



Report to Strategic Sites Planning Committee

Application Number:	PL/20/4332/OA
Proposal:	Outline application for a Motorway Service Area between M25 Junctions 15 and 16 near Iver Heath with all matters reserved, comprising vehicular access from the M25 including new overbridge and realignment of the A4007 Slough Road, a controlled vehicular access from the A4007 for emergency vehicles only, including a staff drop off point and associated footway works to Slough Road, facilities buildings, Drive-Thru, fuel filling stations, electric vehicle charging, parking facilities, service yard, vehicle circulation, landscaping, woodland and amenity spaces, Sustainable Drainage Systems, a diverted public bridleway; together with associated mitigation and infrastructure and with earthworks / enabling works including mineral extraction.
Site location:	Land to The North Of A4007, Slough Road, (Between Junctions 15 and 16 Of The M25), Iver Heath, Buckinghamshire
Applicant:	Colne Valley Motorway Service Area Ltd
Case Officer:	Mr Graham Mansfield
Ward affected:	Iver
Parish-Town Council:	Iver Parish Council
Valid date:	21 December 2020
Determination date:	1 July 2022
Recommendation:	<p>That the decision be delegated to the Director of Planning and Environment for APPROVAL subject to:</p> <ol style="list-style-type: none">a. Referral to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2021 on Green Belt grounds; andb. The granting of satisfactory consents by the Secretary of State pursuant to the Green Belt (London and Home Counties) Act 1938 (as amended). The application shall be referred back to the Strategic Sites Committee in the event that:<ol style="list-style-type: none">i. the application has not been called-in by the Secretary of State and there has been no decision to approve any Green Belt (London and Home Counties) Act 1938 (as amended) consent application within 4 months of the date of this resolution; orii. there has been no confirmation, within 4 months of the date of this resolution, that consent has been sought from the Secretary of State for the erection of buildings on the land and

for any necessary alienation of Buckinghamshire Council's interest in the land or for the land to be released from all of the restrictions contained in the Green Belt (London and Home Counties) Act 1938 (as amended); or

- iii. within 4 months of the date of this resolution, new material considerations are considered to have arisen pursuant to the application for Green Belt (London and Home Counties) Act 1938 (as amended) consent to the Secretary of State, or any decision on the application, or otherwise, that requires reconsideration of the resolution to approve by the Strategic Sites Committee; and
- c) The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing (by way of a further Agreement under s106 Town & Country Planning Act 1990) Planning Obligations broadly in accordance with the details set out in the main body of the report (and any update sheet); and
- d) The imposition of planning conditions broadly in accordance with the details set out in the report (and any update sheet) as considered appropriate by the Director of Planning and Environment;

Or, if these cannot be achieved, for the application to be refused for such reasons as the Director of Planning and Environment considers appropriate.

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.

Report Contents

- 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration**
- 2.0 Description of the Site**
- 3.0 Development Proposal**
- 4.0 Relevant Planning History**
- 5.0 Summary of Representations**
- 6.0 Policy Considerations and Evaluation**
- 7.0 Green Belt**
- 8.0 Landscape and Visual**
- 9.0 Agricultural Land**
- 10.0 Highway Safety, Transport and Access**
- 11.0 Ecology, Biodiversity & Arboriculture**
- 12.0 Raising the quality of place making and design: Proposed Design and Layout**
- 13.0 Residential Amenity**
- 14.0 Environmental Issues**
- 15.0 Heritage, Conservation and Archaeology**
- 16.0 Healthy & Safe Communities**
- 17.0 Economic Benefits**
- 18.0 Minerals**
- 19.0 Aviation Safety**
- 20.0 Flooding & Drainage**
- 21.0 Other Material Considerations - Need Case for MSA Development**
- 22.0 Consideration of Alternatives and the Alternative Sites Assessment**
- 23.0 Deliverability**
- 24.0 Other Matters raised in representations**
- 25.0 Infrastructure and Developer Contributions**
- 26.0 Overall Assessment**
- 27.0 Very Special Circumstances**
- 28.0 Conclusion**
- 29.0 Working with the Applicant**
- 30.0 Recommendation**
- 31.0 List of Tables, Figures and Appendices**

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') with all matters reserved.
- 1.2 The development comprises a main amenity/facility building, fuel filling station for cars and HGV's, drive-thru coffee shop, parking facilities, junction and access and roads from the M25 (including a re-aligned and combined Slough Road motorway overbridge), staff drop off point accessed via Slough Road, and associated landscaping. In addition, a diverted bridleway and off-site habitat enhancement works are also part of the wider proposals.
- 1.3 Enabling works and development platform which includes the extraction of mineral (some of which is to be used as part of the development) is also part of the proposal. A mining and minerals application is being considered under a separate application CM/0036/21, as matters pertaining the extraction of mineral resource cannot be considered under an outline planning application.
- 1.4 The application has been Called-in by the Ivers Parish Council. In consultation with the chairman it is considered that it would be appropriate for the application to be considered by committee for determination to enable closer scrutiny by the Strategic Sites Planning Committee.
- 1.5 Members of the Strategic Sites Committee are advised that whilst Buckinghamshire Council has an interest in the land (subject of the application), the Council are the Local Planning Authority with responsibility for regulating the development of land. Members will be aware of the need to consider planning applications under the legislative framework, (including Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Environmental Impact Assessment) Regulations 2017), in coming to a decision on the proposals, and to only determine the proposals on the basis of the relevant planning issues.

Planning Issues

- 1.6 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.
- 1.7 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 both significant spatial harm and moderate visual harm to the openness of the Green Belt. The proposal would result in conflict with three out of the five purposes of the Green Belt a resulting in limited harm to purposes a) and b) and moderate harm to purpose c). The proposal would not accord with Local Plan Policy of GB1 of the South Bucks District Local Plan (1999) to which moderate weight is afforded to this policy conflict.
- 1.8 The proposal would result in less than substantial harm at the lower end of the spectrum to the setting of grade II listed buildings at Mansfield Farmhouse, Barn to the NE of Mansfield Farmhouse, Dovecote and White cottage due to the proposed changes within their setting. and low-level limited harm to the setting of the non-designated heritage asset and moderate harm to the non-designated archaeological interest contrary to policy CS8 of the South Bucks District Core Strategy (2011) to which moderate weight is afforded to this policy conflict.
- 1.9 The proposal would result in localised residual moderate harm to character of the landscape and visual impacts, contrary to Policy CP9 of the South Bucks District Core Strategy (2011), policy EP3 of the South Bucks District Local Plan (1999) and Policies IV1 and IV13 of the Ivers Neighbourhood Plan. However, this conflict would be overcome in considering the importance of the need for an MSA which would outweigh this harm. Regard has been given to the impact Colne Valley Regional Park in this landscape assessment. The proposal would result in the loss of a veteran tree the need for an MSA and the appropriate mitigation and compensation proposed and as such would not conflict with CS9 of the South Bucks District Core Strategy (2011) or IV 13 of the Ivers Neighbourhood Development Plan (2022).
- 1.10 The proposal complies with other development plan policies on the main issues in so far as they relate to trees and hedgerows, highways, parking and access, public rights of way (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the exception of landscape), well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, and residential amenities.
- 1.11 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.

- 1.12 Turning to other material considerations, there are a number of factors that should be considered.
- 1.13 Circular 01/2022 is a material consideration which 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.
- 1.14 The National Planning Policy Framework (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 provides 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 Framework taken as a whole.
- 1.15 In considering paragraph 11 of the NPP there are relevant development plan policies that apply to this application and the report identifies where development plan policies are not fully consistent with the NPPF. Those policies which are most important for determining this application are Core strategy polices CP8, CP9, Local Plan policies GB1, EP3, BMWLP policy1 and IVNP Policy IV13 relating to the principles that go to the heart of the development in respect of Green Belt, landscape character and context, prior extraction of minerals. As set out above policies CP8 CP9 and GB1 are not fully consistent with the NPPF however moderate weight can still be attached to this policy having regard to paragraph 219 of the NPPF. On the basis that the suite of most important policies for determining this application are out-of-date, paragraph 11d is considered further below.
- 1.16 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 later in this section, including the requirement in considering Green Belt harm to consider whether very special circumstances exist, quantifying the heritage harm and weighing any the harm against public benefits and planning balance, and the weight to be given to harm and benefits where referenced.
- 1.17 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to trees and hedgerows (further details on veteran trees is considered below), parking and access, public rights of way (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the

exception of landscape), well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, and residential amenities.

- 1.18 In respect of highways, the advice of National Highways and Buckinghamshire Highway Authority is that subject to conditions the proposal does not raise a 'severe' impact on the Strategic Road Network or local roads respectively or unacceptable impact on highway safety having regard to paragraph 111 of the Framework subject to conditions. There is some positive benefit resulting from the rights of way enhancements and provision of HGV parking, which are afforded limited positive weight.
- 1.19 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.
- 1.20 Turning firstly to Green Belt harm, the MSA development would result in moderate harm overall to the Green Belt which is afforded substantial negative weight. 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. It is concluded that in this case "Very Special Circumstances" do exist having regard to the need for an MSA in the stretch of the M25 and other benefits which clearly outweigh the harm to the Green Belt and other harm identified in this report. There would be no clear reason for refusal on Green Belt reasons.
- 1.21 Turning secondly to irreplaceable habitats, the loss of a veteran tree and its irreplaceable habitat represents harm which fall to be considered under paragraph 180 of the NPPF. The need for an MSA would represent a wholly exceptional reason for this loss. Furthermore, the loss would also be mitigated by suitable compensatory tree planting and a biodiversity net gain. There is no clear reason to refuse the application on this ground.
- 1.22 With regards to the historic environment, special regard has been given to the desirability of preserving the setting of nearby listed buildings. Great importance and weight is given to the harm to the heritage assets. Officers conclude that the proposal would harm the setting of those listed buildings which is considered to amount to 'less than substantial harm' to which great weight is given under paragraph 201 of the NPPF. In considering paragraphs 202 of the NPPF in relation to the harm to the setting of designated heritage assets, it is concluded that the public benefits arising from the need for an

MSA, economic benefits, and biodiversity net gain would outweigh the harm to which great weight is given. There is no clear reason to refuse the application on this ground.

- 1.23 Turning to the risk of flooding, officers conclude that taking all other factors into account as set out in the report below the proposal would meet the identified need, and pass the flood risk and exceptions sequential tests, and provide for flood mitigation measures in accordance with paragraphs 161-164, 166 and 168 of the NPPF. For a comparison of all main matters please see Table 9. There is no clear reason to refuse the application on this ground.
- 1.24 Turning next to the paragraph 11dii this requires a balancing exercise as to whether the harm significantly and demonstrably outweighs the benefits as assessed against the NPPF as whole.
- 1.25 In addition to the harm already identified above, there is moderate harm to the character of the landscape and visual impact in conflict with paragraph 174 of the NPPF which attracts moderate weight. Low level limited harm to the non-designated heritage assets at Mansfield Lodge and moderate harm to the non-designated archaeological asset is to be weighed in the planning balance in accordance with paragraph 203 of the NPPF.
- 1.26 Turning then to other material considerations and benefits, there is a clear need for a MSA and associated safety function, which is given significant positive weight. Alternative land and sites for MSA provision have been considered as a material consideration. CV MSA would be an appropriate development having regard to all matters considered to fulfil this need to which significant positive weight is given.
- 1.27 There are also economic benefits through the creation of jobs, including a Local Employment Strategy to maximise the opportunities locally, and this benefit is afforded significant weight. A significant net gain in biodiversity is afforded significant weight, benefits from rights of way enhancements and provision of HGV parking are afforded limited positive weight. Mineral extraction would result which is of limited benefit given the delivery is through the minerals application, to which paragraph 211 of the NPPF gives great weight.

Overall Summary

- 1.28 The overall assessment at the end of the report sets out the harm, the benefits and other material considerations and in considering the overall balance, there is a judgement made. Officers in making a judgement consider that the adverse effects of the proposal would not outweigh the benefit on a normal balance. In applying the tilted balance in paragraph 11d)ii. the harm would not significantly and demonstrably outweigh the benefit.
- 1.29 Officers consider that whilst the proposal would conflict with the development plan as outlined above, having regard to the material considerations outlined

above it is considered that there are significant material considerations that weigh in favour of the proposal which would indicate a departure from the development plan.

1.30 As set out below, the resolution recommended acknowledges that a final determination of the CV MSA application will not be made at this stage. 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.

1.31 Recommendation

That the decision be delegated to the Director of Planning and Environment for APPROVAL subject to:

- a) Referral to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2021 on Green Belt grounds; and
- b) The granting of satisfactory consents by the Secretary of State pursuant to the Green Belt (London and Home Counties) Act 1938 (as amended). The application shall be referred back to the Strategic Sites Committee in the event that:
 - i) the application has not been called-in by the Secretary of State and there has been no decision to approve any Green Belt (London and Home Counties) Act 1938 (as amended) consent application within 4 months of the date of this resolution; or
 - ii) there has been no confirmation, within 4 months of the date of this resolution, that consent has been sought from the Secretary of State for the erection of buildings on the land and for any necessary alienation of Buckinghamshire Council's interest in the land or for the land to be released from all of the restrictions contained in the Green Belt (London and Home Counties) Act 1938 (as amended); or
 - iii) within 4 months of the date of this resolution, new material considerations are considered to have arisen pursuant to the application for Green Belt (London and Home Counties) Act 1938 (as amended) consent to the Secretary of State, or any decision on the application, or otherwise, that requires reconsideration of the resolution to approve by the Strategic Sites Committee; and
- c) The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing (by way of obligations requiring a further Agreement under s106 Town & Country Planning Act 1990) planning obligations broadly in accordance with the details set out in the main body of the report (and any update sheet); and
- d) The imposition of planning conditions broadly in accordance with the details set out in the report (and any update sheet) as considered appropriate by the Director of Planning and Environment;

Or, if these cannot be achieved, for the application to be refused for such reasons as the Director of Planning and Environment considers appropriate.

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

Site Description

- 2.1 The application site is located between junctions 15 and 16 of the M25 Motorway, just north of the A4007 Slough Road overbridge in Iver Heath. The site area is approximately 45.85 hectares of predominately agricultural land and is divided by the M25 into separate parcels of land (Western and Eastern parcels for identification purposes). The settlement of Iver Heath lies approx. 300m to the west, and Uxbridge (within the London Borough of Hillingdon) approx. 450m to the east (A site location plan is included at Appendix C).

Western Parcel

- 2.2 The western parcel of land is grazing land divided by hedgerows and scattered with trees. The Slough Road (A4007) is located towards the southern section of the site. To the north west corner of the site is an area of woodland, with the M25 bisecting the site in an arc to the north east. The western parcel is separated from the developed area of Iver Heath (which lies approx. 300m to the west) by open fields. Properties on the eastern side of Bangors Road north are located approx. 250m from the south western edge of the application site. Public footpath IVE/5/1 runs eastward from the developed area of Iver Heath towards the western parcel of the application site, where it joins public bridleway IVE/32/2. The topography from the eastward of Iver Heath is relatively level, before falling in ground level towards a relatively shallow valley largely hidden by topography and hedgerows in views from the west and south and emphasised by a linear copse which screens the site from the north. The land falls down towards the motorway cutting of the M25.
- 2.3 In addition to the above, a public bridleway (IVE/32/1) runs through the western parcel of the site, which heads northwards from the Slough Road (A4007), then parallel with the M25 in a north west direction towards the A412 Denham Road. In terms of topography on the western parcel of land, the highest point rises to a range of 32m to 54.5m with the lower ground levels to the south approx. 20 below the highest point. Land also falls towards the woodland on the north west edge of the site.
- 2.4 Apart from the agricultural farm bridge, access track and public bridleway, the western parcel of land is free of any built form and is not subject to any

statutory or non-statutory ecological designation. The site is, however, adjacent to a small area of ancient woodland located towards the south, with the western parcel itself containing a number of hedgerows and tree belts. In terms of designated heritage assets, the western parcel does not contain any listed buildings or scheduled monuments. White Cottage, which is a Grade II listed residential property is located on the north side of Slough Road, immediately adjacent to the southern boundary of the site, just east to the bridleway entrance.

- 2.5 The western parcel of the site is located within a low risk of flooding (Flood Zone 1) with some areas of surface water flooding, owing to an unnamed watercourse which separates the north western edge of the site with the woodland.

Eastern Parcel

- 2.6 The eastern parcel of land is the smaller of the two parcels and is bound by the M25 Motorway to the west, the Slough Road to the South, the access road to Mansfield Farm and Iver Environment Centre to the east. The farm buildings relating to Mansfield Farm lie to the north of the eastern parcel (approx. 80m from the site boundary) and are separated from the site by a commercial yard. The Iver Environment Centre and Iver National Grid Electricity Substation lie beyond the site to the north east. There is no public access within the eastern parcel of the site.
- 2.7 A number of buildings within the Mansfield Farm Complex are designated heritage assets including the farmhouse, a barn and dovecote – all of which are Grade II listed.
- 2.8 The River Alderbourne runs through the site from east to west, a culverted section runs underneath the adjacent electricity substation and is also culverted as the river flows under the M25 and Slough Road. As such, the majority of the eastern parcel is located within Flood Zones 1, 2 and 3 and is within a low, medium and high risk in terms of surface water flooding.
- 2.9 In terms of the M25 motorway which runs between the western and eastern parcels of the site, Junction 16 of the M25 is located approx. 2km to the north which connects with the M40 providing access to west London and Birmingham. 5km to the south of the site is junction 15 of the M25 which joins with the M4 providing access to west London, Bristol and South Wales
- 2.10 In terms of designations the whole site is located within:
- Metropolitan Green Belt
 - Minerals Safeguarding Area for Sands and Gravels
 - Colne Valley Regional Park
 - Biodiversity Opportunity Area
 - South Bucks District Air Quality Management Areas 1 & 2 (includes the M25 and Iver Parish respectively).

3.0 Development Proposal

- 3.1 The application seeks outline planning permission with all matters reserved for the construction of a Motorway Service Area (MSA).
- 3.2 The matters reserved for future consideration are: 'access', 'appearance', 'landscaping', 'layout' and 'scale'. An illustrative masterplan and parameter plans have been submitted with the application which show the indicative layouts, land uses and vehicular access points. The following elements are included as indicative:
- 3.3 **Access and Internal Roads** – a dedicated MSA junction, which includes a rebuilt and re-aligned overbridge for the A4007 Slough Road. Internal access roads to the various facilities including the amenity building and fuel station.
- 3.4 A controlled access from the Slough Road to the south of the site providing vehicular access for emergency vehicles only. The controlled access would also allow staff to walk or cycle into the site. An off-site pick and drop off point would be located outside the MSA site boundary for staff access only. In addition, footpath enhancements and a pedestrian crossing would be proposed on the Slough Road.
- 3.5 Diversion of the existing Bridleway and Footpath running through the site, maintain access from Slough Road to Denham Road.
- 3.6 **Facilities and Amenity Building** – this would include food facilities, retail, lavatories, rest areas with a maximum floorspace of 4,500sqm. The parameters plan sets out the maximum height of 14.3m and identifies the development zone for the location of this building towards the north/central part of the MSA site. It would also include a partial green roof and solar photovoltaic panels.
- 3.7 **Fuel Filling Station** - a stand alone structure which would accommodate 10 islands and 20 filling points for cars, vans and commercial vehicles, which would be integrated with a HGV/Coach filling station providing 4 islands and 5 filling points. A green (living) roof canopy would span both facilities which would be served a 500sqm kiosk/shop building. The parameters plan shows the maximum height of the fuel filling station would be 7.0m and a development zone for the location of this building to the south-eastern part of the main MSA site.
- 3.8 **Drive-thru Coffee shop** – The parameters plan shows the stand alone structure with a maximum floor space of 300sqm with a green/living roof at a maximum height of 5.0m, with a development zone indicated to the west of the filling station.
- 3.9 **Parking Provision** – to include the following:

- 991 car spaces, which would include 51 disabled spaces, up to 100 electric vehicle charging spaces and 50 dedicated staff spaces
- 150 HGV spaces
- 30 Coach Spaces
- 30 Caravan Spaces (including 2 spaces for disabled users)
- 28 Motorcycle Spaces
- 1 designated space for abnormal loads

3.10 Open Space and Landscaping – which include all associated earthworks and hard and soft landscaping associated with the proposed MSA development. The landscaped areas would include:

- The route of the diverted public bridleway (IVE/32/1) which would run around the western perimeter of the MSA
- Dog Walking Area
- Children's Play Area
- A Central Plaza (including picnic zone and terrace)
- HGV amenity space

3.11 Off-Site Environmental and Enhancement Scheme.

The off-site enhancement works would be located to the north west, west and south of the site and would include the following:

- Habitat Enhancement Area of 15.57 Hectares
- Proposed woodland buffer of 4.2 Hectares
- Habitat creation works
- Land management techniques to enhance local ecological land value
- Potential network of footpaths, linking to existing paths to improve access into the countryside.

Specific measures would include the following, and would be expected to be secured by legal agreement:

- The management of specific areas of existing farmland including the planting of wild flora species to encourage the development of species rich grassland and heath vegetation.
- Native hedgerow and woodland planting
- New stock fencing
- Management of existing ancient woodland
- Potential new footpath linking the existing public footpath network to improve public access to the Colne Valley, providing a section of mid Colne strategic link from Black Park to Uxbridge

3.12 The development is accompanied by an Environmental Statement (ES). The ES provides an indication of the likely environmental impact of the proposals and assess the likely significant effects. The ES also provides a summary of the

effects, together with the mitigation proposed and an assessment of the cumulative effects.

3.13 The ES is broken down into a number of chapters which in turn consider the range of environmental factors. The ES contains the following chapters addressing each of the following topics:

- Consideration of alternative schemes
- Scheme description and construction methods
- Landscape and Visual Impact Assessment
- Ecology and Nature Conservation
- Noise and Vibration
- Air Quality
- Archaeology and Cultural Heritage
- Surface Water and Flood Risk
- Ground Conditions and Contamination
- Socio-Economics
- Traffic and Transport

3.14 The original ES was submitted with the outline planning application in December 2020. However, an updated ES was submitted in June 2021 as a result of amendments to the overall MSA scheme. The amendments were borne out of amendments to the scheme parameters and illustrative design which in turn aimed to better mitigate the proposed scheme, reduce its overall effects and respond to comments which arose through the initial consultation period. The amendments included amendments to the access roads and the removal of a hotel facility.

4.0 Relevant Planning History

4.1 CM/0036/21: Mineral Extraction and provision of access to facilitate the development of the Colne Valley Services and associated works proposed under planning application PL/20/4332/OA, which is also on the agenda. The applicants have made it clear that the minerals application should not be viewed in isolation as a separate or standalone minerals application. It is an application made in detail for the mineral removal component of the CV MSA scheme. As the mineral extraction is part of the CV MSA scheme it relies on the mitigation and restoration from the CV MSA scheme.

Other MSA applications

- 4.2 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.
- 4.3 The above were refused on the basis of land contamination, flooding and impacts on landscape, residential amenity and ecology.

- 4.4 Beaconsfield: 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.
- 4.5 Warren Farm, Chalfont St Peter: In addition, there have been historic proposals for MSA developments approx. 7.0km to the north of the Colne Valley site at Chalfont St. Peter (also known as Warren Farm).
- 4.6 Recent applications for an MSA were submitted to Buckinghamshire Council (BC) under planning reference PL/19/2260/OA, referred to as Chalfont St. Peter 1 or CSP1 within the following report. Application reference PL/19/2260/OA sought outline planning permission for an MSA (including facility building, fuel filling station, hotel and community land.) The proposed MSA was to be an online facility with the majority of the built form located on the western side of the M25. The application was subsequently appealed for non-determination and dismissed at public inquiry in November 2021 under PINS reference APP/X0415/W/21/3272171. The Council gave the following reasons for refusal had the council been in a position to determine the application:
1. *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 obstruction in to open countryside and result in significant adverse landscape character and visual impact on the area of the development site, its immediate setting and the wider area, loss of best and most versatile agricultural land, and would result in less than substantial harm to the setting of the listed buildings at Mopes Farm and the public benefits do not outweigh the harm to the heritage assets. Having regard to the benefits arising from the proposal and the harm to the Green Belt and other harm resulting from the proposal, this harm is not clearly outweighed by other considerations. There are therefore no very special circumstances to clearly outweigh this harm. The proposal is contrary to the National Planning Policy Framework and Policies CS1, CS3 and CS4 of the Core Strategy for Chiltern District 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.*

2. *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 Framework”*

A copy of the appeal decision can be found at Appendix F.

