would not pose a significant risk in terms of air safety or of risks to those on the ground to justify a refusal on this ground.
- 26.18 In considering paragraph 11c) of the NPPF the proposal would conflict with the Development Plan, however given the most important policies are out of date this reduces the weight given to that conflict to moderate. Consideration is now given to paragraph 11d) which requires consideration to policies in the NPPF which protect areas or assets of particular importance which provides a clear reason for refusal of the application. Footnote 7 specifies those, of

which land designated as Green Belt and areas at risk of flooding are relevant to this proposal.

26.19 Turning firstly to Green Belt harm, the proposed MSA development is inappropriate development, and would result in significant spatial and visual harm to the openness of the Green Belt. The proposal would also conflict with one of the five Purposes of including land in the Green Belt resulting in moderate harm to purpose c). The MSA development would result in significant harm overall to the Green Belt which is afforded substantial negative weight.

26.20 The NPPF states at paragraph 148 that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The assessment of other harm and benefits are considered further below and the consideration of the VSC will follow on from that.

26.21 Turning to the risk of flooding, Officers conclude that taking all other factors into account as set out in the report above, the proposal would not meet the identified need due to an appropriate alternative for the proposed development available at another site, and fails the flood risk sequential test set out in accordance with paragraphs 161 of the NPPF. For a comparison of all main matters please see Table 9. There is a clear reason to refuse the application on this ground.

26.22 In addition to the harm already identified, other harm comprises: harm to character of the landscape and visual impacts which attracts considerable weight; Limited harm from the loss of Best and Most Versatile ('BMV') agricultural land; and failure to pass the flood risk sequential test due to not being an appropriate development to fulfil the need for a MSA as well as the site at Colne Valley (CV MSA).

26.23 Turning then to other material considerations and benefits, there is a clear need for an MSA in this section of the M25 and associated safety function and is a significant positive consideration.

26.24 Alternative land and sites for MSA provision have been considered as a material consideration. Officers consider that CSP2 would not be an appropriate development having regard to all the matters considered above to fulfil this need when considering the preferred site. Significant negative weight is given to this factor.

26.25 There are other benefits which are material considerations: economic benefits achieved through the creation of jobs and investment during, and

post, construction phases, with a Local Employment Strategy to maximise the opportunities locally, and this benefit is afforded significant weight. A net gain in biodiversity has also been demonstrated to be achievable, and this attracts moderate weight in the planning balance. A positive benefit resulting from the rights of way enhancements and provision of HGV parking are afforded limited positive weight.

Very Special Circumstances

26.26 Taking the above into account and in particular having due regard to the proposed CV MSA as an available, alternative appropriate site, to meet the need for a MSA in this quadrant of the M25, the benefits delivered by the proposed development are not sufficient to outweigh the identified harm to the Green Belt and harm to landscape, loss of BMV agricultural land and failure to meet the flood risk sequential test. "Very Special Circumstances" therefore do not exist.

26.27 Turning again to paragraph 11d)i. There is a clear reason for refusal on Green Belt.

Conclusion

26.28 The overall assessment sets out the harm, the benefits and other material considerations. When considering the overall balance, it is acknowledged that this is a matter of judgement and that the need for an MSA is an important factor. Officers in making a judgement consider that the proposal would conflict with the Development Plan as a whole. In the light of policies GB2 and GB30 not being wholly consistent with the NPPF moderate weight is given to this conflict having regard to paragraph 219 of the NPPF.

26.29 On the basis that Officers consider that the most important policies for determining the application are out of date, paragraph 11 d) of the NPPF is engaged. However, the policies of the NPPF relating to Green Belt and flood sequential test have been taken into account and Officers in making a judgement consider that there are clear reasons for refusing the development proposed in accordance with footnote 7 and the tilted balance does not apply.

26.30 Officers consider that material considerations as set out above do not indicate that the application should be determined other than in accordance with the development plan.

26.31 As set out above, the resolution recommended acknowledges that a final determination of the CSP2 MSA application will not be made at this stage in the light of the CV MSA report conclusions . It also recognises that in any event as the proposals amount to inappropriate development, exceeding 1000 sqm within the Green Belt, it will be necessary separately to consult the

Secretary of State pursuant to the Town and Country Planning (Consultation) (England) Direction 2021, in order to ascertain whether the Secretary of State wishes to call in the proposals for his own determination. .

27.0 Equalities Act

27.1 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010 (as amended). In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The application provides for an MSA that would meet the needs of motorway users. The services would be provided in a facility which is fully accessible for all visitors, regardless of any relevant protected characteristics as stated above and no discrimination or inequality is considered to arise from the proposal.

28.0 Human Rights Act

28.1 The Human Rights Act 1998, Article 1- the protection of property and the peaceful enjoyment of possessions - and Article 8 - the right to respect for private and family life- have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

29.0 Working with the applicant / agent

29.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

30.0 Recommendation

30.1 That planning permission be deferred and delegated to the Director of Planning and Environment for REFUSAL until the 1938 Act consenting procedures in respect of CV MSA and minerals applications have been given an opportunity to take their course. The reasons for refusal would be based on the following reasons:

1. The proposed development would constitute inappropriate development in the Green Belt which by definition is harmful. The proposed development would also result in significant harm to the openness of the Green Belt in both spatial and visual terms, and would conflict with Purpose c of including land within the Green Belt. Substantial weight is given to the harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Having regard to the benefits arising from the proposal, the harm to the Green Belt and other harm is not clearly outweighed by the benefits such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposed development is therefore contrary to Policy GB2 and GB30 of the Chilterns Local Plan and the National Planning Framework.
2. The proposed development is of a scale and nature on an open green field site which would represent an obstruction in to open countryside and result in considerable adverse landscape character and visual impact of the immediate area, fundamentally altering its character and appearance contrary to Policy CS4 of the Chilterns Core Strategy and Policies GC1 and GB30 of the Chilterns Local Plan and the National Planning Framework.
3. The proposed development would fail to meet the flood sequential test in that there is a reasonably available appropriate site for the development proposed. The development would not be an appropriate site for the development proposed, with regard to local and national policies relating to flood risk. Accordingly, it would conflict with Policy CS4 of the Chilterns Core Strategy, Policy GC10 of the Chilterns Local Plan and Paragraphs 161 and 162 of the Framework.
4. Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a satisfactory Section 106 Agreement to secure the provision of planning obligations, including monitoring and financial contributions relating to footpath and cycle lane improvement, Biodiversity Net Gain, Security Group implementation and formation, security camera contribution, SuDs management and maintenance, employment and skills strategy and local procurement strategy; which are necessary to facilitate delivery of the proposed development and mitigate its impacts. In the absence of such provision the proposal is contrary to requirements of policies GC1, GC4,, NC1 and TR3, in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policies CS4, CS24, CS25, CS26, CS30, and CS32 of the Core Strategy for Chiltern District Adopted 15 November 2011, Policy PWI1 of the Chalfont St Peter Neighbourhood Plan (2013 – 2028),

Buckinghamshire Biodiversity Net Gain SPD (2022) and the National Planning Policy Framework”.

- 30.2 Subject to planning permission being granted for the competing site planning application PL/20/4332/OA or on refusal of PL/20/4332/OA to refer this application back to the Strategic Sites Committee for re-consideration.
- 30.3 In the event of any changes being needed to the wording of this resolution (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Director of Planning and Environment has delegated authority to do so in consultation with the Chairman, provided that the changes do not exceed the substantive nature of the Strategic Sites Committee’s resolution.