- 4.7 At the time of the decision, the Inspector was aware of two other proposals for MSA's within the north west quadrant of the M25 (between junctions 15 and 20) that would meet the identified need. These were:

- Kings Langley MSA (Junction 20 of the M25 – offline)
- Colne Valley Services (Between Junction 15/16 of M25 – online)

- 4.8 Whilst the details of each of the above planning applications were not before the inspector, the location of the proposed MSA's were considered as part of the potential alternatives sites. It is noted that the Inspector drew conclusions that the location of Colne Valley Services MSA would be most appropriate to meet the need on the M25, whilst being the least harmful of the potential alternative sites in terms of Green Belt and landscape 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.

- 4.9 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).

- 4.10 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.

- 4.11 A new CSP MSA scheme was submitted to BC in May 2022 and remains under consideration (PL/22/1411/OA) and is on this agenda. The alternative scheme at Chalfont St. Peter, is further explored in the officer report below and referred to as CSP2.
- 4.12 Kings Langley MSA (Moto): Junction 20 of the M25, an offline MSA considered by Three Rivers District Council under planning reference 19/0646/OUT which was refused, and no appeal lodged.

5.0 Summary of Representations

- 5.1 The application and the Environmental Statement were subject of the relevant consultation, notification and publicity. It has been advertised as a departure from the development plan.
- 5.2 At the time of writing this report, a total of 126 objections have been received. The points of objections raised are summarised below:
- Harm to the Green Belt
 - Impact on the character of the area
 - Loss of views
 - Light pollution
 - Impact on neighbours
 - Impact on Wildlife
 - Harm to the Colne Valley Regional Park
 - Loss of countryside
 - Traffic impacts
 - Highway safety issues
 - HGV traffic concerns
 - Noise impacts
 - Traffic emissions
 - Noise
 - Construction impacts
 - Question the need for the development
 - Flooding concerns
- 5.3 The Ivers Parish Council have made representations to the proposal during the course of the applications. The letters dated 10th March 2021, 16th August 2021 and 30th June 2022 and the contents therein are summarised as follows:
- Inappropriate development in the Green Belt
 - Conflict with the objectives of the Colne Valley Regional Park
 - Impact on Mansfield Farm and Iver Environment Centre
 - Welcome Biodiversity Net Gain
 - Impact of construction traffic on A412 and Iver Heath
 - M25 Widening has not been taken into account
 - Significant extraction of non-renewal minerals
 - Impact on local Air Quality

- Suggestion of mitigation requirements should the application be approved
- Objections in terms of flood impact
- Impact on Great Crested Newts
- Reference to Thames Valley Police objections

5.4 All representations received from the statutory consultees, non-statutory consultees and other interested groups and organisations are set out in Appendix A and B of the Committee Report.

1.0 Policy Considerations and Evaluation

5.5 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.

5.6 The key policy documents and guidance for consideration are:

5.7 The Development Plan:

- South Bucks Core Strategy - Adopted February 2011: Policies CP5, CP6, CP7, CP8, CP9, CP10, CP12, CP13
- South Bucks District Local Plan – Adopted March 1999, Consolidated September 2007 and February 2011: Saved Policies GB1, L10, C15, EP3, EP4, EP5, EP6, EP17, TR5, TR7, TR10
- Buckinghamshire Minerals and Waste Local Plan 2016-2036: Policies 1, 3,
- The Ivers Neighbourhood Plan 2021-2040 made March 2023: IV1, IV6, IV7, IV8, IV9, IV13 and IV14.

5.8 Relevant National Policy and Guidance:

- National Planning Policy Framework (2023)
- Planning Practice Guidance (PPG)
- National Design Guidance, January
- National Policy Statement for National Networks (December 2014)
- Department for transport Circular 01/2022 *'The Strategic Road Network and the Delivery of Sustainable Development'*
- Buckinghamshire Countywide Parking Guidance, September 2015
- Buckinghamshire County Council Local Transport Plan 4 April 2016-2036
- Buckinghamshire Council Biodiversity Net Gain – Supplementary Planning Document (SPD), July 2022
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

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.

5.9 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.

2.0 Green Belt

- Local Plan Saved Policies:
 - GB1 (Green Belt Boundaries and the Control of Development in the Green Belt)
 - GB4 (Employment Generating and Commercial Development in the Green Belt (Excluding Green Belt Settlements))
- The Ivers Neighbourhood Plan Policy IV1 (Gaps between settlements)
- Material consideration:
 - The Green Belt (London and Home Counties) Act 1938 (see section 24 of the report below)

7.1 The application site lies entirely within the Metropolitan Green Belt. This section assesses the proposals against national and local green belt policy. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt these are;

- a) To check 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

7.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

Whether the proposals are inappropriate development

7.3 Paragraph 149 of the NPPF sets out that LPA's should regard the construction of new buildings as inappropriate development, the exceptions to this are laid out at para. 149 a to g. Para 150 of the NPPF identifies a number of other forms of development which would not be considered inappropriate

development, providing they preserve the openness of the Green Belt. 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.

- 7.4 Local Plan policy GB1 of the South Bucks District Local Plan (1999) also sets out types of development which would be permitted in the Green Belt. It is considered that policy GB1 of the Local Plan is not wholly consistent with the NPPF relating to development in the Green Belt. Whilst it does not fully reflect the NPPF policy in respect of the consideration of very special circumstances on Green Belt the level of consistency is sufficient to enable the saved policy to continue to be applied. As such moderate weight is afforded to Policy GB2.
- 7.5 Officers consider that the proposed MSA development would not meet with any of the exceptions to inappropriate development as laid out in the NPPF or South Bucks District Local Plan (1999). Therefore, the proposed development would be considered inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. It is also recognised by the applicant that the proposal would constitute inappropriate development.
- 7.6 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.

Green Belt Context

- 7.7 An assessment of Buckinghamshire’s Green Belt was commissioned in 2015 by the former County and District Local Authorities. The Green Belt assessment’s aim was to evaluate and assess the suitability of land designated in the Green Belt and identify additional land for Green Belt Designation and was used as an aid in the preparation of the since withdrawn Chiltern and South Bucks Local Plan 2036.
- 7.8 The assessment (known as the stage 1 Green Belt Assessment) identified land parcels across the District and scored them against their performance against the purposes of the Green Belt. The application site west of the M25 falls within land parcel 82 and would include the MSA facilities and car parking. The application site east of the M25 falls within land parcel 79 and would include slips roads facilitating the access to the proposed MSA.
- 7.9 Land parcel 82 (west) in the stage 1 Green Belt Assessment is assessed as a strong performing land parcel, against Green Belt purposes. The land parcel does not meet Purpose a, to check the unrestricted sprawl of large built-up areas or Purpose d, to preserve the setting and special character of historic towns. The land parcel does perform moderately against Purpose b, to prevent neighbouring towns from merging (Iver Heath and Uxbridge), and specifically the threat of ribbon development along the A4007 Slough Road. Although land

parcel 82 is noted for the northern section being less important for preventing coalescence. The land parcel maintains a largely rural open character, scoring strongly against Purpose c, 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, with the proposed development located towards the north east quadrant.

- 7.10 Land Parcel 79 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 performs moderately against Purpose a, to check the unrestricted sprawl of large built-up areas, Purpose b, to prevent neighbouring towns from merging (Iver Heath, New Denham and Uxbridge). The land parcel maintains a largely rural open character, scoring moderately against Purpose c, to assist in safeguarding the countryside against encroachment. The land parcel does not meet Purpose d, to preserve the setting and special character of historic towns. It should be noted that the only built form associated with the proposed MSA that would be located in land parcel 79 would be the slip roads to access the MSA from the southbound carriageway of the M25.

Harm by reason of appropriateness and any other harm

- 7.11 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 to be 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”.

The analysis below takes into account this guidance and the following considerations in relation to visual and spatial aspects of openness; such as development size and permanence are relevant.

Spatial Impacts

- 7.12 The application site consists of two parcels of land which are located either side of the M25 to the north of the Slough Road overbridge. The land parcels consist of agricultural land, which apart from the overbridge, farm track to the west, hedgerows and boundary fencing is free of any built development.
- 7.13 The proposed development would result in the loss of 17.5 hectares of open agricultural land with the construction buildings (amenity building, fuel station and drive thru building) which would total approx. 5,300sqm of building area and a total developable area of 10.9ha out of a site area of 45.85ha, with heights varying from 5m –14.3m, which amounts to 23% of the red edge application site. In addition, there would be the road infrastructure required to serve the proposed MSA comprising slips roads, overbridges and roundabouts. This impact would not be insignificant given the quantum of development, amount of built form and the extent of open land taken. The remainder of the land would comprise landscaping, open green space and habitat creation and parking which would still have a harmful impact on the Green Belt. This resultant spatial harm to the openness of the Green Belt is considered to be significant given the quantum of development, amount of built form including hardstanding resulting in a permanent loss of openness of the Green Belt in this location.

Visual Impacts

- 7.14 As noted above the site (i.e., the western and eastern land parcels) comprises visually open and undeveloped land which lies to the east of the built-up settlement of Iver Heath. Whilst, some of the development would be located against the backdrop of the existing M25 motorway, the introduction of the MSA buildings, parking areas, access road, new overbridge and associated infrastructure would have an impact on reducing the openness of the Green Belt.
- 7.15 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 11 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.
- 7.16 Key visual receptors where the sensitivity to visual change as a result of the proposed development would occur are as follows:
- Users of the public right of way which runs to the east of Iver Heath, where the effect is considered to be moderate to major (view point 5). The visual

changes associated with this view point would include the works associated with the mineral, enabling works (including temporary compounds) and the proposed development.

- Occupants of White Cottage, with views from the field to the north of this property where the effect is considered to be moderate to major (view point 6). The visual changes from this location would include the mineral and enabling works including that of the access slips
- Users of the access road to Mansfield Farm and Iver Environment Centre, where the effect is considered to be major (view points 7 and 10). Visual changes associated with these viewpoints include the tree removal and enabling works to create the slip road access to the MSA.
- A number of other view points have been identified as part of the LVIA. However in terms of sensitivity these view points are considered to have little or no change in view. These view points include Denham Road and Denham Road overbridge (view points 1 and 8), Bangors Road North Bus Stop and junction with Anslow Gardens (view points 2 and 3), New Denham (view point 11).

7.17 From the affected view points outlined above, it is considered that the proposed development would evidently result in a visual harm to the openness of the Green Belt. An MSA and associated infrastructure in this location would result in large areas of buildings, hardstanding, access roads, fencing and associated street furniture that would change the existing landscape of agricultural land interspersed with trees and hedgerows. Whilst it is recognised that mitigation would be proposed in terms of planting this will take a number of years to establish.

7.18 The CSP1 appeal Inspector considered the location of the application site to be relatively well contained from the wider Green Belt by woodland to the north-west and south and by the M25 to the east. The M25 lies in a cutting thereabouts. The landform combined with landscaping mitigation would allow most of the MSA to remain well contained, with the exception of the slip roads which would be prominent from the access road serving the Iver Environment Centre and residential and other users nearby. It is accepted that the site is well contained within the landscape and from the wider greenbelt by woodland with the exception of the slip roads. This would represent a moderate level of harm to visual effects, given its localised impact.

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

7.19 As referred to above, paragraph 138 of the NPPF sets out the five specific purposes that the Green Belt serves. Purposes (a – c) are considered relevant to the proposed MSA development, and each of these Green Belt purposes is considered in turn below.

7.20 In terms of Green Belt purpose (d), which is “to preserve the setting and special character of historic towns” this is not relevant as the application site is not located near to any historic towns. Green Belt purpose (e), which is “to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”, is also not relevant in this instance. There are specific locational requirements that mean that the MSA would have to be sited in the Green Belt and could not be located in an urban area. The western section of the M25 Motorway by reason of its location, transects through large areas of Metropolitan Green Belt within Buckinghamshire and Hertfordshire.

7.21 The following Green Belt purposes are considered to be relevant to the proposed development.

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

7.22 It is recognised that Iver Heath is not a large built-up area. The proposed built form of the development would not be contiguous with the built-up area of Iver Heath separated by arable land, habitat enhancement and woodland buffer. Whilst the proposed MSA development would be viewed against the backdrop of the existing M25 motorway, it is considered that there would be some perception of sprawl from certain vantage points.

7.23 There would be some perception of sprawl when viewed from the public footpath which runs from the east of Iver Heath towards the application site. Specifically View Point 3 (looking east from Bangors Road North) and View Point 5 (looking north from footpath IVE/5/1) where parts of the MSA amenity building and associated lighting columns would be visible initially. Some perception of sprawl would likely occur from the view points of the access to Mansfield Farm/Iver Environment Centre at view points 7 and 10, specifically the proposed slip roads across the currently opening landscape which would be viewed against the backdrop of the cluster of development around Mansfield Farm, Iver Environment Centre and the Iver National Grid Sub-station.

7.24 The comments of the CSP1 appeal Inspector are a material consideration. In terms of the location of the CVS site he commented that a gap would be retained between the eastern edge of the site and the western extremity of Uxbridge, but recognised that there would be some perception of sprawl caused by the development in that it would be in relatively close proximity to Uxbridge.

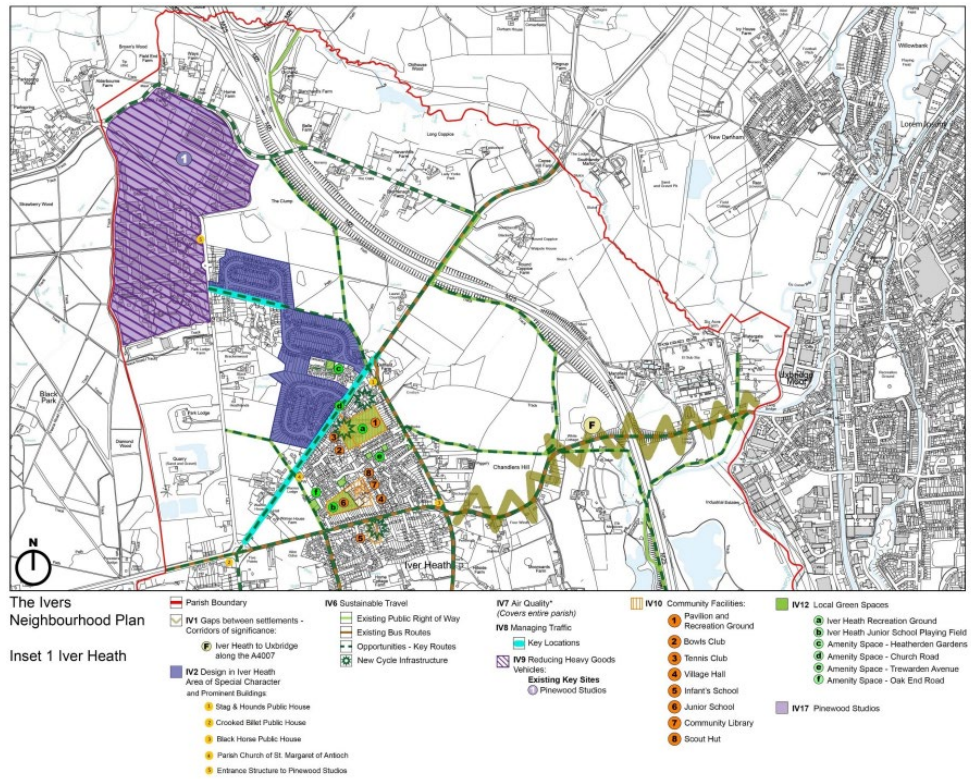
7.25 It is considered that there would be limited harm to purpose a) given the perception of sprawl.

(b) to prevent neighbouring towns merging with each other

7.26 Policy IV1 of the Ivers Neighbourhood Plan deals with gaps between settlements and corridors of significance with the aim of preventing visual

coalescence of the settlements and for the spatial purpose of preventing harmful ribbon development along these corridors.

Figure 1: Iver Neighbourhood Plan Policies Maps Inset 1 (IV1 – Gaps between Settlements)



7.27 The southern most part of the application site lies within area F of Corridors of Significance (Iver Heath to Uxbridge along the A4007) zigzagged in green in the plan above, along the Slough Road. Development proposals that lie within a defined Corridor should avoid an unacceptable impression of ribbon development or suburbanisation by themselves or through cumulative impacts with other developments. Development proposals within the Local Gaps and Corridors of significance should demonstrate that they have regard to the Buckinghamshire Council's Historic Landscape Character study.

7.28 The supporting text refers to Paragraph 5.19 of the above mentioned study in the Green Belt Context section above, which states the Buckinghamshire Green Belt Assessment Part 1, January 2016 recognises the particular importance of the role of the Green Belt on land along the A4007 from Iver Heath to Uxbridge, the narrowest part of the existing gap between these settlements, in restricting ribbon development. The report recognises that *'further developments in this corridor would be undesirable, resulting in a significant physical and perceptual erosion of the gap'*. This part of the M25 is heavily buffered and its urbanising influence is therefore limited, allowing this corridor to maintain its largely unspoilt rural character. The Landscape Appraisal attached at Appendix A to the Iver Neighbourhood Plan 2021-2040 confirms the importance role of open land along the A4007 in defining the landscape character of the area. Appendix A states that "The adoption of this area as a protected corridor would prevent cumulative linear development on open land

to either or both sides of the A4007 which would otherwise result in a creeping urbanisation of the roadside corridor between Iver Heath and Uxbridge and a blurring of the existing settlement boundaries.”

- 7.29 The proposed MSA would consist of the main amenity building and fuel filling stations. These elements of the built form would be located within a central area towards the north of the site with the existing sloping ground levels generally lowered to create a development platform retaining the adjacent woodland buffer to the north. In addition to the built form, there would be the access slip roads, internal accesses and realigned Slough Road, together with double span over bridge. The main buildings and visually built-up part of the proposed development would be sited some distance away from the A4007 corridor of significance identified in the Ivers NP separated by the existing ancient woodland, and newly created landscape features, including the open arable land, woodland, habitat enhancement areas and landscaped green space. These would not be clearly visible along this corridor.
- 7.30 The exception to this being that of the realigned road and new overbridge which will run parallel for that part crossing the M25, the controlled access and drop off area off Slough Road and part of the slip road to the east. These will be visible in views from the approach along Slough Road to the west and east. This will not constitute ribbon development, although it is considered that the aligned road and slip road/overbridge would appear as a more urbanising feature. The impact is considered to be limited to that part on the approach to the M25 and would be viewed in the context of this major feature. The illustrative masterplan indicates that there would be new planting to both sides of the Slough Road where feasible to compensate for that removed. It is considered that the features of the realigned Slough Road, slip road overbridge and slip roads would not result in coalescence of existing settlements and preserve their identities, although there may be some perceived closing of the gap as set out in the Green Belt assessment above. The drop off area would discretely sited set back from the Slough Road entrance with new and existing planting around. Having regards to this it is considered that the development would not result in ribbon development or suburbanisation along this corridor. It is therefore considered that there would not be a conflict with policy IV1 of the Ivers NP.
- 7.31 It is recognised that the proposed development would result in some perceived closing of the gap between Uxbridge (within the London Borough of Hillingdon) and the built-up settlement of Iver Heath, however given that there would be gaps maintained between the built form of the development and Iver Heath and similarly to Uxbridge this would be limited.
- 7.32 In dismissing the CSP1 appeal the Planning Inspector made specific comments regarding the location of the subject application in terms of the merging of built-up areas. These observations were made by the Inspector in the context

of providing a judgement of the comparative merits of the MSA proposals. The Inspector states at paragraph 102:

“With regard to purpose b), gaps would be retained between the site and both Iver Heath and Uxbridge. The effect on the Green Belt purpose of preventing the merger of towns would be limited’.

It is concluded that there would be limited harm to purpose b).

(c) to assist in safeguarding the countryside from encroachment

- 7.33 As highlighted previously, the application site comprises of open agricultural land, in part divided by vegetation and low-lying fences in some instances. The proposed MSA, including all of the associated infrastructure would result in a form of development which would encroach into the countryside, although this is localised and the MSA would be bounded by woodland to the north west and south and by the M25 to the east.
- 7.34 It is considered that the site would be relatively self-contained with the exception of the slip roads, overbridge and realigned Slough Road as outlined above. The slip road to the east would be visible from the Ivers Environment Centre and dwellings to the east as encroaching into this area. It is considered that moderate harm is given to this purpose. In summary, it is considered that the proposed MSA development would conflict with three out of the five purposes of the Green Belt as referred to in paragraph 138 of the NPPF, of which a) and b) is limited harm and c) is moderate harm, and in terms of openness it would result in significant harm to spatial dimensions and moderate harm to visual impact e given it is a localised and not a wider impact on the Green Belt

Green Belt – Relationship with minerals application

- 7.35 It should be noted that the minerals application is regarded as part of the overall CV MSA project as a precursor to the MSA development. The minerals development is being considered in a separate minerals application albeit the applicants desired restoration of the site is to a motorway service area and therefore is linked to the MSA development. In recognition of the separate application, as well as albeit highly unlikely scenario of minerals development taking place without the full construction of the MSA, the minerals scheme been considered in its own right in the minerals report. However, to the extent that the linkage between the two proposals may be taken to suggest that for GB purposes there is a single project including inappropriate development which engaging the wider GB tests, the overall assessment of harm (and VSC as explained later) would not change, given the absence of harm that would arise from the minerals development as explained in the minerals application.

Green Belt Summary

- 7.36 The proposed MSA and associated infrastructure is considered to be inappropriate development within the Green Belt, which by definition is

harmful to the Green Belt. The proposed development would result in significant spatial harm and moderate visual harm to the Green Belt and would conflict with three out of the five purposes of including land within the Green Belt as outlined above and conflict with policy GB1 of the South Bucks Local Plan. Overall officers consider the harm to the Green Belt to be moderate. The harm to the Green Belt is afforded substantial negative weight. As such, it is necessary to establish whether there are any 'Very Special Circumstances' (VSC) 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 when considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The assessment of other harm is considered within this report, with the VSC being addressed in detail within the "Overall assessment" section of this report. This has concluded that there are VSCs to outweigh the Green Belt, and other harms identified as addressed later.

8.0 Landscape and Visual

- Core Strategy Policies:
CP9 (Natural Environment)
- Local Plan Saved Policies:
EP3 (The Use, Design and Layout of Development)
EP4 (Landscaping)
- M&WLP: 25 (Delivering High Quality Restoration and Aftercare)
- Ivers Neighbourhood Plan Policy:
IV1 (Gaps between settlements)
IV13 (Colne Valley Regional Park)

- 8.1 Core Policy 9 of the South Bucks District Core Strategy (2011) highlights that landscape characteristics will be conserved and enhanced by not permitting new development that would harm landscape character or nature conservation interests, and goes on to state that unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and that appropriate mitigation or compensation is provided, resulting in a net gain in biodiversity.
- 8.2 Local Plan policy EP3 of the South Bucks District Local Plan (1999) seeks to ensure that developments are compatible with the character and amenities of the site, adjoining development and the locality in general.
- 8.3 Policy IV1 of the Ivers Neighbourhood Plan sets out that development proposals within a defined corridor should avoid an unacceptable impression

of ribbon development or suburbanisation by themselves or through cumulative impacts with other developments.

- 8.4 Policy IV13 of the Ivers Neighbourhood Plan refers to development within the Colne Valley Regional Park and highlights that development proposals should make a positive contribution towards the improvement of the Colne Valley Regional Park in line with its objectives and the Colne and Crane Valley's Green Infrastructure Strategy and detailed strategy for the Mid Colne Sub-Area.
- 8.5 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

- 8.6 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) area NCA 115 Thames Valley. This NCA covers an extensive area, predominately to the western edge of greater London. 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 In addition to the above, there is the South Bucks District Landscape Character Assessment (2011). This document identifies a series of landscape character areas (LCA's) across the South Bucks area. The application site lies across two of the identified LCA's, these being LCA22.4 Iver Heath Mixed Use Terrace (which covers the western edge of the site) and LCA26.3 Colne Valley Floodplain (of which the majority of the application site lies).
- 8.8 The key characteristics of the Iver Heath Mixed Use Terrace are as follows:
- Mixed land cover, including arable land influenced by development and dominated by settlement such as the villages of Iver and Iver Heath

- Landscape is cut by roads including the M25 creating local audible and visual impacts with a strong sense of movement with some industrial and business areas located to the south

8.9 Sensitivities identified for the Iver Heath Mixed Use Terrace include the hedgerow networks, long views across arable fields and undeveloped spaces between built up areas.

8.10 The key characteristics of the Colne Valley Floodplain are as follows:

- Transport corridors cut through the landscape including the M25 and M40, which have a strong visual and audible influence. Screening earthworks are associated with these places. Two railway lines also cross the area.
- The area lies within the Colne Valley Regional Park and a well-established network of public rights of way exist with intermittent long across the Colne Valley – with these views often interrupted by roads.
- Roads and pylons fragment an otherwise simple landscape and generate a discordant and busy character. Away from these areas pockets of tranquillity remain associated with water and woodland.

8.11 Sensitivities identified for the Colne Valley Floodplain include occasional long views across lakes from Hillingdon District, hedgerow boundaries, flat landscapes accentuating the visual sensitivity of the landscape and public rights of way accesses.

8.12 The site also lies 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. The aims and objectives of the CVRP include safeguarding the countryside, maintaining the historic landscape, conserve and enhance biodiversity, provide opportunities for countryside recreation, supporting a sustainable and rural economy and encouraging community participation.

8.13 The CVRP have produced a landscape character document entitled Colne Valley Landscape Character Assessment (2017) (CVLCA) of which there is some overlap with the South Bucks District Landscape Character Assessment (2011) in terms of landscape character. The application lies within 3 character areas identified within the CVLCA, and these include:

A412 to Iver Colne Valley Character Area, with characteristics including:

- Mixed broadleaf woodland on valley sides with long views east and northwards
- M25 audible but well concealed by vegetation and lines of pylons on valley floor.

Iver Heath Terrace Colne Valley Character Area, with characteristics including;

- Mixed land uses of 20th century development dominated by extensions and busy roads to populated character of Iver Heath and Iver Village
- Pastures and paddocks divided by a network of hedgerows and hedgerow trees.

Denham Valley Floor Colne Valley Character Area, with characteristics including:

- fields divided by low hedgerows and tree cover limited to boundaries.
- Linear development along major roads, signage and lighting to give the area an urban fringe character and Significant visual and audible disruption/fragmentation to the landscape from major infrastructure associated with M40 junction 1 and pylons.

8.14 As highlighted previously the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which has been included as part of the ES. The landscape chapter in the ES includes an assessment of the main landscape and visual impact issues.

8.15 A total of 11 viewpoints were selected to represent views from a selection of view points (mixture of public and private view points) for key visual receptors, the impact of the proposed development (as amended during the course of the application) was assessed from each of these view points, and are set out in section 5.5 of the technical appendices of the ES (chapter 7).

8.16 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 tallest part of the development (in this case the main amenity building) at a maximum roof of 14m above ground level, and of HGV's entering and exiting the site at height of 4.5m above ground level. It should be noted that ZTVs assume the worst-case scenario where proposed planting as part of the development would not be taken into account.

8.17 In terms of the impact of the proposed development on the existing landscape, it is important to note the existing site circumstances. The application site straddles the M25 which, in this location, is largely contained within a cutting. The land to the west of the M25 comprises of pastureland with hedgerows, with some containing mature trees, this area is relatively tranquil in nature. There are two notable small woodland areas, one to the north of the site and one outside the site boundary to the south. Land levels rise from the M25 westwards and then drop gradually to the west, north and south. There are a number of public rights of way of which allow views of the western parcel of the application site these being:

- Footpath IVE/5/1 which runs east to west between Bangors Road North and Slough Road
- Bridleway IVE/33/2 which runs south to north and joins the southern side of Slough Road

- Bridleway IVE/32/1 which runs from the north side of Slough Road currently runs through the application site joining the A412 Denham Road to the north.

- 8.18 The land east of the M25 is generally flatter than that of the west and contains a mixture of uses, predominately pasture land associated with Mansfield Farm, which also contains a number of buildings. The eastern edge of the site is dominated by the Iver National Grid Sub-Station, further to the east is the urban edge of Uxbridge. Views across to the eastern limit of the M25 are obtainable by users of the access track which serve Mansfield Farm and Iver Environment Centre.
- 8.19 The proposed MSA development would result in the removal of the majority of vegetation within the site boundary to facilitate the amenity buildings, associated hard standing and infrastructure together with removal of vegetation along part of the Slough Road and M25 to facilitate the realigned road, slip roads and new overbridge. The ground modelling to facilitate the MSA would be in the form of embankments within the eastern parcel for the proposed slip roads and excavation in the western parcel to create a level platform the MSA building and car parks including the removal of trees and vegetation. These works are considered to have the greatest impact on the landscape. Construction impacts in terms of the landscape fabric have also been identified as part of the ES addendum. It has been identified that land would be required to the south of the site to establish a site compound for the preparation of land (which also includes the extraction of sands and gravels). Construction effects are considered to have a localised impact on the landscape character and would be in clear contrast with the existing landscape fabric.
- 8.20 The illustrative masterplan indicates that new landscaping features would be created around the perimeter of the site in the form of native woodland planting, including on the northern side of the realigned Slough Road. 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 also be noted that there would be an off-site habitat enhancement works in the form of wildflower and woodland planting.
- 8.21 The ES and ES Addendum sets out the impacts of the proposed MSA on the various character area designations, principally those covered by the Colne Valley Landscape Character Assessment (CVSA) (which is partly informed by and overlaps with the South Bucks District Landscape Character Assessment). The proposal has been assessed against the CVSA in order to determine the landscape impacts on the Colne Valley Regional Park.
- 8.22 In terms of the ES and the ES addendum, the effects of the MSA development including the construction phase has been broken down into:

- initial effects i.e. the effects when the development has been first established and;
- Residual effects i.e. once the development has been completed and the mitigation has had time to establish.

- 8.23 In terms of initial effects, it is considered that there would be significant localised effects upon the A412 to Iver CVCA, and this change would be evident from the quantum of earthworks required to create the slip roads, overbridge, realigned Slough Road and ground base for the MSA. The current pasture land to the west would largely be removed and replaced by hard surfacing, buildings and associated infrastructure. In terms of localised impacts, particularly to the southern edge of the site and immediate surroundings, the effect of the proposal is judged to be moderate to major adverse. Once established the proposed MSA development would continue to have moderate to major adverse on the landscape locally. However due to the surrounding vegetation and landforms, the proposed development would not be widely visible. As such, in the wider context of the A412 to Iver CVCA a minor adverse level of effect would occur.
- 8.24 In terms of the Iver Heath CVCA, this is limited to the western side of the application site, and effects on this area would not be significant due to localised views of the development site. The ES and ES addendum sets out that initial effects in terms of construction and operational phase would be localised with moderate adverse effects occurring. Over time the residual effects would continue to be moderate adverse, but with a localised impact. In the terms of the wider CVCA, the proposed development due to the existing landforms and vegetation would be well screened and would therefore have a negligible effect upon the character.
- 8.25 The Denham Valley Floor CVCA is located to the east of the application site, in the context of the existing character of the area, which includes the Iver Electricity Substation, a number of pylons, it is considered that the construction phases and slip roads of the proposed MSA would have initial effects of minor neutral. The residual effects of the proposed development has also been judged to have minor neutral effect which would not be significant.
- 8.26 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. However, due to the existing landforms and vegetation, the effects would not be widely appreciated. A summary of the Residual Landscape Character Effects is set out in the table 1 below:

Table 1: Summary on landscape character

Landscape Character Area	Level of Residual Effect	Significance
Colne Valley A412 to Iver	Moderate to Major Adverse (local context) Minor adverse (wider context)	Not Significant
Iver Heath Terrace	Moderate Adverse (local context) Negligible (wider context)	Not Significant
Denham Valley Floor	Minor Neutral	Not Significant

8.27 The Council's landscape consultants broadly agree with these conclusions with the exception of Iver Heath Terrace which considers the wider context to be minor adverse long-term effects rather than negligible. 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 moderate harm and no residual significant landscape effects in the longer term.

8.28 Overall, it is concluded that there would be moderate harm to landscape character. (The full consultation response from LDA, the Council's Landscape consultant can be found at Appendix E)

Visual effects

8.29 In terms of the eleven view-points identified within the LVIA a detailed assessment is set out in appendix 5-5 of the ES and appendix 5.6 of the ES addendum, and is explored further below.

8.30 The submitted LVIA has identified the visual effects that would arise during the mineral excavation and construction stage (which would last for approximately six months), together with the operational stage of the MSA development. These are again broken down into initial effects and residual effects at year 15. Two locations have been identified as having significant visual effects during the mineral extraction and construction phase of the proposed development. These being from view points 5 and 6. View point 5, located on the public right of way running eastward from Bangors Road North. It is considered that views northward towards the site from this footpath would have a moderate to major adverse effect. The temporary construction compound would be located to the north of the field and would be clearly visible, together with temporary offices, access road, construction mounds etc.

- 8.31 Similar effects would also occur from the field, located to the north of White Cottage known as viewpoint 6 (north of the Slough Road). The new access and plant associated with the temporary construction would be obvious at this point, with views of this occurring at short range. However, the residual effects would reduce over time as the proposed MSA nears completion and the landscape mitigation establishes.
- 8.32 Four other view points (3, 4, 9 and 10) in terms of initial effects have been identified as major adverse in terms of visual effects. Two of which are located close to Bangors Road North looking east towards the site. It is considered that whilst some taller elements of construction plant would be visible in the distant background, views of the foreground and middle ground would remain unchanged. However, the residual effects would reduce over time as the construction phases move towards the operational phases, with the establishment of the proposed mitigation.
- 8.33 In terms of view point 10 (located on the access track to Mansfield Farm), major adverse visual effects are considered to result from the enabling and construction works. This area would result in evident tree loss and the construction of slips road to access the western parcel of the site over the M25. The same would also apply to view point 9 to the north of Slough Road (west of the M25 overbridge). Here the tree belt would be removed which would result in unobstructed views of the construction site which would include material storage mounds, and movement of vehicles associated with the mineral extraction and construction. It is considered that all remaining viewpoints would not have direct views towards the site owing to the distances and the screening provided by existing vegetation.
- 8.34 There remains the position of the replacement over bridge located alongside the new access to the MSA from the eastern side. The stage 1 road safety audit (RSA) identifies the need for provision of anti-dazzle fencing at the detailed design stage between the realigned Slough Road and the overbridge slip road where these run parallel /close to each other. Details would be provided at the latter stage. This will add to the prominence of this overbridge in views and the effect of this is also taken into account as a feature on this part of the road.
- 8.35 In terms of the visual impacts in relation to the development these are considered to be localised and would decrease as the development moves from the construction phase to the operational stage. The significant effects from the two closest points to the development from the footpath to the east of Iver Heath and north of White Cottage would be reduced in time as the proposed mitigation in the form of planting on the southern and western boundaries matures and the site becomes increasingly screened.
- 8.36 The eastern parcel of the application site would also present significant effects for those viewpoints from the Mansfield Farm and Iver Environment Centre

access road. View Point 7 located on the Mansfield Farm Access Track is also located in the vicinity of the Iver Environment Centre Whilst these views would be localised, the proposed access slips and associated embankments would be visually prominent from locations in this area. However, it is envisaged that the proposed planting and screening would reduce the significance with time.

- 8.37 Longer range views from the other view points in the study would not be considered significant due to the intervening vegetation and landforms. The summary of the visual effects are presented in the table 2 shown below:

Table 2: Summary of visual effects:

Viewpoint/Receptor	Level of Effect-Short Term	Level of Effect – Long Term	Significance
View Point 1 A412 Denham Road; pedestrian footpath looking south east.	No change in view	No change in view	Not Significant
View Point 2 Bus Stop on Bangors Road North (close to junction with St. David’s Close); pedestrian footpath looking east	Negligible	Negligible	Not Significant
View Point 3 Bangors Road North, close to the junction with Anslow Gardens; pedestrian footpath looking east	Moderate Adverse	Minor Neutral	Not Significant
View Point 4 Footpath off Bangors Road North looking east	Moderate Adverse	Minor Neutral	Not Significant
View Point 5 Footpath to the east of Iver Heath; looking north	Moderate to Major Adverse (significant short term)	Minor Neutral	Not significant
View Point 6 Field to the north of White Cottage, looking north	Moderate to Major Adverse	Moderate Major Neutral	Significant (long term)
View Point 7 (Opposite the entrance to Iver Environment Centre) Access track to Mansfield Farm, looking west	Major Adverse (significant short term)	Moderate Adverse	Not Significant

View Point 8 A412 Denham Road, M25 Overbridge; pedestrian footpath looking south east	No Change in View	No Change in view	No Effect
View Point 9 <ul style="list-style-type: none"> A4007 Slough Road; junction of public bridleway and pedestrian footway, looking north 	Moderate Adverse	Minor Beneficial	Not significant
View Point 10 Mansfield Farm Access, looking west	Major Adverse (significant short term)	Moderate adverse	Not Significant
View Point 11 Footpath at the Junction of Knighton- Way Lane, New Denham, looking south west	Negligible Neutral	Negligible Neutral	Not Significant

8.38 The council's landscape consultants broadly agree with these conclusions, with the exception of:

- Viewpoints 3 and 4 which has long term effects minor adverse (not significant) rather than neutral;
- Viewpoint 5 which has long term effects minor-moderate adverse (not significant) rather than neutral;
- Viewpoint 6 which has long term effects moderate-minor adverse (not significant) rather than neutral;
- Viewpoint 9 which long term effects should be minor adverse (not significant) rather than beneficial.

8.39 It is considered that the viewpoints selected are an acceptable representation of the scheme's visual 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.

8.40 In summary, there would be major adverse short term visual effects, mainly to users of public footpaths running close to the site and access/users of the Mansfield Farm track, also serving Iver Environment Centre. As stated previously, these would be localised views. However, it is envisaged that the residual effects by year 15 would reduce this impact as the proposed mitigation matures, resulting in minor or moderate adverse effects. The applicant has proposed an indicative landscaping scheme which would provide

satisfactory mitigation. This would be in the form of woodland planting to the southern and western boundaries, some of which would be planted on low mounds to further screening opportunities. Planting is also proposed for the embankments on the slip roads to provide further screening. It is envisaged that the details would come forward as part of a reserved matters application.

Night Time Visual Effects

- 8.41 In terms of night time visual effects, it is recognised that the proposed MSA and the associated access and facilities would require lighting. Chapter 4 of the ES and ES Addendum identifies the proposed lighting for the site and appendix 4.1 includes a lighting assessment for the proposed MSA development in accordance with Institute of Lighting Professionals (ILP).
- 8.42 Paragraph 185c of the NPPF states that planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. In terms of the ILP the application site is located within Environmental Zone E2 which is defined as a 'sparsely inhabited rural areas, village or relatively dark outer suburban locations'.
- 8.43 The following areas of the proposed MSA would require lighting. It should be noted that Annex A of circular 01/2022 requires all new roadside facilities to be lit. The following areas would require lighting:
- Car, HGV and Coach Parking Areas
 - Internal access roads
 - Slip Roads and Roundabouts
 - New Overbridge
 - Service Areas
 - Fuel Filling Station
- 8.44 The lighting assessment provides detail on the impact and potential lighting approach incorporating best practice mitigation measures, including the use of luminaires with minimal to zero direct contribution to upward light; minimising luminaire uplift angles; careful aiming and positioning of luminaires; careful selection of luminaires; the use of optimal light distributions for their specific location and orientation; optimisation of mounting heights; the use of factory preset dimming; the adoption of the lowest intensity LED modules practicable (potentially using larger dimmed down LED modules); and minimising the task illuminance level. and provides visuals.
- 8.45 The proposed MSA would operate 24 hours a day and would require lighting during the hours of darkness. In addition, the access and egress points would require lighting which would be required at current standards. This would result in lighting columns to the access slip roads, overbridge and internal access routes. No lighting is shown for the Slough Road realignment.

Pedestrian lighting would also be required on the staff access route from the north of the A4007 Slough Road.

- 8.46 The proposed lighting would consist of LED luminaires, which has the benefit of a being more directional with low light spill. In addition, and where necessary, the proposed luminaires are capable of adjustment and isolation within each bulkhead to prevent upward light distribution. Thereby reducing impacts on sensitive areas such as ecological and residential receptors, including Iver Environment Centre. It is anticipated that the lighting scheme would operate on a Central Monitoring System which would allow dimming of lights typically between the hours of 23.00 - 5.00.
- 8.47 The impacts of the proposed lighting and its effects on the wider areas have been considered as part of the proposed MSA development.
- 8.48 It is anticipated that some of the proposed lighting columns would be visible above existing vegetation. However, these would localised views from the view-points described previously in the report. The proposed lighting columns would be viewed in the context of the existing M25 which benefits from lighting columns and other road side infrastructure such as overhead gantries and road signage. The surrounding area including that of Slough Road and the built-up areas of Iver Heath and Uxbridge are well served by existing street lighting.
- 8.49 As outlined above, and as set out in the lighting assessment, proposed lighting would be of modern cut off design, which would restrict the light spill of any proposed luminaires. Due to the site's location, and the presence of existing screening the illuminance of the proposed MSA is not expected to be apparent from many locations beyond the site and the immediate surroundings.
- 8.50 The lighting assessment which accompanies the ES concludes that the potential lighting glare based on the proposed luminaires and their location would be in accordance with ILP sky glow and light spill criterion for an E2 Environmental Zone and its impact on residential receptors and ecology. As such, it is considered that the effects of the lighting on the surrounding landscape would not be significant. It recommends the erection of a 2.0 m high (minimum) close-boarded timber noise barrier to the north-western boundary in order to control forward light spill from the luminaires illuminating the HGV Parking Area sited approximately 55m from the boundary; and the use of 1.0 m outreach brackets to the north-western boundary and to meet the ecological light spill criteria.
- 8.51 It would be considered necessary to impose conditions requiring the full details of the external lighting to ensure that the operation phase of the MSA would have an acceptable/ negligible impact on the light sensitive receptors. The Council's landscape consultant agrees with these findings in relation to lighting.

Cumulative and Secondary effects

- 8.52 The ES and ES addendum identifies the cumulative impacts of the MSA proposal and other larger scale developments nearby. In this instance the applicant has identified an extant permissions at Pinewood Studios (planning reference: PL/20/3280/FA and PL/20/3280/OA which has since been superseded by application PL/22/2657/FA). The proposals at Pinewood Studios would occur in a different area to Iver Heath than the subject proposal, and therefore the two schemes would not be readily visible together from any of the view points identified in the LVIA.
- 8.53 In addition, there is the consideration of the separate mineral application under reference (CM/0036/21). The mineral extraction forms part of the overall MSA project and has been addressed as part of the construction phase of the development (considered further in the report below). However, given that the removal of mineral is a direct secondary consequence of the MSA development on the site, this has been addressed as part of the ES addendum, and provides the secondary effects of the mineral extraction part of the project.
- 8.54 In terms of the landscape effects as a consequence of the mineral extraction, it is accepted that there would be localised and temporary adverse change in character as a result of the extraction. The mineral extraction would be evident from short range. However, longer range views would be obscured by existing vegetation cover. It is anticipated that as the construction phases progress, areas subject of the extraction would be restored to existing levels (after the removal of the temporary compound). Overall, it is considered that the secondary effects on landscape character would not be significant.

Conclusion on landscape character and visual effects

- 8.55 The proposed the development would result in the loss of agricultural land, and would include new buildings, hardsurfacing and soft landscaping. In addition, a new access would be created off the M25, together with a new over bridge and re-alignment of the Slough Road. Mitigation in the form of woodland and other planting is proposed for both visual and biodiversity net-gain purposes.
- 8.56 In terms of the landscape character, the ES and ES addendum conclude that the proposed development would have moderate to major short term effects reducing to residual moderate adverse a visual impacts with the mitigation after 15 years on the immediate environs on the Character Areas. However, in the wider context it is considered that the harm to the wider context would result in minor adverse impacts which would be not significant. 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.

- 8.57 There would be some significant visual effects as a result of the MSA development in the short term. However, as similarly to the above, these are considered to be localised, where the development would give rise to a notable change in view, i.e., from the public footpath to the east side of Iver Heath and from the Mansfield Farm access road situated on the eastern edge of the application site. However, these views are expected to change over time as the proposed planting matures and begins to obscure views of the proposed MSA development. Due to the landforms and existing vegetation, it is expected that the landscape character in terms of longer views within the study area would be limited.
- 8.58 As such, the residual effects or long term views on the majority of the localised view points are considered to be minor or minor-moderate adverse (not significant) The exceptions to this would be the long terms views from the field North of White Cottage, which would be moderate- minor adverse. The Council's landscape advisor considers the effects to be reduced to not significant over time as the woodland planting establishes.
- 8.59 Noting the above, whilst there would be some harm to localised short views, over time and with the proposed landscape mitigation it is considered that the residual (with mitigation) longer views and the wider impacts on the landscape would not be significant. Overall, it can be concluded that the proposal will cause moderate harm individually, secondary and cumulatively in terms of the impacts on the landscape character and visual effects of the development. As such, the proposed development would be contrary to the Policy CP9 of the Core Strategy, Policy EP3 of the Local Plan, Policies IV1 and IV13 of the Ivers Neighbourhood Plan and Paragraphs 130 and 174 of the NPPF. Overall, this is afforded moderate negative weight in the balance.

9.0 Agricultural Land

- 9.1 The NPPF at paragraph 174b notes the benefits of protecting best and most versatile agricultural land (BMV). 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'.
- 9.2 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.
- 9.3 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.

9.4 Detailed soil reports have been produced to determine the ALC grade of agricultural land on both sides of the M25, these reports have been carried out in accordance with Natural England's Technical Information Note 049 – 'Agricultural Land Classification: protecting the best and most versatile agricultural land.'

9.5 The application site straddles the M25 and comprises approx. 30 hectares of agricultural land. Non-agricultural land within the site comprises of small pockets of woodland, farm tracks and existing road infrastructure. Soil samples and investigation have been carried out across the application site. The overall assessment concludes that soils across the site would consist of Grade 3b land (moderate quality), and therefore non-BMV land.

9.6 As such, although the proposed development would result in a permanent change of non-agricultural use, the land consists of non-BMV land and therefore there would not be a conflict with para. 174b of the NPPF which highlights the benefits of BMV land (of which, no soils were found within the application site).

Cumulative and Secondary Effects

9.7 There is the consideration of the separate mineral application under reference (CM/0036/21). The mineral extraction forms part of the overall MSA project. The mineral extraction would take place on the part of the same land as the subject MSA application which would be a secondary effect. As all the affected land would consist of non-BMV land, there would remain no conflict with para. 174b of the NPPF in this regard.

9.8 Overall, as the proposed development does not result in the loss of BMV and would therefore comply with the NPPF in this regard. This should be weighed favourably against the scheme within the balance.

10.0 Highway Safety, Transport and Access

Core Policy 7: Accessibility and Transport

Local Plan Policy TR5: Accesses, Highway Works and Traffic Generation

Local Plan Policy TR7: Parking Provision

Ivers Neighbourhood Plan Policy IV6 (Sustainable Travel)

Ivers Neighbourhood Plan Policy IV8 (Managing Traffic)

Ivers Neighbourhood Plan Policy IV9 (Reducing Heavy Goods Vehicles)

Buckinghamshire Countywide Parking Guidance, September 2015

10.1 Core Strategy Policy 7 aims to ensure that the impact of new development on the road network is minimised and mitigated through the use of mobility

management measures such as travel plans, parking charges and car parking levels. It also sets out the support of public transport schemes as long as there are strong environmental safeguards in place.

10.2 Local Plan Policy TR5 states that;

'In considering proposals involving a new or altered access onto the highway, works on the highway, the creation of a new highway or the generation of additional traffic the District Council will have regard to their effect on safety, congestion and the environment. Development will only be permitted where;

a) The proposal complies with the standards of the relevant Highway Authority; and

b) The operational capacity of the highway would not be exceeded, or where the proposal would not exacerbate the situation on a highway where the operational capacity had already been exceeded; and

c) Traffic movements, or the provision of transport infrastructure, would not have an adverse effect on the amenities or nearby properties on the use, quality or character of the locality in general, including rural lanes.

Where off-site improvements to the highway are required to serve a development, the District Council will not grant permission unless the applicant enters into a planning obligation to secure the implementation of these works.

Proposals involving either the construction of new site accesses, or a material increase in the use of an existing site access, directly onto the strategic highway network will not be acceptable if they would likely to result in the encouragement of the use of the network for short local trips or compromise the safe movement and free flow of traffic on the network or the safe use of the road by others.'

10.3 Policy IV6 of the Ivers Neighbourhood Plan seeks to encourage safe, accessible and convenient means of walking, cycling and horse riding through the Parish. It refines Core Strategy Policy 7 by providing a local element to its provisions.

10.4 Policy IV8 of the Ivers Neighbourhood Plan relates to managing traffic in the Parish and refers to the support of traffic mitigation measures at key locations in the Parish. In addition, it refers to strategic development in the Parish and the need for these developments to make direct and proportionate contributions to delivering improvements in highways infrastructure.

10.5 Policy IV9 of the Ivers Neighbourhood Plan outlines support for any change of use of land that results in the reduction of HGV traffic through the Parish. In addition, proposals for developments that would result in the intensification of HGV movements will not be supported.

10.6 Paragraph 106 e of the NPPF 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 community.

10.7 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).

10.8 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”.

10.9 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 sever.”

10.10 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).

10.11 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.

10.12 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 Framework Travel Plan (FTP).

10.13 Baseline conditions were established on the motorway network as well as the local highway network, the walking and cycling network. Baseline traffic flows for the M25 were obtained from WebTRIS and used to establish baseline conditions and due to the Covid-19 Pandemic were taken from the 2019 period, this looked at annual average traffic flows, daily flows, vehicle speeds, HGV percentages and personal injury collisions (over the last available 5-year period, 2016-2021).

- 10.14 Baseline information has been extrapolated (from 2019) for future baseline conditions which includes the periods of likely construction (2023/2024) and opening year (2025). The ES concludes that in terms of percentage change in vehicular movements would not be significant.
- 10.15 Proposed access to the MSA would be in the form of on/off slip roads via a new grade separated junction incorporating a new overbridge which would include the southbound accesses and the Slough Road (A4007). A roundabout would be located on the western side of the M25 which would link the slip roads and include the accesses to the northbound carriageway. The design of the slip rounds and tie-ins to the M25 were amended during the course of the application in consultation with National Highways. One of the reasons for the amendments was in response to the pausing of the Smart Motorway upgrade (due to safety concerns) which was scheduled for this section of the M25. It has since been confirmed by Government that the Smart Motorway proposals for this section of the M25 have now been cancelled. Notwithstanding this, it is anticipated that the current scheme would not prejudice the implementation of the Smart Motorway delivery should this be resumed in the future. The situation in respect of the realigned Slough Road is addressed separately below.

Impact on the Strategic Road Network (SRN)

- 10.16 In terms of the impact of the proposal on the M25 (as part of the SRN) National Highways (NH) will be concerned with the impact of the proposal on the safe and efficient operation of the SRN, in this case the carriageways of the M25 between junction 15 for the M4 and junction 16 for the M40.
- 10.17 The Design Manual for Roads and Bridges (DMRB) contains information setting out the current standards relating to design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom.
- 10.18 The proximity of the proposed MSA development to junction 16, and in particular the M40 to M25 southern slip roads and their proximity to the proposed southbound slip to the MSA would have an impact on achieving safe weaving distances (WD).
- 10.19 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.

10.20 The DMRB requires a minimum distance of 2km between grade junctions on a motorway. National Highways advise that approval in principle has been given for the departure regarding weaving distance to the M40 but the departure will be subject to an application for full approval before the access strategy can be fully approved. The safe and efficient operation of the M25 should not be compromised. National Highways is supportive of a MSA facility in the north west quadrant of the M25 and recommends a number of conditions. It is recognised that a significant level of detail has been submitted as part of the application but there are still details to be agreed to enable implementation of the proposed development. This will be progressed through the Reserved Matters process to agree a preliminary design for the MSA access including Road Safety Audits (RSA's).

10.21 In the absence of an objection from National Highways it is considered that the impact of the proposed development on the SRN would not be severe and would be acceptable, subject to further details being obtained through National; Highways recommended planning conditions.

Provision of a Secondary Access

10.22 When the application was initially submitted a secondary access off the local highway network was proposed. This would be for staff and emergency access only and subject to a number of controlled access points. It should be noted that National Highways and MSA operators have found historically that the provision of secondary vehicular access are abused by motorists in attempt to take short cuts through the local network to the motorway or vice versa, and therefore creating an unauthorised route.

10.23 Current policy on roadside services as set out in DfT Circular 01/2022. Paragraph 91 of the circular states "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 During the course of the application minor amendments were made to the proposed secondary access from the Slough Road whereby the secondary access would be curtailed for motorised vehicles, just beyond the

staff set down point. Beyond this point there would opportunity for staff and authorised personnel to access the MSA by foot or cycle.

10.25 Given the above, the proposed secondary access would prevent an unauthorised through connection in the site, whilst still providing an opportunity for authorised operatives to reach the site by motorised vehicle in close proximity. 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.

10.26 Thames Valley Police (TVP) have submitted comments in relation to the proposal highlighting that the current Beaconsfield MSA already represents a large impact on police resourcing and the lack of a full secondary access would exacerbate this further. However, it should be noted that the current Beaconsfield MSA is an offline facility which is also fully accessible from the Local Highway Network i.e. A40 and A355. TVP go on to comment that the minimum requirement would be for a part secondary access without a direct connection, which is now proposed. However, comments state that the on-foot distance from the access to the MSA facility would be too great.

10.27 National Highways has recommended conditions (in the event of any approval) to ensure that vehicular access to the MSA car park and facilities building is from the M25 only and therefore compliant with the policy contained within Paragraph 91 of the DfT Circular 01/2013, replace by 1/2022. National Highways has accepted that access to a secure area within the MSA site could be acceptable but that it should be discreet and not capable of having vehicular access to the main MSA car park or onwards to the M25. While noting the concerns of TVP, it is considered that this is the solution to be secured through condition(s) in the interests of public safety, for the reasons set out above. Further details on security are dealt with latter in this report.

On-line vs Off-line location

10.28 As outlined previously, the proposed MSA is to be an on-line service area, in that it can only be accessed from the M25. Paragraph 84 of Circular 01/2022 set out that on-line (between junction) service areas, such as the one being proposed, are considered to be more accessible to road users and as a result are more attractive and more conducive to encouraging drivers to

stop and take a break. They also have the added advantage of avoiding the creation of any increase in traffic demand at existing junctions, and on existing local road networks as vehicles do not need to exit the Motorway to access the MSA. Therefore, in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, NH 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.

Impact on the Local Highway Network

- 10.29 In terms of Impact on the Local Highway Network, it is important to note that when operational, visitors to the MSA travelling by vehicle will only be able to access/exit the site from the M25 (as highlighted previously). There will be no secondary vehicular route that connects with the local highway network, save for a controlled access route from Slough Road which is only for use of emergency vehicles and staff drop off-point. Should an emergency need arise for police vehicles to access the site without going via the M25, this will be possible by allowing such vehicles to reach a point before stopping the vehicle to then travel by foot to the MSA. Public use by vehicle of this route will be prohibited.
- 10.30 Buckinghamshire Council as the Local Highway Authority have reviewed the proposal in relation to the impact on the A4007 Slough Road. In terms of the proposed staff access off the Slough Road Highway officers are satisfied that the access is sufficient to serve its purpose and would not result in detrimental impact on the Local Highway Network. Notwithstanding this, control measures are to be put in place to ensure this emergency access route is access restricted and only used as intended (i.e. by police vehicles) and that it is appropriately managed and not mis-used. To ensure this access is kept secured and does not allow for unrestricted vehicular access a detailed Security Framework/ Management Plan, be secured through condition. This will include provisions for on-going monitoring of the Management Plan.
- 10.31 The proposed MSA development includes the re-alignment and re-building of the A4007 Slough Road overbridge which spans the M25 motorway.

Figure 2: Extract of red edge site plan showing realigned Slough Road

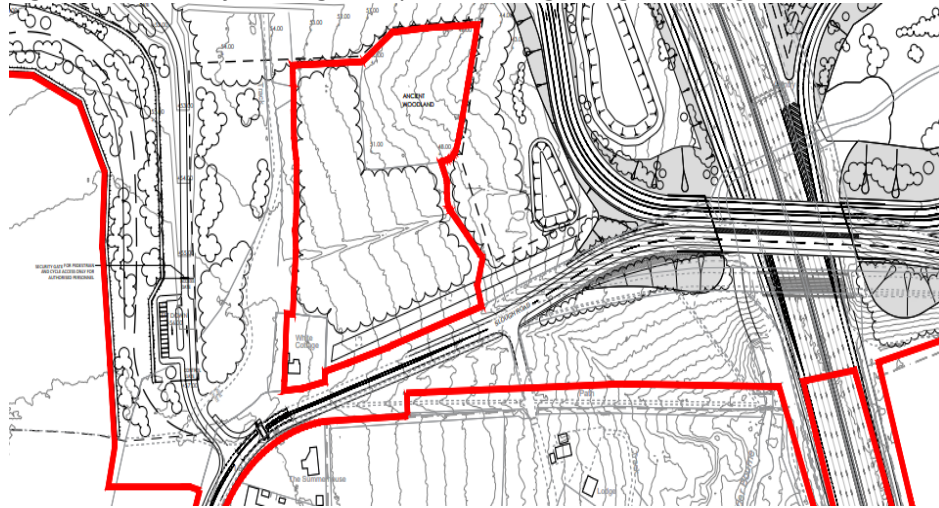
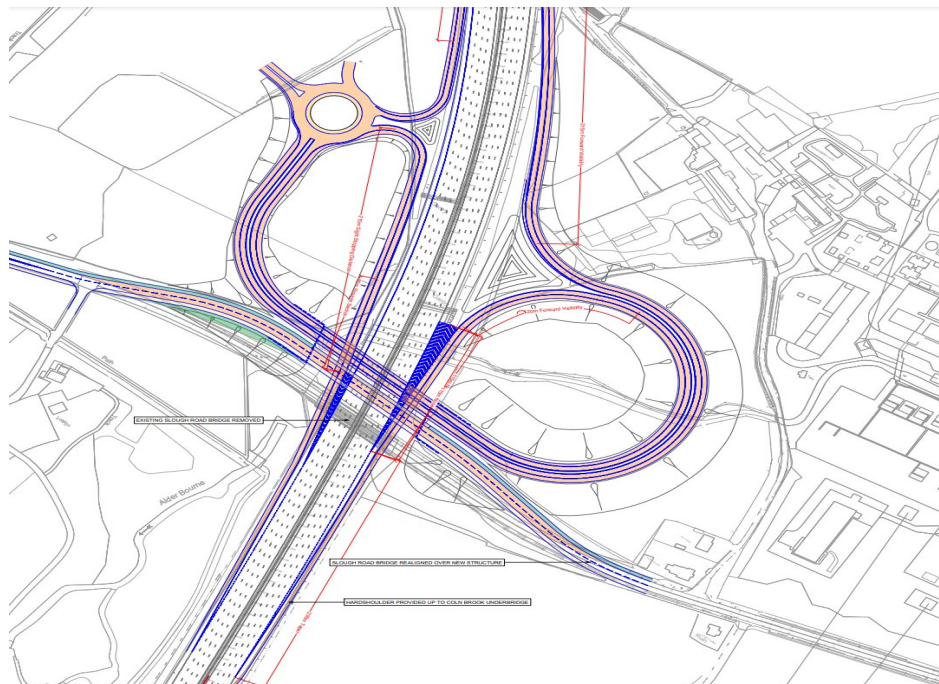


Figure 3: Map showing Access Arrangements



The proposed bridge would be subject to further applications to NH as part of Design Manual for Roads and Bridges. Buckinghamshire Council Highway officers would be concerned with the operation and safety of the A4007 Slough Road. The applicant has submitted a Stage 1 Road Safety Audit (RSA) as part of these proposed works, and Highway officers are satisfied with the recommendations, including a dedicated right hand turn lane for the staff access. In regard to the A4007 Slough Road realignment and new over bridge,

it is anticipated that the new bridge would be constructed prior to the re-alignment of the A4007. After completion, road traffic would be diverted onto the new bridge. The existing A4007 overbridge would then be dismantled (as indicated in Chapter 4 of the ES). Throughout this construction process the A4007 would remain open to traffic. This, together with the other improvements identified would be dealt with as part of the off-site highway works agreement.

Construction Traffic

- 10.32 In terms of construction traffic, access to the construction site will need to be agreed in advance with the relevant Highway Authorities (Buckinghamshire Highway Authority and NH). During the initial construction phase a temporary construction access route is anticipated as being required from Slough Road to the application site. This access will utilise the existing farm access running northward from Slough Road. Buckinghamshire Highway Authority has raised no objection in terms of the construction impacts on the Highway. However, it will be necessary to agree appropriate routes and take into account careful coordination for the Slough Road overbridge works. Such matters would be required as part of a comprehensive Construction Management Plan which would be secured via planning condition.
- 10.33 The ES states the overall construction period is anticipated to take approx. 21 months. The applicants propose for the first 6 months the construction traffic would be limited to the use of the existing local road network for access, to establish the site compound and construct an access from the M25 for construction traffic. Once access from the M25 is established, and is ready for use, all construction traffic will access and egress the site from the M25. The 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 on the local road network during this defined period of time. It should be noted that the separate Minerals application would form part of the initial construction stage. Whilst, cumulative and secondary effects are dealt with below, the construction access and egress via the M25 would be via temporary slip roads which would be made permanent as the MSA development progresses. National Highways have not objected to this arrangement and have requested a planning condition to review the further details of the arrangement.
- 10.34 Construction traffic has been forecast at around 20 HGV movements per day on the Local highway network it is considered unlikely that construction traffic will represent a magnitude of increase that will require assessment of effects. On that basis, effects resulting from construction would be minor and not significant. In this regard, it is considered that there

would not be a direct conflict with policy IV9 of the Iver Neighbourhood Plan. The proposed MSA when operational would not result in extra HGV movements on the local roads in the Parish, as these movements would be limited to and from the SRN. Any HGV movements associated with construction of the MSA that would be required to use the local roads would be for a temporary period only. Buckinghamshire Highways have raised no concerns with the planning proposals.

Parking

10.35 Local Plan Policy TR7 and the Buckinghamshire Countywide Parking Guidance, September 2015 does not 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 C7 refers to the expectation that new development will be expected to provide appropriate and effective vehicular and cycle parking.

10.36 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.

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

- Car parking: 941 spaces (including 5% disabled bays)
- Caravan parking, motorhome and trailer: 30 spaces
- Motorcycle parking: 28 spaces
- Coach parking: 30 spaces
- HGV parking: 150 spaces
- Abnormal load: 1 space
- Staff Car parking: 50 spaces

10.38 The proposed parking quantum would align with the parking standards set out in Annex A of the circular, and therefore, no objections are raised to parking provision, with a condition recommended to secure the final parking details at a later stage.

10.39 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 NH's aims of preventing overspill of HGV parking in the immediate vicinity of road side 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 and would therefore accord with the aims of paragraph 109 of the NPPF.

10.40 In addition to the parking provision above, the proposed MSA development would also incorporate 100 Electric Vehicle Charging Spaces. Officers consider that this level of on-site provision would help promote sustainable travel opportunities and would also align with Ivers NP policy IV7 and paragraph 107e of the NPPF. The EV parking spaces would also be secured via planning condition.

Trip Generation

10.41 Trip generation will be primarily focused on those to/ from the M25, as once operational there will be no form of direct secondary vehicular access onto the local road network from the MSA for the public to use. A rear/secondary access is provided from Slough Road. The intention is for this to be used for TVP restricted emergency use only access from Slough Road and staff drop off /pick up area and potential shuttle bus drop off/pick up. For the currently estimated period of 6 months, and during this initial phase of construction some construction trips will use the local road network, as discussed previously.

10.42 There are predicted to be an average of 163 staff trips per day by car in the ES. Average Daily Traffic (ADT) resulting from these trips amounts to 1,350 two-way trips per day. To put this into context, the existing ADT on the motorway between junctions 15 and 16 is 207,816. Employee shift patterns will also be relevant to this, and they are addressed under the heading of 'promoting sustainable travel opportunities' below.

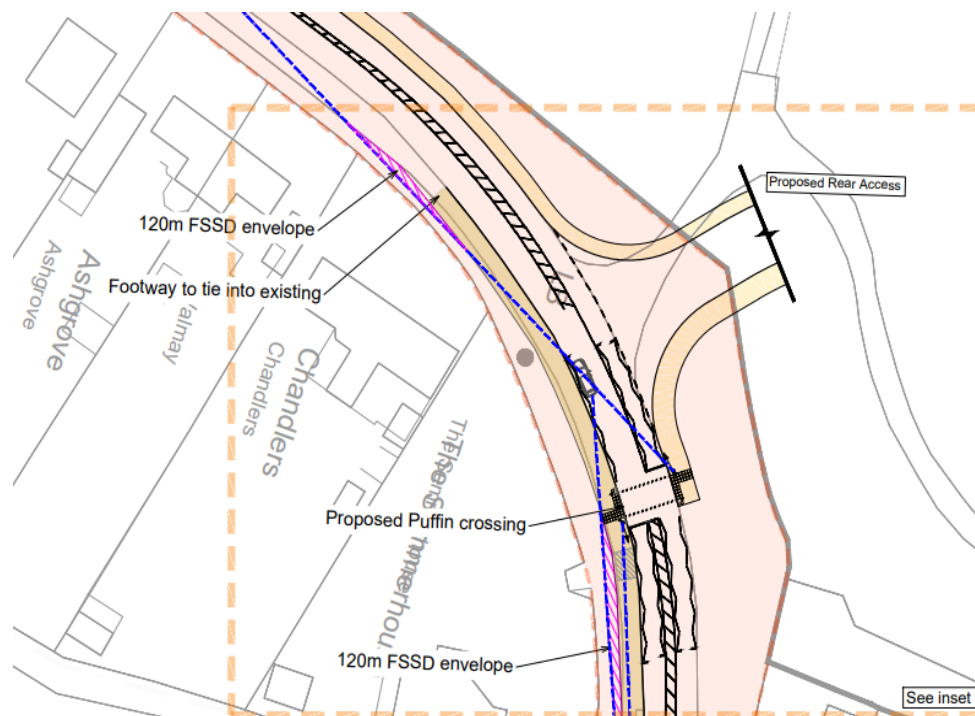
10.43 From this it is calculated that magnitude of increase in ADT due to the proposed development, once operational, is approximately 0.2% and 1.8% of HGV movements. The effect of the increase in traffic is considered in the ES to be negligible, in accordance with DMRB HA205/082, and the magnitude of change below the thresholds for further assessment, in order to accord with the IEMA methodology. No further assessment is required.

10.44 The Local Highway Authority accepts the point that operational trip generation of the MSA on the local highway network will be minimal. No further information is therefore required.

10.45 In terms of off-site highway works would include the following:

- Realignment of the A4007 Slough Road
- Upgrades to pedestrian footways
- Provision of a signalised pedestrian crossing across Slough Road
- Upgrades to bus stops

Figure 4: Extract Plan of Slough Road Crossing and Footpath Works



10.46 These off-site works have in principal support from the Buckinghamshire Highway Authority, and the final details would need to be finalised under a Section 278 works agreement with the Highway Authority. It is therefore considered that the proposed development would be acceptable in terms of trip generation highway impact.

Promoting Sustainable Travel Opportunities

10.47 The application site is close to the A4007 Slough Road which benefits from a regular bus service between Uxbridge and Slough. As highlighted previously, a staff access would be created into the site for pedestrians and cyclists. In addition, a number of off-site transport improvements would be put forward by the applicant including upgrades to the bus stops on the Slough Road and the provision of a puffin crossing.

10.48 In addition to the above it is noted that the Planning Inspector commented on the accessibility of the proposed Iver Heath MSA location when judging the comparative merits with the dismissed CSP1 scheme. At paragraph 114 of the appeal the Inspector notes:
'The site (Iver Heath) is capable of being accessed by foot and cycle from nearby built-up areas provided a link is allowed, similar to that included with the appeal proposal. There are daytime bus services on A4007. Uxbridge Tube Station is about 1 ½ miles to the east. There are proposals to link the tube station to the site with a shuttle bus service for staff. Therefore, the site is capable of achieving a good level of accessibility for an MSA.'

10.49 In relation to sustainable travel opportunities an updated Framework Travel Plan (FTP) has been submitted in support of the application. The FTP is

a document which sets out objectives to reduce reliance on single occupancy car journeys, provide opportunities for active healthy travel, to increase proportion of journeys to and from the site by sustainable modes of transport, and to promote walking and cycling benefits.

10.50 The proposed MSA is forecast to employ approx. 399 full-time equivalent with various shift patterns throughout a 24-hour period when the proposed development would be operating at full capacity. It is recognised that due to the location, that most trips would be by car. The draft FTP sets out the measure which would encourage the sustainable travel. These would include:

- Travel Information pack which would include details of walking, cycling and public transport routes. The travel information would include the promotion of events such as 'walk to work weeks', National Car Free Day, Green Transport Week and National Bike Week. In addition, it would encourage the formation of a bicycle user group (BUG).
- Appointment of a Travel Plan Coordinator, who would be responsible for the day-to-day implementation, monitoring and review of the travel plan initiatives.
- Cycle promotion with cycle spaces to be provided on site.
- Dedicated Staff Shuttle Bus running from Uxbridge to the Slough Road
- Promotion of car sharing
- Car park management plan

10.51 It is intended that the draft travel plan would provide benefits to the developer, the local community and the employees of the MSA. These would include:

- Encouraging the use of sustainable modes of transport and therefore improving the local environment by reducing congestion during peak commuter periods.
- Increase inclusivity for employees by encouraging and facilitating access to the site by a variety of modes of travel;
- Reduce the local impact of single vehicle occupancy employee car journeys to and from the site;
- To encourage a reduction in carbon emissions;
- To encourage healthy lifestyles amongst employees;
- Allow employees to make informed travel choices and potential lower cost mode of transport.

10.52 A travel plan co-ordinator would be appointed to oversee the travel plan put in place. The Travel Plan targets will be set once the MSA is operational, as there will then be more certainty about tenant employees at that time. It is proposed that an initial travel survey of staff be undertaken within the first six months of opening, this is to establish a baseline. A more detailed survey will then be undertaken annually. At this stage an initial 5-year target reduction for single occupancy vehicle use is proposed against the

baseline, to be achieved over a 5-year implementation period. Survey results and reports would be to be submitted to the Council (within 3 –months completion of the surveys), so that it can be decided how targets might be better achieved (if necessary). An annual report will be produced that will review the effectiveness of the FTP in the previous 12-month period, with details of any further measures that may be proposed over the following period. This can be secured through a S106 agreement.

10.53 In addition to the above, the Travel Plan Co-ordinator would also be responsible for monitoring staff travel to and from the site, which would include reviewing the uptake of car sharing, car parking and the use of the staff shuttle bus. 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

10.54 One of the aims of Policy IV8 of the Ivers Neighbourhood Plan relates to managing traffic within the Ivers Parish. Part A of Policy IV8 states that: *‘Key locations, as shown on the Policies Map, have been identified as areas where public realm improvements and traffic mitigation measures are required to enhance the active travel environment and improve residential amenity and highway safety. Proposals which deliver such public realm improvements and traffic mitigation measures at key location will be supported.’* Plan L within the Ivers Neighbourhood Plan identifies those public footpaths adjoining the application site as being opportunities for key routes.

10.55 The proposed MSA development would result in the diversion of a public bridleway. Public Bridleway IVE/32/1 currently runs in a north south direction from Slough Road, through the western parcel of the application site, and then follows the M25 in a north west direction towards Denham Road (A412).

10.56 It is proposed to divert the existing bridleway around the western perimeter of the proposed MSA development, this would then tie back and adjoin the existing alignment adjacent to the south west side of the M25.

10.57 The Council’s Strategic Access officer has reviewed the application and has raised no objections to the diversion of the bridleway. However, this would be subject of the design details, and these can be secured by condition.

10.58 In addition to the above, the Council's Strategic Access officer has requested provision for the safe passage of users of the bridleway as part of the proposed crossing on the Slough Road. Similarly, these details can be provided as part of the crossing and off-site highway works proposed as part of the development. Subject to securing the off-site works as mentioned previously officer consider that the public rights of way and enhancement works would align with the aims of policy IV8 of the Neighbourhood Plan.

Cumulative and Secondary Effects

10.59 The ES and ES addendum has considered cumulative impacts in terms of traffic and transport effects. In relation to other nearby major developments consideration has also been given to developments affecting Pinewood Studios as previously referred to. In this regard the ES has concluded that there would be no significant cumulative effects together with the MSA.

10.60 In addition to the above, the ES addendum has considered the secondary effects in relation to traffic movements associated with the mineral's extraction. As previously highlighted, the mineral extraction is required as a result of the MSA proposal, and the minerals would need to be extracted before the MSA can be developed. Construction effects have been outlined above, with the construction of the MSA occurring within phases. The set-up of the construction compound and minerals extraction would occur during phases 1 and 2.

10.61 During Phase 1 it is anticipated that for the site set up there would be a slight increase of HGV movements on local roads, this moving to the M25 during phase 2 when the extraction traffic is routed onto the M25. The residual impact of the traffic movements has been identified as moderate, and would be reduced to minor once the traffic movements enter into phase 2 of the construction process.

Summary on Highway Safety, Transport and Access

10.62 Neither Highway Authority considers this proposal, once operational, is likely to result in an unacceptable impact on highway safety, nor will the resulting impacts on the road network be severe to the extent that refusal of permission would be warranted. The no objection positions adopted by both National Highways and Buckinghamshire Highway Authority show that the proposed development is deliverable for the SRN, with no technical constraints, and also for the local road network, subject to the recommended conditions and S106 mitigation.

10.63 During construction works, and for a temporary period only the local road network would need to accommodate construction traffic, via Slough

Road and other A roads within the Iver Parish. This arrangement would be for a defined, short-term period only, and subject to a Construction Traffic Management Plan (CTMP) being secured and adhered to, which shall include measures to be employed to mitigate and minimise impacts on the local road network during the initial temporary period, where there will be some effects and inconvenience, no objection is raised to this arrangement.

10.64 Overall, it can be concluded that the proposal will 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. Any temporary negative effects on highway convenience during the construction phase are outweighed by the associated benefits. Limited benefits will result from the HGV parking provision as this meets an identified need in the south east region, and the enhancements to the Public Right of Way network are also a benefit that attracts limited positive weight in the overall planning balance. It has been demonstrated that the proposal is not in conflict with paragraph 109 of the NPPF or any relevant development plan policies in the adopted Core Strategy, Local Plan and Ivers Neighbourhood Plan.

11.0 Ecology, Biodiversity & Arboriculture

CP9 (Natural environment)

CP13 (Environmental and resource management).

IV13 (Colne Valley Regional Park)

Buckinghamshire Council Biodiversity Net Gain SPD (July 2022)

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 Core Strategy Policy CP9 aims to conserve and enhance bio-diversity by maintaining existing ecological corridors and avoiding habitat fragmentation. In addition, seeking the conservation, enhancement and net gain in local biodiversity resources. It states that not permitting development that would harm nature conservation interest, unless the importance of the development outweighs the harm caused, the council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, including a net gain in biodiversity.

- 11.4 Policy IV13 of the Ivers Neighbourhood Plan relates to development in the Colne Valley Regional Park. Amongst other things policy IV13 states that developments should conserve and enhance biodiversity within the park through the protection and management of its species, habitats and geological features and enhancement of habitat connectivity. It also seeks to protect and enhance water bodies, their water quality and ecology/riparian habitats.
- 11.5 The Biodiversity Net Gain SPD (2022) sets out guidance on how biodiversity net gain can be delivered in Buckinghamshire.
- 11.6 Paragraph 174 of the NPPF emphasises the importance of development that contributes to and enhances the natural and local environment, with paragraph 174 (d) setting out the importance of minimising impacts and providing net gains for biodiversity.
- 11.7 Paragraph 180 of the NPPF sets out a number of principles to be applied when considering applications affecting habitats and biodiversity. Point a of para. 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Point c of para. 180 highlights that development resulting in the loss or deterioration 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. Point d of para 180 refers to the need to conserve or enhance biodiversity, including securing measurable net gains. Paragraph 180b of the NPPF 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.
- 11.8 The Colne Valley Regional Park has objectives which are also relevant in terms of biodiversity and habitats. These are;
- “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.”
- 11.9 In terms of designations, the nearest to the site is a small area (0.5ha) of Ancient Woodland, which is adjacent to four sides of the application

boundary to the north of White Cottage. In terms of statutory designated sites, Burnham Beeches Special Area of Conservation (SAC) lies approx. 7.6km from the application site, with the application sitting outside of the 5.6km zone of influence for the Burnham Beeches SAC. There are two sites of Special Scientific Interest (SSSI) which lie within a 2km study area, these comprise of Kingcup Meadows and Oldhouse Wood SSSI (located to the north of the A412 Denham Road) and Black Park SSSI (located to the west of the Iver Heath). There is also a Local Nature Reserve (LNR) located within Black Park.

- 11.10 In addition to the above, a total of eleven non-statutory sites are designated within the 2km study area, which include Local Wildlife Sites (LWS), Biological Notification Sites (BNS) and Sites of Importance for Nature Conservation (SINC).
- 11.11 The ES sets out that there would be no loss of ancient woodland located to the south of the site (to the rear of White Cottage). However, during construction it has been identified that there would be a small magnitude increase in nitrogen deposition. This increase has been identified as not significant in EIA terms and would be reduced to negligible effect with incorporated mitigation through a CEMP.
- 11.12 The ES identifies the ancient woodland above as a priority habitat, together with the adjoining hedgerows and woodland belt to the north west of the site. Surveys have not identified the presence of bat roosts, badger sets or dormice being supported by priority habitats. The exception being for breeding birds, for which mitigation would be required to ensure that any works are implemented outside the breeding season.
- 11.13 In terms of the Kingcup Meadows and Oldhouse Wood SSSI's the ES sets out that there would be no significant effects. The River Alderbourne has been identified as a sensitive receptor for ecology, the proposed works in close proximity to this water body has the potential to result in pollution or siltation. Minor negative impacts have been identified without mitigation. A CEMP could be secured by condition to ensure impacts on water bodies are minimised.
- 11.14 Natural England considers that the proposal would not likely result in significant impacts on the SSSI's as outlined above. The Council's Ecologist has not raised any concerns in relation to Local Nature Reserves or Local Wildlife Sites and recommends conditions, including the requirement for a LEMP. Burnham Beeches Special Area of Conservation (SAC) is located approx. 7.6km away. Taking into account the distance and nature of the development an appropriate assessment would not be required as part of the screening process. Therefore, Burnham Beeches SAC would not be adversely affected by the proposed development.

11.15 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 8 of the ES and concludes that the impacts construction phase or the operational phase of the MSA would not be significant on the ecological receptors set out above.

11.16 Chapter 6 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. Phase 1 habitat surveys were carried out in 2019-20 and further updated in 2021. Ecological surveys comprised of the following:

- Reptile Survey
- Breeding Bird Survey
- Badger/otter & water vole walkover surveys
- Dormouse survey
- Bat Surveys (including tree surveys)

11.17 Habitat losses as a result of the construction have been identified as 29m and 31m of river habitat for the Alderbourne Underbridge East and new Slough overbridge respectively. Hedgerows, including lines of trees would result in a loss of 0.34km and a loss of 1.44ha of immature woodlands planting within the site. The submitted surveys have not indicated that there are any protected species within the proposed development footprint area. However, the bat surveys and breeding bird surveys have identified a number of potential roosting sites. As such, further verification/walk over surveys would be required in relation to bats and felling would need to be carried outside bird breeding seasons.

11.18 Potential effects have been set out within the ES and ES addendum, with the likely impacts on each receptor. It is noted that no effects have been identified to any designated site within the 2km search area. However, minor effects have been identified to the following receptors:

- Ancient Woodland (to the southwest) (as referenced above)
- Bats
- Habitats (lowland mixed deciduous and hedgerows)
- Rivers and Streams (Alderbourne and Colne Brook)
- Breeding Birds
- Shelterbeds and Plantation

11.19 A number of mitigation measures are proposed as part of the proposal, without these it is likely the effects outlined above would be significant and lead to an adverse effect in terms of habitat loss and fragmentation.

Protected Species

11.20 The Habitat Regulations 2017 aim to protect habitat and species of European importance. The PPG 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.

11.21 The PPG also sets out the Protected Species Licensing Requirements. The guidance sets out that authorities must be satisfied that if a licence is needed, it's likely to be granted by Natural England or Defra before granting planning permission. The three licensing test are:

- the activity is for a certain purpose, for example it's in the public interest to build a new residential development

- there's no satisfactory alternative that will cause less harm to the species

- the development does not harm the long-term conservation status of the species

11.22 In addition to the above, the PPG sets out guidance on District Level Licensing (DLL), which is a type of strategic mitigation for great crested newts (GCN). DLL schemes for GCN can be place at the location of the development site and allows developers to make financial contributions to strategic off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys.

11.23 The ES and ES addendum sets out the impact of the proposed MSA on protected species.

Bats

11.24 In terms of the mitigation proposed for protected species, the following measures are proposed to be introduced. In terms of bats, though no roosts have been identified as part of the initial surveys, further checks and possible licences would need to be obtained because of the transient nature of bat roosts. As the proposed development may have the potential to experience delays between completion of survey works and commencement of works on site, it is recommended that further verification surveys are conducted prior to the commencement of works. This has been

agreed as an acceptable approach by the Council's ecology officer and will be secured by condition.

Badgers

- 11.25 As stated earlier, the habitat surveys found no evidence of badgers on site or within 50m of the application site. However, it is deemed necessary that further walk over verification survey will be required before the commencement of works to ensure that there have been no changes in site circumstances in relation to badgers.

Reptiles

- 11.26 In terms of reptiles, the habitat surveys carried out in 2019, 2020 and 2021 revealed an absence of any reptile species. The survey results suggest that habitat quality for most of the site was assessed as poor for reptiles. As such, it is considered that further surveys would not be required. However, similar to the badger mitigation measures, a verification survey will be required prior to any works commencing on site. Mitigation will need to be provided if found.

Great Crested Newts

- 11.27 No evidence of Great Crested Newts (GCN) were found within the site as part of the habitat surveys. The Council's Ecology officer notes that the development site is classified as an amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. A total of 0.348ha is within the red zone, 0.84% of the site. However, during the course of the application it was brought to the LPA's attention that there was a confirmed presence of GCN within the pond of a neighbouring site (Iver Environment Centre) (which is outside the application site of an approximate distance of 64m and to be retained). This has been demonstrated through positive EDNA testing and associated population assessments. The new information as set out above is a material planning consideration in the assessment of the proposal. The proposal does not propose to remove or damage this pond, however great crested newts do forage, disperse or hibernate on nearby land, and therefore there is a potential risk of newts entering the application site.
- 11.28 Under the Habitats Directive mentioned above a licensing system is in place to permit otherwise unlawful activities and can only be granted for certain purposes. Natural England guidance sets out the relevant tests to be considered. Under the Council's District Licencing the council can take the de minimis approach. As <2% of the site is red the ecologist is satisfied that the

zone can be downgraded and classified as an amber zone instead. Within an amber zone, no on-site mitigation is required. The applicant was advised of the two available options to deal with this issue: either i) conduct population surveys or ii) apply for the District Licensing scheme in the absence of such surveys which allows a developer to apply to the council for a District level licence and pay for compensation. It aims to increase the number of great crested newts by providing new or better habitats in target areas to benefit their wider population.

11.29 The applicant has subsequently provided information to confirm that they have progressed with a District Licence Scheme and has provided a District Licence Report and therefore with the applicant obtaining the District licence, the Local Planning Authority has to have regard to Natural England's Three Tests.

11.30 The Three Tests are:

- A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment;

- The appropriate authority shall not grant a licence unless they are satisfied 'that there is no satisfactory alternative';

- The appropriate authority shall not grant a licence unless they are satisfied 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

11.31 Having regard to the three tests above, it is the opinion of the Local Planning Authority that there is an overriding public interest in this development due to the fact that there are significant social and economic benefits to the development scheme including: 1) meeting the need of an MSA on the western section of the M25; and 2) the economic benefits that the scheme would bring, not only in terms of the construction of the development, but also the contribution that the proposal would make to the local economy in terms of employment.

11.32 During the course of the application a District Licence Report was submitted which provides details of the assessment undertaken by Nature Space Partnership on 17th October 2022 to confirm that district licencing is an appropriate route for the proposal. The report has been reviewed by the Council's Ecology Officer and no concerns have been raised. The submitted report confirms that the assessment has followed the agreed processes and protocols as set out in the District (organisational) Licence granted to Buckinghamshire Council (WML-OR112). There is therefore some certainty over the granting of a licence under this process.

11.33 Noting the above, it is considered that sufficient information has now been provided and the council's newts officer raised no objection to the scheme subject to conditions. A number of pre-commencement conditions

have therefore been suggested in line with the District Licence report. NE have raised no objection in relation to the impact on protected species. Conditions would be recommended requiring updated surveys, to be provided at appropriate times as a precautionary approach to confirm if those species are present at the time of the development, an 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.

Breeding Birds

- 11.34 Detailed breeding surveys have been provided with the application, and a total of 37 species have been noted. Protected Species of Red Kites and Peregrine Falcons were recorded as overflying the site but no evidence of breeding within the site. In addition, low numbers of four Priority Species were recorded (Northern Lapwing, Skylark, Song Thrush and Dunnock) in the western section of the site, but with no evidence of breeding within the site. The ES states that a high risk of legislative contravention in the absence of mitigation.
- 11.35 Mitigation proposals to minimise the disturbance of nesting birds would be necessary. Timing restrictions would need to be imposed upon the clearing of supporting habitats. As such, these habitats would not be cleared during the breeding season March-August inclusive.

Impact on water courses

- 11.36 The River Alderbourne flows through part of the eastern section of the application site, with the Colne Brook flowing across the southern extremity of the site. There is also an unnamed water course located to the north west of the site. The ES and ES addendum sets out both surface water impacts and enhancements of the River Alderbourne.
- 11.37 In terms of surface water run-off, this has been considered as part of the construction phase, which includes the mineral extraction and the operational phase. In terms of the construction phase it is considered that appropriate mitigation could be secured through a suitable Construction Environmental Management Plan (CEMP), which would include measures to prevent pollution of the unnamed water course and the River Alderbourne. With mitigation, it is considered that only negligible effects would occur, which are not considered to be significant. In terms of the operational phase a Surface Water Drainage Strategy would incorporate oil interceptors and above ground storage to provide treatment to surface water run-off from the site and subsequently entering adjacent watercourse. Similarly, the effect of surface water run-off is considered to be negligible and not significant.
- 11.38 As part of the development it is proposed to de-culvert sections of the River Alderbourne, including a stretch to the south of the Slough Road and

east of the M25. This de-culverted section of the River Alderbourne would also create opportunities for ecological enhancements. In addition, there would be the creation of flood compensation areas (to the east). The details of which have been reviewed by the Environment Agency and have confirmed that there would be no objections. A number of conditions would be recommended in relation to the details of the proposed de-culverting, ecological enhancements and contamination prevention.

Construction Impacts on Ecology

11.39 In addition to the above, the construction of the proposed MSA (which includes the mineral extraction) has the potential to impact on adjacent habitats in terms of air quality, light, noise and water pollution. However, mitigation and reasonable avoidance measures would be proposed as part of a CEMP, which can be secured by planning condition. In addition, a lighting condition would be recommended in order to mitigate impacts on light sensitive species.

Loss of Habitats, Compensation and Biodiversity Net Gain

11.40 As highlighted earlier, some habitats would be lost as part of the proposed development, including a veteran tree, which is considered further below. However, as part of the proposed development areas of additional planting and enhancement works are proposed. These would include on-site landscaping proposals and the creation of aquatic habitats, scrub and woodland planting around the edges of the site and as a buffer to the ancient woodland.

11.41 To the north west of the site is proposed to create an off-site habitat area, which would include to the conversion of improved grassland to a more-species rich neutral grassland. The proposed MSA developed, together with the off-site habitat creation is envisaged to result in a biodiversity net gain for habitats, hedgerows and wetlands. The anticipated biodiversity net gain would be 85.92%. This would be in compliance with the Council's adopted Biodiversity net-gain supplementary planning document.

11.42 Natural England (NE) have been consulted as part of the application and have reviewed the supporting information. NE 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, such as SSSI's. Due to the distance and nature of the proposed development, the proposed MSA would not result in additional recreational pressures on Burnham Beeches SAC, nor would it result in unacceptable impacts in terms of hydrology or air quality. Therefore no 'Appropriate Assessment' under the Habitat Regulations is required. Officer's also note that there are no outstanding concerns from the Council's ecology officers.

11.43 As outlined above some habitat loss will result, and this has been avoided where possible but where it has not then mitigation and compensation has been proposed. The appropriate mitigation /

compensation measures, combined with the proposed enhancements would be secured through planning conditions and s106 planning obligations.

11.44 In terms of the biodiversity net gains to be achieved, this will be a benefit, and accord with the development plans and the NPPF. Biodiversity off-setting matrix has been used to demonstrate there is adequate area to mitigate the biodiversity losses within the site and in the adjacent land within the applicant's control. In terms of on-site habitat creation an area of 8.43ha would be created, which would result in an increase of 34.91% in habitat units and 26.07% hedgerow units. The off-site habitat creation and enhancement area would amount to 18.8ha with an increase of 133.73% in habitat units and 6.52% in hedgerow units. The council's ecologist is satisfied that the evidence submitted that habitat condition assessments have been undertaken in accordance with DEFRA Metric V3.0.

11.45 Overall, the proposed development is expected to result in 85.92% habitat and 58.35% hedgerows biodiversity net gains which is a significant benefit.

Cumulative and Secondary Effects

11.46 The ES and ES addendum addresses both other nearby major developments and effects of the mineral extraction on ecological receptors. The applicant has identified extant permissions at Pinewood Studios. However, owing to the distances between the two projects, it is considered that the scheme at Pinewood would not have the capacity to result in a detrimental cumulative ecological manner with the proposed MSA development.

11.47 In terms of the mineral extraction element, this has been addressed in the ES and ES addendum as secondary effects. As highlighted in the report above, the relevant protected species surveys have been conducted and have not found any evidence of protected species within the minerals site.

11.48 Overall, the ES and ES addendum identifies that the proposed mineral extraction would not result in any effects on designated or locally designated conservation sites, nor would it have a direct effect on the adjacent ancient woodland habitat. Appropriate mitigation and compensation would be implemented as part of the overall MSA proposal, as such the proposed mineral extraction would not result in any significant adverse environmental impacts in EIA terms.

Overall summary on ecology and biodiversity

11.49 Overall, it is considered that the construction phases, including the mineral extraction and operational phases of the proposed MSA would not result in any significant adverse environmental effects in EIA terms individually, secondary or cumulatively. The proposal is considered to align with the NPPF, Core Strategy, Iwer Neighbourhood Policy IV13 in relation to

the impact on species, habitats and water courses and accord with the aims of the Council's adopted Biodiversity Netgain Supplementary Planning Document. As such, significant positive weight should therefore be attributed to the biodiversity net gain.

Arboricultural Impact (Trees)

- 11.50 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.
- 11.51 There are no trees subject of Tree Preservation Order within the application site. There is a veteran tree which enjoys protection under paragraph 180 of the NPPF. As stated previously, there is a small woodland outside the application site which is designated as Ancient Woodland and adjacent to the south west corner of the site, and to the north of White Cottage.
- 11.52 The tree survey work assessed a total of 142 trees, 33 tree groups, two woodlands and 10 hedgerows these were within or immediately adjacent to the site.
- 11.53 Following the survey, 39% of the individual tree population were categorised as 'A' (High Quality), 35% were assessed as 'B' (Moderate Quality), 21% were assessed as 'C' (low Quality), and 4% were assessed as 'U' (Very Poor Quality).
- 11.54 In terms of the combined tree groups and woodland, 6% were classified as category A, 40% as category B, and 54% as category C. In terms of hedgerows, these are not allocated within a category due the fact that BS:5837 does not include categorisation for hedgerows.
- 11.55 The Arboricultural Impact Assessment also identifies the loss of trees as part of the proposed development. This would include the loss of 25 trees, 15 tree groups and 2 hedgerows. Of the trees to be removed 7 are considered category A, 12 as category B and 6 at category C. Of the tree groups these are divided into category B and C.
- 11.56 The realignment of the Slough Road will require removal of the highway plantation group G7 (C1) and the majority of G28 (B2). The slip roads will require the removal of plantation groups G4B, G5 and G27 and regenerated tree groups G24B and ash T66. Most are semi mature or early mature. Utilities will require removal of parts of G12. There are 2 groups of low quality semi mature trees with symptoms of from Dutch Elm disease, and other individual trees.
- 11.57 The parking area serving the MSA will require the removal of a number of tree groups namely G9 (C2 category), G10 (C2 category) and parts of G11 (c1 category).

11.58 A number of group trees and individual trees will be required to be removed to facilitate the slip roads on and off the M25, together with internal access roads to the MSA facility. Group G4b and G5 (C1 category) which are in the location of the southbound access slip would require removal. G5 contains two category A trees T-11 and T-12 (both oak trees). On the eastern side of the M25, the slip roads and internal access roads would result in the loss of Group G24B (category C1) and individual trees T59 (oak) (B category), T60 (oak) (A1 Category) and T61, T65, T66 (all C1 Category and Ash).

11.59 Representations (including the Woodland Trust) have been made in relation to the following trees T4 and G6 (which are to be retained as part of the proposed development) and T11, 12, T60 and T65 (which are to be removed as part of the proposal) which states that 3 veteran trees and a group, G6, should be categorised as 'veteran' trees and would be lost and would lead to inappropriate and avoidable deterioration of the trees and their habitat value. It is unclear if the Woodlands Trust has carried out a site visit to inspect the trees. However, the applicant's arboriculturalist has submitted a full assessment of the trees in question following a survey of the trees on the site and contest the assertions made.

11.60 The Planning Policy Practice Guidance (PPG) in respect of veteran trees highlights that veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species. Natural England provides standing advice on the subject of veteran trees which states:

"Ancient and veteran trees can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics."

"An ancient tree is exceptionally valuable for its: great age, size, condition, biodiversity value as a result of significant wood decay habitat created from the ageing process, and cultural and heritage value." It states further: "All ancient trees are veteran trees, but not all veteran trees are ancient. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value. All ancient trees are veteran trees but not all veterans are ancient. The age at which a tree becomes ancient or veteran will vary by species because species ages at a different rate"

11.61 In terms of identifying and evaluating veteran trees this is a matter based on judgement, experience and knowledge. The applicant's arboriculturalist has reviewed the trees in accordance with guidance material on the subject of veteran trees (D Lonsdale 2013, Ancient and other

Veteran Trees: further guidance on management). It is considered that T4 is not of veteran status, and in any event is proposed to be retained as part of the proposed development with a sufficient root protection area. T65 has been identified as a notable tree, but in a state of decline. However, this tree is due to be removed owing the fact the area is required for a surface water attenuation pond. In terms of G6, the arboriculturist has categorised this group of Alders as ancient trees which are to be retained, except one. However, an appropriate buffer has been placed around the affected trees, which are indicated as being retained.

- 11.62 In terms of the removal of T11, T60 and T65, the applicant's arboriculturist considers these trees to be high quality or notable trees, with T12 showing some veteran characteristics. However, this tree is reaching a high risk of failure due to crack formations.
- 11.63 The Council's Tree officer has reviewed the applicant's supporting documentation and agrees with the supporting information that trees T11, T12 and T65 would be regarded as a notable trees. However, in terms of tree T60, the Tree Officer disagrees with the applicant's assessment and considered that this should be categorised as a veteran tree. This veteran tree lies in the vicinity of the proposed petrol filling station and affected by the change in level levels arising from the extraction and construction phase, and would need be felled to facilitate this development. The loss of this tree and its irreplaceable habitat is harmful to both visual and biodiversity which is afforded negative weight. Paragraph 180 c of the NPPF requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. This is also echoed in the PPG. Paragraph 33 of the PPG states: *'When assessing whether 'wholly exceptional reasons' exist that may justify a loss or deterioration of ancient woodland, ancient trees or veteran trees, it will not be appropriate to take any compensation measures into account. These should be considered only once the existence of 'wholly exceptional circumstances' has been ascertained.'*
- 11.64 In relation to the foot note 63 above, there is not an exhaustive list of what constitutes an infrastructure project. However, it would be reasonable to consider that an MSA would form a strategic infrastructure project on one of the busiest stretches of the strategic road network (M25) to meet the need, the public benefits of which would clearly outweigh the loss. Even if it is not regarded as an infrastructure project officers consider that there would be wholly exceptional reasons because the public benefits of meeting the need for an MSA are so very substantial as to be wholly exceptional.
- 11.65 It should be noted that the loss of a veteran tree was an issue the Inspector considered and commented on although no detailed evidence was put before him by the council, under Appeal decision (APP/X0415/W/21/3272171) on the CSP1 MSA decision. This scheme also

resulted in the loss of a veteran tree and of this matter the Inspector notes at para 125: *'Although there would be some harm caused by the loss of the veteran tree, taken on its own the need for an MSA and other benefits comprise wholly exception reasons to override the loss of a veteran tree.'*

- 11.66 Turning to the question of suitable compensatory strategy as set out in paragraph 180, a tree planting scheme is proposed including extensive woodland planting to the northern side of the Slough Road both on and off site as mitigation and in addition to the provision of off-site land and for the purposes of biodiversity net gains (as noted earlier in the report above). New native woodland planting is proposed in numerous areas throughout the site, linking existing woodlands (including ancient woodland), and a long-term management plan for the nearby ancient woodland is proposed to be secured through s106 agreement, this would include the off-site areas of proposed planting.
- 11.67 Officers consider that these measures align with the NPPF in respect of the loss of the veteran tree and other trees on site by ensuring there is a suitable compensation strategy. Generous new woodland areas across the site will further compensate and provide net enhancements to the tree population.
- 11.68 The trees and hedgerows that are to be retained on the site will be protected during the proposed works with appropriate tree protection fencing. A condition will ensure that an Arboriculture Method Statement (AMS) and tree protection measures are carried out in accordance with the AIA.
- 11.69 Overall, the loss of trees either as a result of construction or to make way for the proposed development is considered negligible, though one Veteran Tree is proposed to be removed, the ES identifies the effect of which would be minor adverse.
- 11.70 The proposed both on and off-site access arrangements would involve the loss of a number of notable category A trees, the effect of which would be minor adverse. There would be a net gain of over approx. 14.29 hectares of new native woodland planting both on and off site (4.2ha of which is off site) along with the creation of approx. 15.57 b hectares of habitat enhancement works as well as the biodiversity net gain outlined above. Proposed replacement planting to provide a suitable compensatory tree planting and biodiversity net gain for the loss of the veteran tree and other tree loss will be secured through planning conditions and secured through s106 agreement. No objection to the proposal is raised on arboriculture grounds. The minor adverse effects identified are balanced out by the proposed mitigation and compensation measures. The harm arising from loss of this veteran tree and its habitat will be weighed against the public benefits. Overall, it is considered that the proposal would broadly align with Core Policy 9 of the Cores Strategy, IV13 of the Ivers NP and the NPPF.

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

Core Strategy Policies:

Core Policy 8: Built & Historic Environment

Local Plan Policies:

EP3: The Use, Design and Layout of Development

EP4: Landscaping

Ivers Neighbourhood Plan:

IV13 : Colne Valley Regional Park

12.1 Core Policy 8 of the Core Strategy requires new development to be of a high standard of design and make a positive contribution to the character of the surrounding area.

12.2 Policy EP3 of the Local Plan states that development that is of a high standard and complies with other policies of the Plan will be permitted; the policy notes that design is about the appearance of the development and its relationship to its surroundings. The Policy sets out the criteria for assessments of planning applications such as scale, height, relationships, appearance of car parking and servicing areas, materials, form and designing against crime.

12.3 Policy IV13 of the Ivers Neighbourhood Plan relates to development in the Colne Valley Regional Park. Amongst other things policy IV13 states that developments should conserve and enhance biodiversity within the park through the protection and management of its species, habitats and geological features and enhancement of habitat connectivity and promotes excellent connectivity in terms of walking and cycling routes and green infrastructure. It also seeks to protect and enhance water bodies, their water quality and ecology/riparian habitats.

12.4 The NPPF places a well-designed and safe built environment as being an intrinsic part of the three overarching objectives to achieving sustainable development. Paragraph 126 states that the “creation of high quality, beautiful and sustainable 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”.

12.5 NPPF paragraph 130 b 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”.

12.6 The application has been submitted in outline form with an illustrative masterplan and parameter plans indicating the access, layout, scale and appearance (matters reserved for subsequent approval) of the proposed development. The parameter plans fix parameters within which the development must sit. This 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 aiming to be achieved for the development (these can be found at Appendix G).

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

12.8 The submitted design and access statement (D&A) highlights that the appearance of the built forms is driven by the objective of limiting the visual and spatial aspect of the scheme on the surrounding rural landscape. As such, the following principles of design are used for the proposed MSA development:

- The design explored the extent to which existing contours could be “gently manipulated” to integrate the built form into the landscape and use the existing site topography and features. Regards is paid to the excavation of the mineral to create a development platform which sets the MSA down into the landscape.
- The blocks of woodland and several existing hedgerows adjacent to the site are retained and provide vegetation buffers the proposals. These are linked with new woodland planting to the southern edge that will effectively wrap the MSA site.
- The built form incorporates green roofs that will help to assimilate the MSA into its surroundings.
- The landscape proposals reflect the local landscape typologies as set out in the landscape character guidelines and include hedgerow trees, hedgerows and small woodland groups.
- The design includes on-site and off-site planting and management proposals to enhance the integration of the MSA into the wider landscape and to diversify local habitats.

12.9 The supporting D&A sets out how the proposed MSA has been designed to limit the visual impacts on the wider landscape. The proposed earthworks to the western side of the site would ensure that the main amenity building is set down within the landscape. Illustrative sections are provided to show the indicative changes in levels relative to existing. The proposed amenity building would also be located as such, that it would be effectively screened by the existing woodland located to the north west of the site. As highlighted previously there would also be significant woodland and boundary planting which would further reduce visibility and help the proposal integrate with the existing landscape.

12.10 The submitted Parameters Plan define land use zones and sets maximum building heights and envelopes seek to provide a level of certainty about the site layout, physical form, arrangement of buildings, extent of

landscaping/green infrastructure and appearance of buildings that are likely to come forward at reserved matters stage. The submitted parameters plan also defines land use zones within the site, and this plan is to be a condition of approval.

- 12.11 The Illustrative Landscape Masterplan provides a landscape strategy with sufficient detail about the extent of proposed landscape enhancement and connectivity. It indicates wooded edges would be planted around the site peripheries – which would help contain the development, reduce visual impact and contribute towards biodiversity enhancement. This plan also shows the layout of the access roads and the diverted public bridleway. The principles set out in the submitted plan are considered acceptable. However, further details would be required and assessed at the reserved matters stage.
- 12.12 In terms of the proposed built form of the main amenity building, indicative plans show that this would be of a contemporary design using a palette of natural materials and the use of full-length glazing. The proposed building would feature a saw tooth design, which would also incorporate a solar array for purposes of energy generation. The drive thru and fuel filling station would follow the same principles in terms of design approach but would feature a horizontal green roof to ensure that these elements blend into the surrounding landscape. Green roof details can be secured via planning condition to ensure the design, specification and proposed maintenance regime is appropriate.
- 12.13 In addition to the buildings, the proposed illustrative landscaping also shows the indicative hard and soft landscaping around the parking areas and buildings. This would include a public plaza, picnic areas, play zone and dog walking area. Overall, the approach to external materials would ensure a coherent design approach across the site, that ties together the main building elements on site through a commonality of materials, which are sensitive to their context. Whilst it is recognised that the appearance is reserved for subsequent approval, the appellant seeks to demonstrate that a contemporary form of architecture as illustrated for the main facilities building can be achieved, resulting in a high-quality development that would be sympathetic to its surroundings.
- 12.14 In terms of 'Scale', the Parameters Plan establishes maximum building heights. A maximum building height of 14.3m is proposed for the facilities building, with a maximum height of 7m proposed for the Fuel Filling Station and 5m for the drive thru building. These maximum heights would be controlled via planning condition, which would ensure that the detailed proposals to come forward at Reserved Matters stage are in accordance with the plans that have been submitted as part of this outline submission.
- 12.15 The illustrative masterplans and parameter plans indicate the car parking layouts and the access slip roads, these are likely to be dictated by safety requirements. The combined road bridge for the slip road and Slough

Road would also need consideration in terms of design. However, these details could be secured at reserved matters stage.

- 12.16 It is envisaged that design details of the buildings and structures would be sought at reserved matters stage. A planning condition would also be recommended to ensure that the development is carried out substantially in accordance with the illustrative master plans and parameter plans provided at outline stage.
- 12.17 The proposal also includes realignment of the bridleway and enhancements to pedestrian footways, signalised crossing to improve connectivity in line with the Ivers NP.
- 12.18 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 illustrative 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.
- 12.19 Overall, the principles of the design and landscape and layout are considered to be acceptable. Therefore, subject to appropriate conditions being imposed to agree the detailed access, layout, scale, appearance, landscaping, levels, materials and lighting. Officers consider that subject to the conditions outlined, the proposed development would be acceptable in terms of compliance with the Core Strategy and Local Plan policies and the Ivers NP policy IV13 terms of design and the NPPF provision on design.

13.0 Residential Amenity

Local Plan Policies:

EP3: The use, Design and Layout of Development

EP5: Sunlight and Daylight

- 13.1 Local Plan Policy EP3 (f) states that:
'The use of land and buildings should be compatible with the uses of adjacent land and buildings and with the character and amenities of the locality in general. Permission will not be granted for uses which would be, or which would have the potential to be detrimental to the character and amenities of nearby properties or the locality in general by reason of noise, vibration, smell, pollution, disturbance, visual intrusion, loss of privacy, the impact of traffic, or other nuisance.'
- 13.2 Local Plan Policy EP5 indicates that development will only be permitted where it would not result in a significant loss of daylight or sunlight to adjacent buildings or land.
- 13.3 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.

13.4 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

13.5 The nearest residential properties to the application site are White Cottage (located on the north side of Slough Road), and Mansfield Lodge, New Cottage and Mansfield Farm (located on the west side of the Mansfield Farm Access Track).

13.6 White Cottage is adjacent to the application site, close to the proposed staff access on the north side of Slough Road. To the east of White Cottage is the existing bridleway, and to the north is agricultural land and the area of ancient woodland. The north elevation of White Cottage would be separated from the southern perimeter of the main MSA site by approx. 170m. Properties located on the western side of the farm track (adjacent to the eastern parcel of the application site) would be between approx. 80 and 100m from the proposed slip roads on the southbound carriageway of the M25. At a greater distance from the application site are residential properties on the south east side of Slough Road (over 260m from the southern perimeter of the application site) and on the east side of Bangors Road north, which are approx. 400m from the south east perimeter of the site.

13.7 The access from Slough Road lies to the west of White Cottage and would be used for the establishment phase by HGVs and staff for a period of c 6 months and in the operational phase used to access the staff drop off/ pick up area. Due the separation distances outlined above and the retention of the existing woodland to the west, north and north east, officers consider that the views would be limited to views entering and exiting White Cottage access and thus a minor perception of visual change would arise. As a result, officers consider that no unacceptable impacts would occur to the occupants of White Cottage during the short-term construction or operational phases. Officers note that from illustrative landscaping plans, further planting would result in an increased buffer between the application site and White Cottage in the long term. Therefore, it is considered that no adverse impacts would occur in terms of loss of light, privacy or visual impact. As such, the scheme

could be designed at reserved matters stage to ensure that amenities would not be unduly impacted. The impact on other amenities such as noise is dealt with later in the report.

13.8 Due to the large separation distances from the MSA, together with the intervening landscape features, it is considered that the properties to the south of Slough Road and east of Bangors Road North would not experience undue impacts would occur in terms of visual prominence, loss of light or privacy.

13.9 Properties located on the Mansfield Farm Access Road would be in close proximity to the proposed south bound access slips to the site. The rear elevation of Mansfield Lodge and New Cottage would be approx. 80m from the proposed access slips. At present the outlook from the rear of the properties is towards a relatively flat field which adjoins the M25, an area of trees adjoins the boundary of the M25. There would be a landscape buffer on the embankment of the slip road, which is closets to those properties. The proposal is considered not to result in any undue impacts on terms of overshadowing and daylight. As highlighted earlier details of the proposed landscape buffering for the slip roads would be assessed at reserved matters stage and would soften the outlook towards the slip roads and would not result in unacceptable harm to adjacent occupiers. However, these effects are considered to be not significant. In term of matters relating to outlook, overshadowing/ light and privacy, officers consider that the proposal would align with local plan policy EP3 and the NPPF in this regard.

Noise and Vibration

13.10 Noise impacts of the proposed development are considered in detail through Chapter 7 of the ES (and updated during the course of the application), this considers the impact of noise on key sensitive receptors during construction and operation phases.

13.11 In term of the different activities associated with potential noise.

Consideration has been given to the following aspects;

- Effects of noise during the construction phase on existing sensitive receptors
- Potential effects of noise during the operation phase on sensitive receptors
- Noise contribution from proposed access slips from M25 Motorway to MSA
- External Plant noise from the proposed MSA .

13.12 The following sensitive receptors were identified in terms of recording existing baseline noise levels. The ES sets out that the noise survey was carried out on a Thursday through to Monday (24th-28th Sep 2020).):

- East from site – Mansfield Farm House (approx. 80m to the north)
- East of the site - New Cottage and Mansfield Lodge (approx. 5m to the rear gardens)

- West of the Site - White Cottage (rear of property)
- West of the Site – Ensbys, off Bangors Road North
- West of Site - Iver Heath, eastern edge of settlement.

13.13 Baseline background noise levels were determined at each of the sensitive receptor locations above. 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.

13.14 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.

13.15 The below ‘Table 3: Noise Predictions for Highest Likely Noise for existing NSRs (daytime activities)’ extracted from the ES (Table 7.18) sets out predicted noise levels at the noise sensitive receptors.

Table 3: Noise Predictions for Highest Likely Noise for existing NSRs (daytime activities)

Position	Approximate Distance to Receptor (m)	Activity	Predicted Noise Level, LAeq dB _{1hr}	Typical Residual Noise LAeq dB	BS5228 Threshold Value LAeq dB (daytime)
A) Mansfield Farm)	80-730 80-500	Site establishment Groundworks	45-66 51-55	66 66	70 70
B) Properties off Mansfield Farm Road	230-500 200-270	Site establishment Groundworks	44-56 45-48	67 67	70 70
C) White Cottage	60-500 230-450	Site establishment Groundworks	47-60 45-51	61 61	65 65
D) Ensbys	300-800 420-780	Site establishment Groundworks	37-52 40-44	59 59	65 65
E) Iver Heath	300-650 300-650	Site establishment Groundworks	35-39 38-45	51 51	65 65
F) Properties to north of Site	270-950 420-930	Site establishment Groundworks	40-52 40-45	59 59	65 65
G) Pinewood Studios	1300-1800 1380-2070	Site establishment Groundworks	31-43 23-32	66* 66	70 70
H) Property to south	150-650 190-240	Site establishment Groundworks	48-53 46-54	66** 66	70 70

*Note: Typical residual noise level taken from planning submission by Pinewood Studios development in 2012. Receptor C) has an existing boundary fence which is taken into account. **Similar to Receptor A) & B).

13.16 The below Table 4: Noise Predictions for Highest Likely Bridge Construction and Demolition Noise for Existing NSRs (night-time periods)’ (ES table 7.19) sets out predicted noise levels at the noise sensitive receptors.

Table 4: Noise Predictions for Highest Likely Bridge Construction and Demolition Noise for Existing NSRs (night-time periods)

Position	Approximate Distance to Receptor (m)	Activity ¹	Predicted Noise Level, LAeq _{1hr} dB	Typical Residual Noise LAeq dB	Threshold Value LAeq dB (night-time)
A) Mansfield Farm	250-280	Bridge constr'n /demolition	49-55	59	55
B) Properties off Mansfield Farm Rd	180-250	Bridge constr'n /demolition	50-59	61	55
C) White Cottage	230-450	Bridge constr'n /demolition	42-52	56	55
D) Ensbys	420-780	Bridge constr'n/ demolition	40-51	54	55
E) Iver Heath	750-850	Bridge constr'n/ demolition	39-45	39*	45
F) Properties to north	420-930	Bridge constr'n/ demolition	38-51	59**	55
G) Pinewood Studios	1380-2070	Bridge constr'n/ demolition	31-40	52*	55
H) Property to south	170-240	Bridge constr'n/ demolition	50-59	59**	55

Note ¹: The new bridge construction activity noise would be similar in magnitude to the existing bridge demolition.
*Note: Typical residual noise level taken from planning submission by Pinewood Studios development in 2012.
**Similar to A) & B) relative to M25.

13.17 The ES states that the demolition of the existing bridge would be a one-off short duration night time impact and effect and presents it as the worst case.

13.18 The ES considers that the earthworks and construction activities have the potential to create short term increases in noise, and this would be experienced by those receptors closest to the site, including White Cottage to the south which would be adjacent to the temporary access road for the purposes of the initial construction compound and properties at Mansfield Farm and off Mansfield Farm Access, including Iver Environment Centre. However, based on the predicted noise levels for construction traffic and on-site works, it is considered that the magnitude would be negligible to slight with a level of significance of neutral to minor. Furthermore, the introduction of appropriate mitigation measures would ensure that resultant noise levels would be within appropriate guidance and standards. Mitigation measures would be in the form of a construction environmental management plan which would outline measures such as hours of operation

and vehicle routing. Officers consider that the mitigation can be addressed by way of condition.

13.19 In terms of vibrations from earthworks and construction phases, as a worst-case scenario, earthworks and construction works may potentially take place. The ES states that potential vibration levels during construction have been predicted based on typical percussive piling equipment in accordance with the guidance in BS5228-2 7 The highest levels of vibration generated by plant is likely to include piling rigs, vibratory rollers and compactors, material offloading onto hard surfaces; and concrete vibratory plant. The above results show no significant vibration levels during construction and the highest likely vibration levels are generally below the level of perception at NSRs. At one location the vibration level under highest propagation and an impulse vibratory piling rig may just reach the threshold of perceptibility. The worst-case scenario would show a slight impact magnitude and minor effect. The application of 'best practicable means' would reduce this impact to a negligible impact.

13.20 In terms of the operation of the proposed MSA, the development is not considered to generate significant trips as these would be from existing vehicular movements on the M25. There may be some employee and local residents who travel to the MSA via the M25, however these trips are likely to be minimal. As highlighted in the highways section, staff movements are not considered to have significant impacts. The proposed MSA has the potential to generate noise from HGV and cars in terms of movement and closing of doors. The proposed buildings on site have the potential to generate noise in terms of mechanical plant and ventilation. The potential increase in noise in terms of operation is considered not to change significantly and would have a neutral impact of significance. Mitigation would be proposed in terms of acoustic fencing adjacent to the HGV parking. In terms of plant, the types of equipment are not yet known. However, details can be sought by condition and dealt with at a later reserved matters stage.

13.21 The proposed slip roads from the M25 to the proposed MSA have the potential to create additional noise above the existing situation, particularly those receptors located on the Mansfield Farm access, including the Iver Environment Centre. The noise surveys reveal that the operational noise impacts from the access are considered to represent a neutral to minor impact of significance. It is noted that ES provides proposed mitigation measures, these would include a range of fencing to the rear of parking areas (to the north of the site) and adjacent to the south bound slip roads. Indicative heights suggest that the height of the fencing would be between 1.8m and 2.1m. Given that this is an outline application with all matters reserved, these details are not submitted for approval at this stage and conditions can be imposed requiring submission of these details at a later stage for approval.

Cumulative and Secondary Effects

- 13.22 The ES and ES addendum has considered the secondary effects of noise in relation to the mineral extraction element of the proposal. The potential noise that would be associated with the extraction has been identified as having a negligible to slight impact magnitude at the nearest receptors with a neutral to minor impact significance. Whilst such disturbance would be for a temporary period, the extraction of mineral and construction of the proposed MSA would last a number of years. As noted previously mitigation measures would be expected as part of planning conditions.
- 13.23 Overall, the council's Environmental Health Officers note that the noise climate of the immediate area is already dominated by vehicular movements on the M25. Environmental Health officers have reviewed the noise and vibration section of the ES and ES addendum and have no objections. It is considered that any adverse noise can be mitigated at the detailed design stage and through appropriate conditions such as the CEMP. Overall officers consider that the proposed development would not conflict with development plan policies or the NPSE in terms of noise impacts. Noting this, it is considered that noise impacts attract neutral weight in the planning balance.
- 13.24 In summary, it is considered that the proposed MSA development would not result in any unacceptable impacts in terms of loss of light, outlook, overshadowing or privacy to neighbouring occupiers. A condition can be imposed to secure a lighting scheme to ensure there are no unsatisfactory impacts in accordance with development plan policy. As outlined previously, it is anticipated that some disruption is likely to occur in terms of the construction phase. However, conditions can be attached to ensure that residential and other amenities are maintained. It is considered that at reserved matters stage, the proposal could be designed to align with local plan policies EP3 and EP5 and paragraph 185 of the NPPF.

14.0 Environmental Issues

Core Strategy Policies:

CP12 (Sustainable energy)

CP13 (Environmental and resource management)

Local Plan Saved Policies:

R8 (Floodlighting)

Buckinghamshire Council Waste and Minerals Local Plan:

Policy 23 (Design and Climate Change)

Ivers Neighbourhood Plan:

IV7 (Air Quality)

IV14 PassivHaus buildings

Buckinghamshire Council Air Quality Action Plan (June 2020)

Contaminated Land

14.1 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.

14.2 Paragraph 184 of the Framework advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

14.3 The impacts in terms of contaminated land are addressed within chapter 11 of the ES. In support the applicant has submitted a Phase 1 Geo-Environmental Report. This includes an assessment was undertaken to identify risks of contamination and stability relating to the construction and operation of the proposed MSA development.

14.4 The ES also sets out the potential of any existing contamination being exposed during the construction phase through the mineral extraction. This has been considered as part of any mitigation which is explored further below.

14.5 Historically the site has been in an agricultural use since the 1800's and would have been in the same land use until the M25 Motorway bisected

the area in the mid 1980's. The land remaining on each side of the motorway has continued in agricultural use to date.

14.6 In terms of the historic uses of adjacent land, to the east (200m) there were sandstone workings established in 1930's, which were in turn replaced by industrial uses in the 1960's and in 2000 both were filled in as land fill or water. Also, to the east of the site (100m), the Iver electrical substation was established in the mid 1970's.

14.7 The submitted Geo-Environmental report deals with potential risks of potential exposed contamination during construction and any impacts of potential underlying contaminates during the operation phase of the development. It is considered that the impacts in terms of potential contamination can be mitigated and would result in no significant effects. The Council's Environmental Protection officer has reviewed the relevant details contained within the ES and supporting information and raises no objection. It is considered 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.

14.8 The ES and ES addendum identifies the secondary effects associated with the mineral extraction element of the overall scheme. As highlighted above, conditions would be attached to ensure that intrusive ground condition investigations are carried out prior to commencement. Therefore, with the appropriate mitigation it is considered the mineral extraction work required as part of the overall development would not lead to significant effects on human health.

14.9 Noting the above, it is 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 CP13 of the Core Strategy and Paragraphs 183 and 194 of the NPPF.

Air Quality

14.10 Policy IV7 of the Ivers Neighbourhood Plan requires development within the Iver Parish Air Quality Management Area to contribute to the actions and objectives set out in the air quality action plan and the Iver Clean Air Zone implementation strategy. Development proposals will be required to demonstrate at least Air Quality Neutral standard during both construction and operation to avoid causing or contributing to worsening air quality. An air quality assessment is therefore required to accommodate development proposals. This policy also details further design requirements which would help lessen impact to air quality.

14.11 Core Policy 13 sets out that the Council will seek improvements in air quality, especially in the Air Quality Management Areas adjacent to the

motorways and close to Burnham Beeches SAC. It also highlights that new development will be directed away from existing sources of noise and air pollution to avoid adverse impacts on local communities.

- 14.12 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.
- 14.13 The South Bucks Area is subject to two AQMA's. These have both been declared due to levels of nitrogen dioxide (NO²) exceeding the UK Air Quality Objective (AQO) of 40µg/m³. SBDC AQMA No. 1 was declared in 2004 and includes the M4, M25, M40 and the adjacent land. SBDC AQMA no. 2 was declared in 2018 following exceedance of NO² for the whole of the Iver Parish due to the large influx of HGVs expected for national infrastructure projects as well as local development.
- 14.14 It is also noted that the London Borough of Hillingdon has declared an AQMA in the south of the borough owing to exceedance in NO² levels on local roads. The boundary between Buckinghamshire and Hillingdon is located to the east of the application site.
- 14.15 There is currently an Air Quality Action Plan (AQAP) in place for the South Bucks Area (dated July 2021) which focuses on tackling air pollution and reducing HGVs along Iver High Street and Thorney Lane North and South.
- 14.16 An Air Quality Assessment was prepared as part of the revised MSA scheme and is contained within Vol. 6, Chapter 8 of the ES and ES addendum. The assessment considers the potential impacts at receptors associated with fugitive dust and vehicle exhaust emissions during the construction and operational phases of the MSA scheme.
- 14.17 In terms of the closest sensitive receptors to the proposed development, the nearest residential properties to the western parcel (main MSA development) comprises of a series of properties on A4007 Slough Road. These include White Cottage on the north side of Slough Road, close to the site of the proposed staff access and Chandlers and the Summerhouse located on the eastern side of Slough Road (opposite White Cottage).
- 14.18 The nearest residential properties to the eastern parcel (slip road access to the MSA) comprises of Mansfield Lodge and New Cottage to the south east and Mansfield Farm to the north east. Further residential development within the settlement of Iver Heath lies approx. 300m to the west and 500m to the east within Uxbridge.
- 14.19 The closest ecological receptors to the site include Kingcup Meadows and Black Park. These are national designated sites (SSSI & LNR) within 1km of the application site. Burnham Beeches SAC is located over 5.6km from the application site.

- 14.20 For the purposes of the impacts of air quality a study area within 200m of the affected roads was used in accordance with the Institute of Air Quality Management (IQMA). For construction dust the IQMA guidance recommends distances up to 350m from the site boundary and 50m of the route used by construction vehicles on the public highway up to 500m from the site entrances.
- 14.21 Background air pollutant concentrations were established as baselines conditions. The Council currently monitors nitrogen dioxide levels within the Iver Parish area using passive diffusion tubes. Predicted background air quality for key pollutants have been obtained from the data held by Defra.
- 14.22 The significance of the proposed MSA development on air quality was assessed both for the construction phase and the operation phase. The construction phase would include the site preparation, the mineral extraction (subject of a separate application), associated earthworks and construction. It is noted that
- the first stage of the site preparation would result in a temporary access being established off Slough Road in order to prepare the site and create the slips roads onto the M25.
 - The second stage of construction for the MSA would result in construction vehicles being routed via the M25 as opposed to the local road network.
- 14.23 The ES states that LGVs and HGVs during this period would therefore travel through either the SBDC Air Quality Management Area (AQMA) No 2 or the HBDC AQMA depending on direction of travel on the A4007 Slough Road. The expected average number of LGVs per working day accessing the Site during the 6-month Stage 1 is 60, resulting in 120 movements (60 in / 60 out). Expanding this across a 12-month period, and assuming a 5.5 working day week, this would result in an annual daily average of 47 LGV movements a day on the local road network during Phase 1. This is therefore well below the relevant Institute of Air Quality Management (IAQM) indicative threshold of +100 LGV AADT2 (where within, or adjacent to, an AQMA) as indicating the need for an air quality assessment, whether this takes the form of a Simple or Detailed Assessment.
- 14.24 The likely average number of HGVs per working day accessing the Site during the first 6-month phase is 20, resulting in 40 movements (20 in / 20 out). Expanding this across a 12-month period, and assuming a 5.5 working day week, this would result in an annual daily average of 16 HGV movements a day. This is therefore below the relevant IAQM indicative threshold of +25 HGV AADT2 (where within, or adjacent to, an AQMA) as indicating the need for an air quality assessment, whether this takes the form a Simple or Detailed Assessment.
- 14.25 Furthermore, the ES states HGV movements will be dispersed on the local road network from the site access point and these maximum movements would not be experienced within either of the AQMAs. It is assumed that 80% of HGVs will arrive / depart to / from the east of the site

and 20% to / from the west, with the resulting maximum daily movements likely to be experienced in an AQMA being 13.

- 14.26 During Phases 2 to 6 all construction vehicle access would be via the temporary slip road and the M25 to the north and south, with movements thereafter being dispersed on the wider network beyond junction 15 to the south and junction 16 to the north.
- 14.27 As such, predicted concentrations of NO² on existing local air quality and sensitive human receptors are considered not to be significant.
- 14.28 In terms of dust during construction (PM¹⁰) mitigation during the construction works would reduce the potential for nuisance dust and particulate matter. It is considered that a Construction Traffic Management Plan which would include measures to deal with dust could be secured by planning condition. Similarly, a CEMP would be secured by planning condition to mitigate any potential impacts on ecological receptors. Considering the above, it has been assessed that the overall significance of effects associated with construction dust would not be significant.
- 14.29 In terms of the operational phase of the proposed MSA the majority of journeys would be via the existing M25. It is acknowledged in the ES that the staff-related traffic movements on the A412 Uxbridge Road west of the Five Ways roundabout and Bangor Road South were predicted to be above the IAQM screening threshold of + 100 AADT (where within or near an AQMA) and that these movements would be towards the Slough AQMA and Iver. These movements would however be dissipated on the wider road network, thereby reducing flows at any specific location within Iver. Similarly, a degree of dissipation would be expected along the A412 before the Slough AQMA. Negligible impacts are predicted within Iver Heath.
- 14.30 The predictions for nitrogen dioxide and particulate matter would not result in significant effects on human health or ecological receptors. Aside from minor vehicle generation from employees, servicing and deliveries, the proposed development is not predicted to result in significant vehicle generation. Almost all vehicles travelling into the site would already be on the SRN and would be passing through.
- 14.31 The applicants are proposing a travel plan encouraging sustainable modes of travel for employees and reduce carbon emissions as set out in the highway section above, which would be secured through a S106.
- 14.32 In terms of the MSA buildings no details have been submitted for air handling systems given this is an outline application and an energy and sustainable strategy to set out measures to reduce carbon emissions can be secured through condition.
- 14.33 Additional extensive tree planting as outlined in the tree section is proposed to mitigate the loss of trees, including veteran tree in accordance with the measures set out in the SB AQAP.
- 14.34 It is considered that pollutant concentrations associated with the development would be below the relevant limit values for air quality.

Furthermore, mitigation of potential effects would be achieved by condition or built in mitigation such as the additional buffer planting around the site and the provision of up to 100 EV charging points within the MSA site. The provision in EV charging would have the potential to a reduction in vehicle emissions across the SRN. It is considered that these measures would align with the NPPF whereby planning decisions should sustain and contribute compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas in accordance with paragraph 186 of the framework. Therefore, in accordance with IAQM guidance air quality effect of the proposed development is considered to be not significant on relevant sensitive human receptors.

14.35 Officers would also note that the proposed development would provide mitigation and green infrastructure provision as part of the requirements of paragraph 186 of the Framework and would provide sufficient mitigation to align with the aims of Policy IV7 of the Iver Neighbourhood Plan.

Cumulative and Secondary Effects

14.36 The applicant has also considered cumulative impacts in terms of air quality and dust. Consideration has been given to applications at Pinewood Studios which was recently granted permission. The site is considered to be beyond the screening requirements as set out by the IAQM. Each proposal would require mitigation at construction phase as highlighted previously and therefore the combination of both schemes in terms of impact on human health is considered negligible and not significant.

14.37 Notwithstanding the above, the proposed development would include traffic movements on the local road associated with staff movements. As highlighted previously in the report, these associated traffic movements are considered not to have a significant impact on the local highway network.

14.38 In addition, the ES and ES addendum has identified the secondary effects of the mineral extraction element which is required as part of the overall development. The mineral extraction would form part of the construction phase of the development (as identified previously). It is considered that with the relevant mitigation through the CEMP, the proposed mineral extraction would not result in any significant adverse effects relating to air quality.

14.39 The Council's Environmental Health Air Quality officer has reviewed the proposal and notes that there are concerns about the potential air quality impacts of cumulative developments in the Ivers as many individual schemes, deemed insignificant in themselves, are potentially contributing to a "creeping baseline". There is a concern that in combination the emissions of local planning developments and the National Infrastructure Projects could

result in a significant increase in NO₂ concentrations in Iver and also contribute towards an increase in particulate matter.

- 14.40 The Air Quality Action Plan for the Iver contains a number of measures that should reduce NO₂ concentrations in Iver Parish. The council are requesting a financial contribution from all developments that increase concentrations within the Iver area regardless of magnitude to offset the increase and prevent baseline creep. The contribution amount was calculated using DEFRA's toolkit for Air Quality Damage Costs and deemed to be £19,920.00. A contribution is to be secured through the S106 and would also cover construction traffic for the first phases of construction, as this would be routed on the local road network within the Iver Parish. The final routing of vehicles would be sought via the CMTP plan.
- 14.41 Noting the above, the applicant has agreed to make a financial contribution which has been derived from the predicted staff journeys on the local road network and processed through the Defra toolkit for Air Quality damage costs calculations. The financial contribution would be put towards the AQAP (Iver Parish Area) which would go towards funding initiatives to improve air quality in the area such as car sharing, public realm improvements, speed restrictions and local campaigns i.e. promotion of Electric Vehicles (EV).
- 14.42 When taking into account the above mitigation, officers consider that the proposal would align with the aims of Policy IV7 of the Neighbourhood Plan. The proposal would result in contributions to the AQAP both financially and through initiatives via the framework travel plan (both required as part of the contributions discussed in the report below). In addition, the Air Quality Assessment submitted with the application demonstrates that there would be no exceedance for key pollutants on key human receptors. In terms of the MSA facility this would benefit from 100 Electric charging points in line with the aims of the policy. Whilst part e of Policy IV7 stipulates preferences in terms of air intake systems and flues, officers consider these specific requirements can be dealt with through conditions at the later stage.
- 14.43 Overall, the assessments carried out demonstrate that the impact during the construction phase is considered not to be significant, and at the future year/opening year scenario the proposed development will have a slight impact on concentrations of NO₂, PM₁₀ and PM_{2.5} at the existing sensitive receptors considered. A potential cumulative impact has been identified which would be limited (not significant) and mitigated in line with Air Quality Damage Costs Guidance. Officers consider that the required payment would meet the tests as outlines in paragraph 122 of the Community Infrastructure Levy (CIL) Regulations 2010. For these reasons, it is considered the proposed MSA would not lead to an unacceptable risk from air pollution, nor would it lead to any breach of development plan, Neighbourhood plan policies or national objectives as required by national policy. Taking into account mitigation through the financial contribution

secured towards Air Quality Action Plan objectives, it is considered that potential cumulative adverse air pollution effect during construction would give rise to limited harm which would be mitigated through the aforementioned financial contribution to temper this to a neutral effect.

14.44 Noting above, it is considered that the proposed development would be appropriate for its location taking into account the likely effects (including the cumulative effects) of pollution on health, living conditions and natural environment in accordance with para. 185 of the NPPF.

Sustainable Design and Construction

14.45 Core Policy 12 of the core strategy requires that all developments of 10 or more dwellings and 1,000sqm or more non-residential floor space - at least 10% of their energy from decentralised and renewable or low-carbon sources, unless demonstrated that is not viable or feasible.

14.46 Government objective is to achieve net-zero carbon emissions by 2050, Buckinghamshire Council has joined this pledge. Paragraph 8 of the NPPF sets out the three overarching objectives of the planning system. Point C of para. 8 sets out the environmental objective, which seeks to protect and enhance the natural environment and amongst other things, is the aim to minimise waste and pollution, adaptation to climate change and moving towards a low carbon economy. Paragraph 154 of the NPPF (2021) 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.

14.47 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.

14.48 Policy IV14 of the Ivers Neighbourhood Plan requires all development to be 'zero carbon ready' by design. Where feasible, all buildings should be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year. Planning applications are required to be accompanied by a Whole-Life-Carbon Emissions Assessment and Energy Statements

14.49 The application is supported by an Energy Statement which aims to address the energy consumption and carbon emissions for the proposed development and compliance with national and local development policies.

14.50 Outline permission is being sought for the proposed MSA and therefore it is not possible to produce a detail assessment of energy demands. The submitted energy statement uses a benchmarking approach which calculates the likely energy demand for the site. The benchmarks are provided in accordance with the Chartered Institute of Building Services Engineers (CIBSE) published in Technical Memorandum 46 (TM46), 2008 and Greenhouse Gas Emissions factors published by the Government for 2020

14.51 A feasibility study has also been carried out to identify the potential viable technologies that could meet the requirements of core policy 12.

These are:

- Wind power
- Biomass heating
- Solar Thermal Water Heating
- Combined Heat & power
- Ground Source Heat Pumps
- Air Source Heat Pumps
- Photovoltaic Panels

14.52 The feasibility study has outlined that the proposed scheme would use PV to generate a proportion of the energy requirements. It is expected that the planned PV panels on average to generate 382,268 kWh per annum which accounts for approximately 5.1% of the 10% target required from decentralised and renewable or low carbon sources. The remaining 4.9% would have to be met from a mixture of other low carbon sources (as outlined above). It has been indicated that both Air Source and Ground Source Heat Pumps could be potentially used at site.

14.53 It is also noted that building orientation and indicative design has also been considered as part of the outline stage of the proposal for illustrative purposes. This would incorporate a large amount of glazing in order to optimise the use of natural light, the use of oversailing roofs to reduce solar heat gain and the use of green roofs which would aid in thermal performance in both winter and cooling in summer.

14.54 In addition to the above, the proposed MSA facility building would feature a saw tooth roof design to enable the incorporation of photovoltaic panels. The building would be orientated as such to maximise the harnessing of solar energy.

14.55 The term 'PassivHaus', primarily relates to residential properties, although there are examples where the PassivHaus Standard has been applied to other types of buildings. At present, the buildings in the CV MSA proposal are only at the Outline stage and the full details of the buildings' energy efficiency will only be developed as Reserved Matters and detail design progress. The applicant advises that whilst application of PassivHaus will be kept under review, it is considered likely that a building of the scale of the MSA Amenity building, with the large number of people a day passing in and out of the building, delivering the standard will not be feasible. Officers

agree with this concern that this may not be feasible especially in terms of achieving the appropriate airtightness levels. More detailed feasibility work will need to be undertaken at detailed design stage (Reserved Matters) to establish if this is feasible. For this reason, a condition is required to submit further details, for approval of the proposed Energy/Sustainability Strategy, in order to demonstrate compliance with Core Strategy policy CP12 and the NPPF.

- 14.56 The energy feasibility study referred to above suggests those technologies that could feasibly be used utilised to meet a target of 10% site energy demand decentralised and renewable or low-carbon sources. The full details in relation to a Whole-Life-Carbon Emissions Assessment and more detailed energy statements would be recommended by condition and officers agree with this approach to ensure the proposed details at the detailed design stage for the development is carried out in accordance with the energy strategy set out in the statement and to ensure compliance with the IV14 of the Ivers Neighbourhood Plan.

Waste & Recycling

- 14.57 The site is made up of predominately agricultural land. As highlighted previously, the western parcel of the application site lies above sands and gravels. It is anticipated the underlying sands and gravels would be used as part of the construction process.
- 14.58 The western side of the site would be cut and filled in order to provide a platform for the proposed MSA. It is considered that the reuse of the sands and gravels would lead to less reliance to bring materials on and off site. It is considered that a condition could be attached to require the submission and approval of a Site Waste Management Plan.

Climate Change

- 14.59 Paragraph 154 of the NPPF (2021) 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.
- 14.60 Policy CP13 of the SBCS seeks to promote best practice in design and construction.
- 14.61 Policy 23 of the BMWLP states development should minimise adverse effects on and from climate change. The policy encourages usage of SuDs and also requires development minimises greenhouse gas emissions. The policy does include the caveat noting that minerals development may have a reduced capacity to achieve this.
- 14.62 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.

14.63 In consideration of climate change issues (which includes several topics including energy consumption, renewable energy, sustainable drainage and air quality), the report above covers matters which would contribute towards carbon reductions to tackle climate change. These can be summarised as follows:

- Re-use of mineral (approx. 10,810m³) (extracted to create development platform) which would reduce need for importation of materials and reduce vehicular movements required for construction.
- - Planting scheme which would result in 600m of new native hedgerows, 13ha of neutral grassland, 1.6ha of woodland buffer to the north west of the site, 2.5ha woodland buffer along the southwestern boundary and 1.2ha woodland buffer adjacent to the ancient woodland. Planting of trees would contribute towards carbon absorption and biodiversity net gain
- The proposed MSA would deliver 100 EV charging points as part of the proposed MSA. The submitted ES also highlights that the MSA 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 amenity building would be designed to incorporate measures for maximising light and ventilation. PV panels 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.

14.64 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, officers consider 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 aims of NPPF and development plan policies relating to Climate Change and the reduction of carbon emission.

15.0 Heritage, Conservation and Archaeology

Core Policy 8: Built & Historic Environment

Local Plan Policy C15: Sites of Geological Importance

Ivers Neighbourhood Plan: IV5 Local Heritage Assets

15.1 Core Strategy Policy CP8 states that the protection and, where appropriate enhancement of the District's historic environment is of

paramount importance. In particular, nationally designated historic assets and their settings, for example Scheduled Ancient Monuments and Grade I, II* and II listed buildings, will have the highest level of protection. This policy is not entirely consistent with the language of the NPPF set out in paragraphs 199 and 202 as they apply in this instance, how this harm should be quantified, and the balancing of harm against public benefits.

15.2 Policy IV5 of the Ivers Neighbourhood Plan states the Neighbourhood Plan identifies a number of buildings and structures as set out in Appendix D as Local Heritage Assets. Proposals that will result in the harm to, or unnecessary loss of, a Local Heritage Asset, will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss. There are no buildings identified in Appendix D that would be affected by this application.

15.3 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. 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). 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.

15.4 In addition, paragraph 203 of the NPPF highlights the need to take into account the significance of non-designated heritage assets, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

15.5 The eastern parcel of the application site is adjacent to three designated heritage assets these being:

- Mansfield Farmhouse - Grade II listed
- Barn to the North East of Mansfield Farm House – Grade II Listed
- Dovecote to the East of Mansfield Farm House – Grade II Listed
- In addition, there is Mansfield Lodge – an unlisted building on the corner of Slough Road and the farm access track, which is identified as a non-designated heritage asset. (It is noted that this unlisted building is not included in annex D of Local Heritage Assets as prescribed by Policy IV5 of the Ivers Neighbourhood Plan.)

- 15.6 The western parcel of the application is adjacent to a designated heritage asset, this being White Cottage, a Grade II listed building on the north side of Slough Road.
- 15.7 Heritage impacts are addressed in chapter 9 of the ES and ES addendum. Additional heritage information was submitted following the amendments to the proposal and comments from the Council's Heritage officer. The supporting heritage documents from the applicant highlights that the M25 has already truncated through the land between the listed farm buildings and the wider agricultural land and therefore the construction of an MSA would not further impede the setting of these buildings. The ES and ES addendum states that the relative sensitivity of the wider settings of the Listed Buildings and non-designated buildings historically associated with Mansfield Farm is judged to be low, and overall, the proposed development would constitute a medium magnitude of change and the resulting levels of effect would be minor and not significant in EIA terms.
- 15.8 The Council's Heritage officer has reviewed the submitted heritage documentation and states: *'The submitted Heritage Statement argues that there would be no truncation of the setting or relationships between the buildings in the farm grouping. I must point out whilst the proposed development would not impinge on the architectural characteristics of the heritage assets, it would be a large modern development which would make it difficult to appreciate the buildings in their historic setting and understand their historic relationship. As such this would be another modern development in an already altered landscape which would further remove physical links between the buildings and would result in the loss of the relationship between the buildings and agricultural land. Therefore, this development proposal would lead to further truncation of the heritage assets.'*
- 15.9 Overall, in the view of the Council's Heritage officer the proposed development would constitute less than substantial harm in relation to the policy test required as part of the NPPF. Furthermore, the proposed development would constitute a medium magnitude of change and the resulting levels of effect would be of a moderate adverse change. The term 'moderate adverse change' means that the proposed development would be a negative element within the setting that would erode the significance to a discernible extent. The Heritage officer assesses the harm in heritage terms as low level less than substantial harm.
- 15.10 However, the heritage impacts of the location of the subject application were judged as part of the comparative exercise carried out by the Planning Inspector in relation to the dismissed appeal at CSP1. At paragraph 107 of the appeal the Inspector notes:

'In terms of other harms, there would be likely to be less than substantial harm to the significance of nearby designated and non-designated heritage assets, including in particular White Lodge, and Mansfield Farmhouse and associated

building, by reason of the effect on their settings. The level harm would be likely to be towards the lower end of the scale’.

15.11 Noting the conclusion of the ES and the comments of the Planning Inspector, and in accordance with the NPPF, it is considered that the harm of the proposed development would amount to low level less than substantial harm to the designated heritage asset. This should be afforded great weight and will need to be weighed against the public benefits of the scheme. It is considered that the harm to the non-designated heritage asset would be at the lower end of the spectrum and a balanced judgement under NPPF paragraph 203 is required. This is explored further in the balancing section of the report.

Archaeology

15.12 The PPG set out guidance on the Historic Environment. Paragraph 39 to 41 describes Non-designated heritage assets and the categories for non-designated assets of archaeological interest. The application site is considered to fall into the second category of the above, not being subject of any scheduled monuments.

15.13 Paragraph 203 of the NPPF highlights the need to take into account the significance of any non-designated heritage asset when determining an application. A balanced judgment will be required in regards to the scale of any harm or loss to the significance of the heritage asset.

15.14 An archaeological assessment was carried out and addressed within the updated ES at chapter 9. The assessment has identified two Archaeological Notification Areas (ANA) which denote areas of palaeo-environmental, prehistoric and early historic remains.

15.15 Following the assessment, it is considered that the proposed MSA would result in a high magnitude of change due to the earth excavations and development across the wider site. As such, the level of effect is considered to be moderate with a significant effect in EIA terms.

15.16 The Council’s Archaeology officer has reviewed the submitted documentation and suggests that with the exception of the mineral void, all of the other areas are shown in the Impact Assessment to have a degree of flexibility in the depth of proposed works, with some areas potentially suitable for preservation in situ. Overall, it is considered that the proposed development would result in potential harm to the archaeological resource which is regarded as a non-designated heritage asset (not of equivalent significance to a scheduled monument), at the medium end of the scale. However, this harm could be mitigated through planning conditions requiring archaeological investigation appropriate methodology for preservation in situ if significant remains found. The harm will be considered in the planning balance. The Council’s Archaeology officer has not raised any objections, and has recommended a suitably worded staged condition requiring the

developer to secure appropriate investigation, recording, publication and archiving of results in order to satisfy paragraph 205 of the NPPF

Secondary Effects

15.17 The ES and ES addendum considers the likely significant effects of the mineral extraction on cultural heritage and archaeological assets. The mineral extraction would form part of the construction phase of the MSA.

15.18 The heritage officer remarks on that the MSA scheme would result in permanent 'severing' of the historical associations between the heritage assets, erosion of agricultural setting and cumulative impacts of noise and light pollution. With regards to cultural heritage the ES states that the CV MSA scheme would constitute a medium magnitude of change and the resulting levels of effect would be minor, which is not significant in EIA terms. This would result in less than substantial harm upon heritage assets which concurs with the applicant's assessment. Officers consider this be at the lower end of the spectrum.

15.19 Therefore, subject to conditions, it is considered that residual effects as a result of the mineral extraction would not be significant in EIA terms.

Overall heritage conclusion

15.20 In conclusion: there would be 'less than substantial harm' in NPPF terms, at the lower end of the scale to the significance of the setting of the listed buildings in National Planning Policy Framework (NPPF) terms. However, great weight is given to this harm as required under paragraph 201. In accordance with paragraph 202 of the NPPF this harm must be weighed against the public benefits of the proposal and this exercise is undertaken later in the report. There would be some harm at the lower end of the spectrum to the non-designated heritage asset at Mansfield Lodge, and medium level of harm to archaeology which will be weighed in the planning balance in accordance with paragraph 203 of the NPPF.

16.0 Healthy & Safe Communities

Core Policy 8 Built & Historic Environment

16.1 Core Policy 8 states that development proposals will be expected to accord with Secured by Design principles to achieve crime prevention, reduce the fear of crime and improve other aspects of community safety.

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 During the course of the application the proposed MSA development has been amended, which include changes to the slip roads and access. In terms of the secondary access off the Slough Road, this would be a secured vehicular access just short of the boundary of the main MSA area, where the remainder of the route would be a secured pedestrian access. The secondary access has been designed as a response to NH's position, who were very clear, that should an emergency route be provided: there must be no through connection to the associated motorway, otherwise this would conflict with Circular 02/2013 (para B23).

16.4 Thames Valley Police (TVP) remain concerned that the controlled secondary emergency access will slow response times owing to the distance from the access to the main MSA buildings, and that this will affect their ability to respond to incidents at the site. 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.

16.5 Notwithstanding the above, the applicant has submitted a Crime Prevention Strategy. This document sets out that the proposed MSA has been designed in a way to limit through routes for pedestrians. As such, there will be no public rights of way running through the site. The purpose behind this being that MSA's are designed for the safety and well-being of motorists and should be treated as destinations in their own right and ensuring no pedestrian routes through the site to reduce opportunity for organised and opportunistic criminal activities.

16.6 The Crime Prevention Strategy also highlights measures in order to create a safe development. These measures include extensive CCTV coverage both internally and externally, fuel prevention measures, secure fencing and barriers. In addition, to the above a financial contribution towards the provision of ANPR cameras covering the entry and exit points to the site would also be of benefit to crime prevention in reducing the risk of

crime to a less likely occurrence. In principle, the above are considered acceptable.

- 16.7 In terms of accessibility, the details submitted demonstrate that proposed MSA can be 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. The external areas, internal layout and main routes to the building have been designed with a view to being accessible to all users and inclusive. Dedicated disabled parking bays are provided for close to the main entrance. Level access is also provided from the car park area, and the main pedestrian route to the main entrance. Internally the building has been designed with consideration for all user groups in order to ensure the facilities are fully inclusive. Level access is provided into the building, and throughout the ground floor.
- 16.8 Buckinghamshire Fire and Rescue have no objection to the proposed development subject to meeting fire hydrant, emergency parking and clear access requirements.
- 16.9 Part of the proposed development would result in the diversion of the Public Bridleway (IVE/33/2) which currently runs centrally through the western parcel of the application site. In addition, off-site works are proposed including the provision of a signalled pedestrian crossing across Slough Road. Both the Council's Access officer and Highways officers have been consulted as part of the access arrangements. No objections have been raised in terms of the proposed footpath diversion. However, further details would be required as part of design details, of which would be finalised under a Section 278 works agreement with the Highway Authority. The purpose of this would ensure that the re-provided Public Bridleway is constructed to acceptable standard. In addition, the crossing would ensure that staff can access both bus stops on either side of Slough Road and would provide benefits for footpath users traversing Slough Road.
- 16.10 In addition to the above, it is noted that the Canal & Rivers Trust has requested a financial contribution in terms of improvement to pedestrian routes along the towpaths of the Grand Union Canal. The Grand Union Canal is located approx. 910m to the east. Public Bridleway (IVE/33/2) which passes through the application site does not directly link into the towpaths. The Slough Arm of the Grand Union Canal runs east to west between Iver Village and Richings Park, this part of the canal is located approx. 2.9km to the south of the application site. However, the proposed MSA has not been designed to be wider public attraction and would only be accessed by users of the M25, who are unlikely to use the towpath for recreational purposes. Whilst it is recognised that some traffic will be generated by staff movements on local roads, the level of traffic and associated pedestrians on the towpath would not justify the contributions requested. As such, it would not be proportionate to request the contributions and it would not meet the tests of

the CIL Regulations of how the sums are necessary to make the development acceptable in planning terms or how they directly related to the development or fairly and reasonably related in scale and kind to the development. (CIL Regulation 122).

16.11 Noting the above, it is considered that the proposal would comply with the core policy 8 of the Core Strategy and the aims of the paragraph 194 of the NPPF.

17.0 Economic Benefits

Core Policy 10: Employment

17.1 CP10 of the Core Strategy sets out the aims of providing a balanced local economy in terms of jobs, skills and local labour supply. 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”.

17.2 Chapter 12 of the ES and ES addendum considers the socio-economic of the proposed MSA development. In the first three year of opening approx. 300 full time jobs would be created. It is anticipated that the proposed MSA when at full capacity would generate approx. 399 full time jobs and that a further 47-50 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 (21 months) is likely to generate approx. 250 people on site at any one time.

17.3 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. This would be subject to a Local Employment Strategy being secured that would ensure the benefits (direct and indirect) are captured for local people. This can be secured via a planning obligation and should provide more certainty around commitments for the local job opportunities and procedures for job vacancies and work placements. In addition to the above, it should be noted that in dismissing the CSP1 MSA scheme the Planning Inspector made reference to the fact that an MSA in Iver Heath would create a number of economic benefits. This also extended to the economic benefits of extracting the sands and gravels as part of the mineral extraction (addressed further in the report below).

17.4 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. This element of the proposed is considered to accord with the principles of Core Policy 10 of the Core Strategy. Based on the longer-term operational number of jobs, these economic benefits attract significant positive weight in the overall planning balance.

18.0 Minerals

Mining and Waste Local Plan:

1 (Safeguarding Mineral Resources)

10 (Waste Prevention and Minimisation in New Development)

25 (Delivering High Quality Restoration and Aftercare)

27 (Minimising Land Use Conflict)

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. Policy 1 of the BMWLP requires development within mineral safeguarding areas (which is not exempt) to demonstrate that:

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

18.2 The policy also requires a mineral assessment to accompany the planning application. The applicant has submitted a minerals assessment as part of the application, and a further update which deals with minerals on the eastern parcel of the application site.

18.3 During the course of the application, a separate mineral extraction application was submitted to Council, and this is being assessed under reference CM/0036/21. Application ref: CM/0036/21 seeks planning permission for the prior extraction of mineral and provision of access to facilitate the development of the Colne Valley Services (CVS) and associated works (which is also on this agenda). A separate ES has been submitted in support of the mineral application ref: CM/0036/21.

18.4 The minerals assessment has provided details which utilises site specific geological survey data to establish the existence or otherwise of a mineral resource (detailing resource type, quality, estimated quantity and overburden to reserve ratio) underlying the application site. The assessment also provides commentary on whether prior extraction is feasible for identified mineral resources across the application site.

18.5 The Council's Minerals and Waste planning officer has reviewed the submitted details and considers that the applicant has sufficiently

demonstrated that the proposed method of extraction would result in the majority of the workable resource to the west of the M25 being extracted with limited resources being omitted and thus sterilised by built non-minerals (that is the MSA construction) development proposed.

- 18.6 In terms of the eastern parcel land, further supporting information was submitted during the course of the application. The applicant is seeking to demonstrate the mineral concerned is not of any value or potential value and that the extraction of any underlying mineral would be uneconomical and environmentally unviable. In relation to Policy 1 of the BMWLP, the Council's Mineral and Waste officer considers that the applicant has adequately demonstrated that the mineral underlying the eastern section of the site is not of any value or potential value and therefore satisfied the requirements of policy 1.
- 18.7 It is envisaged that some of the mineral proposed to be extracted under application ref: CM/0036/21 would be reused as part of the construction of the proposed MSA development. It is estimated that 173,000 tonnes of sand and gravel would be removed from site, with 17,300 tonnes being used for the construction of embankments. The transportation and construction impacts have been considered in the report above and the accompanying ES.
- 18.8 In addition to the above, Policy 25 of the BMWLP states that mineral and waste development of a temporary nature must include a restoration scheme that will result in the site being progressively restored to an acceptable condition and stable landform as soon as is practicable and provide for high quality aftercare arrangements including ongoing management and monitoring where necessary. Policy 25 of the BMWLP also highlights that the restoration of sites for economic development purposes will be supported where fully in accordance with relevant planning policy and secondary after-use is included that incorporates an ecologically beneficial after-use within the restored function. Other criteria relating to biodiversity, flood risk and landscape impact of policy 25 are dealt elsewhere within the relevant sections of this report.
- 18.9 The proposed CV MSA development would form part of the restoration of the site and therefore would align with Policy 25 above. However, in the event that the proposed MSA development is delayed or not implemented, the site must be restored to a stable landform and appropriate after-use. The applicant has submitted a fall-back land restoration scheme in the unlikely event that the mineral extraction completes without the implementation of the subject MSA proposal to address policy 25, which is to be considered under the separate minerals application CM/0036/21.
- 18.10 Overall, the proposed MSA development is considered not to constrain the potential for mineral extraction. Whilst the consideration of the mineral application on the agenda would be assessed on its own merits, also a material planning consideration is paragraph 211 of the NPPF, which

states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. It is also noted that in dismissing the CSP1 scheme the Inspector made reference to the benefits of mineral extraction as part of the Iver Heath scheme. As such, this economic benefit would attract limited positive benefit to which the NPPF advises that great weight should be given in the overall planning balance.

19.0 Aviation Safety

Local Plan Policy EP17: Aerodrome/Air Traffic Safeguarding
Minerals and Waste Local Plan:

Policy 23 and Appendix 3: Aerodromes with (statutory) Bird-strike Safeguarding Zones and (non-statutory) Safeguarding Maps

- 19.1 Local Plan Policy EP17 states that the District Council will not permit development which would interfere with the safe operation of an aerodrome or with the movement of air traffic over the District.
- 19.2 Policy 23 of the BMWLP requires developers to demonstrate the proposed development incorporates safety and security measures including taking into account aviation safety.
- 19.3 The application site is within a number of safeguarding zones for airports. Notably, Heathrow Airport which lies approx. 7.2km to the south and RAF Northolt approx. 5.1km to the north east. 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.
- 19.4 In addition to the above, Denham Aerodrome is located approx. 4.9km to the north of the site. 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).
- 19.5 All three airports were consulted as part of the proposed MSA development. No objections were raised on air safety grounds, with Heathrow recommending conditions in relation to building heights and bird management.

20.0 Flooding & Drainage

Core Strategy Core Policy 13: Environmental & Resource Management

- 20.1 Core Strategy Policy CP13 indicates that vulnerable development will be steered away from areas risk of flooding wherever possible. The supporting text of CP13 highlights that a risk-based approach will be taken to allocating sites and permitting development, guiding development towards

areas of lowest flood risk. Developers must submit a site-specific flood risk assessment (FRA) where proposals affect areas which are liable to flood.

- 20.2 The above is broadly in line with the NPPF which states at para 159 that inappropriate development in areas of high risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 161 of the Framework 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 Framework 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.
- 20.3 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.
- 20.4 The Framework paragraph 169 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 20.5 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.
- 20.6 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.
- 20.7 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.
- 20.8 The Chiltern and South Bucks District Council SFRA identifies the eastern parcel of the application site to be within Flood Zone 3b. The definition of flood zone 3b is functional floodplain.

- 20.9 The SFRA highlights that any development within Flood Zone 3b is likely to measurably impact upon the existing flooding regime, increasing the severity and frequency of flooding elsewhere. It is important to recognise that all areas within Zone 3b are subject to relatively frequent flooding – on average, flooding once in every 20 years. There are clear safety, sustainability and insurance implications associated with future development within these areas, and informed planning decisions must be taken with care. Development in such areas would need to pass the Exception Test in conjunction with the relevant vulnerability of the proposed development.
- 20.10 Chapter 10 of the ES addresses flood risk, and the application has been supported by a Flood Risk Assessment (FRA), Sustainable Drainage Statement (SDS) and an Updated Sequential and Exception Test (SET). The FRA carried out a bespoke hydraulic modelling exercise to understand floodplain extents and flood levels within the site in the absence of such information from the Environment Agency and Lead Local Flood Authority.
- 20.11 The proposed MSA development would be located primarily to the west of the M25. The land east of the M25 would incorporate the slips roads for the purpose of access and ingress to the MSA.
- 20.12 The western section of land is within Flood Zone 1 and features small pockets of surface water flooding areas (low, medium and high), these are located adjacent to the north west boundary of the site and associated with unnamed watercourse and to the southern end of the site adjacent to a small field ditch which flows into the River Alderbourne.
- 20.13 The River Alderbourne flows from east to west across the eastern parcel of the application site. As such, the eastern parcel is located with Flood Zones 2 and 3 at high risk of fluvial flooding and subject to Surface Water Flood Risk from low to high.

Sequential Test

- 20.14 Due to the flood risk associated with the proposed development, the application would require a Sequential Test in line with Paragraph 161 of the Framework. The purpose of the sequential test, as explained by Paragraph 162 of the Framework, is to steer new development to areas of lowest flood risk. These mean 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”*.
- 20.15 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”;

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.”

20.16 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.’*

20.17 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 (e.g. housing density), local plan evidence base documents (including HELAA) and comparing the risk.

20.18 Turning to the approach to the sequential test, the applicant has set out the structure and search area based on guidance from the Environment Agency and DEFRA publication 'Flood risk assessments: the sequential test for applicants'. The following criteria has been used by the applicant to demonstrate that there are no alternative sites available at the lower risk of flooding: search area between Junction 15 (M4) and Junction 20 (A41) of the M25, including the links between the junctions.

- Stage One: Overview of flood risk, technical and Physical Deliverability of sites, a locational criteria policy i.e., junction separation for highway safety and the preference for on-line services in line with Circular 02/2013.
- Stage Two: Evaluation of sites passing Stage One, identification of planning constraints, ability to resolve need for MSA, identification of flood risk, other considerations i.e. site history
- Stage 3: Identification of potential sites and further assessment against planning, environmental and availability factors

20.19 In terms of flood risk, there are large areas of land between junction 15 and 20 on the M25 which would not be subject to either fluvial or surface water flooding. However, the starting point for the sequential test submitted focuses on the technical deliverability of land for a proposed MSA. Therefore, the appropriateness of the land is given priority. However, flood risk of potential sites is carried forward on stages 2 and 3.

20.20 The table below sets out the locations of potential MSA sites and compliance with technical deliverability and highway safety. It also shows the sites which have been sifted out and not taken forward to stage 2 and 3.

Table 5: Sequential Test Stages

Location	MSA Potential	Technical Deliverability	Highway Safety	Outcome
Link A – Junctions 15 to 16	Yes	Undeveloped land exists adjacent to M25	Link lengths acceptable to include a further junction	Taken through to Stage 2
Link B – Junctions 16 to 17	Yes	Undeveloped land exists adjacent to M25	Link lengths acceptable to include a further junction	Taken through to Stage 2

Link C – Junctions 17 to 18	Unlikely but carried forward	Limited land available and close to junction 17	Link length insufficient – not carried forward	
Link D – Junctions 18 to 19	Yes	Undeveloped land exists adjacent to M25	MSA marginal potential owing to the short links and weaving	Taken through to Stage 2
Link E – Junctions 19 to 20	Yes	Undeveloped land exists adjacent to M25	Link length insufficient	
Junction 15	No	Major free flow interchange with no suitable land to accommodate		
Junction 16	No	Major free flow interchange with no suitable land to accommodate		
Junction 17	Yes	Access feasible and undeveloped land exists	No weaving issues- but off-line	Set aside pending assessment of on-line potentials
Junction 18	No	Tight junction with no land availability		
Junction 19	No	Limited movements to/from M25		
Junction 20	Yes	Access feasible and undeveloped land exists	No Weaving issues – but off-line	Set aside pending assessment of on-line potentials

- 20.21 Stage 1 identified that link E fails in terms of highway safety (weaving length) and held 2 junction locations at J17 and 20 in abeyance as there are online alternatives available to be assessed first. Those carried forward are links A (Junctions 15-16), B (Junctions 16-17) and D (Junctions 18-19).
- 20.22 Stage 2 of the sequential test assesses each of the filtered sites (as highlighted green in the table above) against insuperable planning designations (urban developments, abutting residential settlements, AONB, SSS1, loss of ancient woodland, direct physical effect on statutorily designated heritage asset) , flood risk constraints, ability of location to resolve non-compliant gaps for MSA's, traffic flows and any other relevant planning history. Links A and B had no insuperable constraints to preclude an MSA. However, Link D would not pass stage 2 in terms of constraints.
- 20.23 In terms of meeting the need for an MSA data has been produced in relation to the gaps analysis between existing MSA's and the number of gaps that would be addressed by a new MSA within in each link i.e. A, B & D, together with traffic data from National Highways Webtris which shows the traffic flows through each of links A, B & D:

Table 6: National Highways Webtris Traffic Flows (2019)

Link / junction	Counter Location	CW Counter Ref	CW AADT	ACW Counter Ref	ACW AADT	2 Way AADT
Link A	J15-16	M25/4981A	102,984	M25/4981B	104,832	207,816
Link B	J16-17	M25/5059A	86,056	M25/5059B	80,426	166,482
Link D	J18-19	M25/5135A	95,721	M25/5135B	91,231	186,952

*CW = Clockwise
ACW = Anti-Clockwise
AADT = Annual Average Daily Traffic*

- 20.24 Analysis of this data reveals that an MSA within link A would most effectively meet d MSA need in terms of both the number of gaps resolved, non-compliant gaps addressed and the traffic flow, followed by Link D and Link B.
- 20.25 In terms of flood risk, the applicants state that all three areas are subject to surface water flooding and link A is also subject to fluvial flood risk.
- 20.26 In terms other planning considerations and site history. Link A has been subject to previous proposals for MSA's. One (with three variations) submitted in 1994 known as the Woodlands Park MSA, lying to the north of Palmers Farm. Historic records indicate that this application was refused and dismissed by the secretary of state on issues relating to former landfill areas, scale, residential amenity and flood risk. The second historic MSA proposal was a one-sided MSA located to the east of Bangors Road South, submitted in 1996 and known as Elk Meadows MSA. This was also refused by Buckinghamshire County Council and subsequently dismissed by the

secretary of state on matters relating to Landfill, flood risk, landscape, ecology, amenity and Green Belt.

20.27 In terms of Link B, reference is made to previous planning history for an MSA at the site known as Warren Farm and the more recent appeal at CSP1, which is detailed earlier in the report. It concludes that the Warren Farm site is the worst performing location for meeting the needs of an MSA in terms of gaps, resolving fewer non-policy compliant gaps, leaving longer residual non-compliance gaps and serving far fewer motorway users. The site would result in greater harm to the Green Belt and the Inspector's conclusions on CSP1 on this and other matters of planning interest.

20.28 The applicant's sequential test, noting the above considerations, concludes that Links B and D are not carried further into stage 3 of the sequential test.

20.29 Notwithstanding the above, officers questioned whether the planning application for CSP2 PL/22/1411/OA should be given further consideration overall in terms of the sequential test and alternative sites assessment as there are differences between the current CSP2 and the appealed proposal for CSP1 in terms of the site area and potential impact including flooding. The alternative sites assessment addresses this in more detail later in this report.

20.30 In response, the applicant has submitted an addendum note on the sequential test following the submission of the latest MSA proposal at Warren Farm and remains of the view that the *"location was the worse performing for meeting the need and also had been the subject of two dismissed planning appeals for different MSA proposals at Warren Farm. The most notable of these was in November 2021 when the Inspector clearly concluded it was not an appropriate location for an MSA. For these reasons, the Warren Farm location was not carried forward to Stage 3"*.

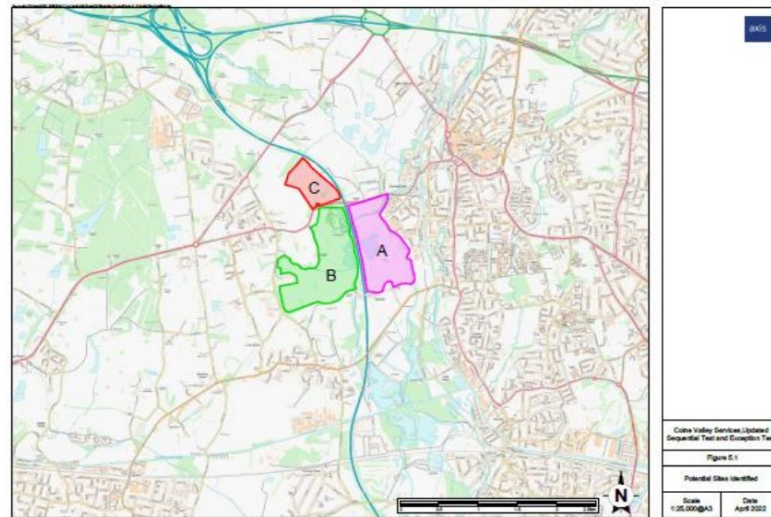
20.31 The applicant considers that the latest MSA proposal under PL/22/1411/OA *"is not appropriate for the proposed development of an MSA to serve the north-western M25 and its adjoining motorways. Accordingly, the findings and conclusions of the Updated Sequential Test and Exception Test report remain robust in relation to the overall Warren Farm site."* As such, Links B and D are not carried through to Stage 3 of the sequential test.

20.32 In terms of stage 3 of the sequential test, based on the considerations above, Link A has been identified by the applicants as the preferred location. At Stage 3 the applicant has identified 3 potential sites within link A setting a parameter of a site size of 10ha minimum. These are then assessed against the assessment criteria (i.e. highway safety, planning constraints and availability) to determine which site is sequentially preferable in terms of lowest flood risk.

20.33 The sites within Link A have been identified as follows:

- Site A: West of Uxbridge (between Slough Road and Palmers Moor Farm)
- Site B: East of Bangors Road (Elk Meadows)
- Site C: Iver Heath West (CV- application site)

Figure 5: Potential Sites within Link A



20.34 It was identified by the applicants that all three sites have the potential to provide an MSA and have the capability to technically deliver the junction requirements for an MSA, but each of the sites have their own sets of planning constraints. Furthermore, it has been noted that all three sites would require junction works which would result incursion into areas within Flood Zones 2 and 3. Therefore, out of three sites, the applicants consider there is no potentially alternative site with a lower flood risk. As such, the sites would be ranked in terms of their planning constraints and availability. All sites fall within the Green Belt and are assessed in terms of their impact. Sites A and B would have the greatest adverse impact as they are located in a narrowest strip between Uxbridge and Iver Heath resulting in urban sprawl, with slightly less for Site B. Site C is more disconnected with the urban edge and would have the lowest impact in a slightly wider expanse of the Green Belt. Site A has been identified as being constrained by the Colne Brook and with a number of pylons crossing the site. In addition, the site is within two land ownerships with the southern half not commercially available. The site is also subject to former landfill workings and has been the subject of previous MSA planning history for a refused scheme.

20.35 Site B has been identified as the most constrained site. The Colne Brook runs parallel to the M25 along the site and is subject of a Grade II*

building, ancient woodland and would require junction access across the southern section of site A (as described above), which is not commercially available.

- 20.36 Site C (application site) has been identified as being adjacent to a number of Grade II listed buildings, would require the diversion of a bridleway and would be commercially available.
- 20.37 Taking the above into account, the sequential test assesses Site C as the being the best site out of the three in terms of planning constraints and meeting the requirements of Circular 02/2013. Site C being the location of the subject proposed MSA (Colne Valley Services).
- 20.38 The competing CV MSA and CSP2 MSA applicants have taken a different approach to their sequential test and conclude that each of their respective sites are sequentially preferable to the other.
- 20.39 Objections have been raised by the applicants for the CSP2 site on the sequential test approach, that there is a preferable site in terms of flood risk which does not involve development in flood zones 2 and 3 and is therefore sequentially preferable, that is sites between junctions 15-17 where CSP2 is located. 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.
- 20.40 The CV MSA sequential test sieves out the CSP2 MSA site at stage 2 for reasons that it does have surface water flood risk and performs worse locationally. 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. No consideration is given to the traffic flows along the respective stretches of the motorway.
- 20.41 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 such areas. Officers acknowledge that there is surface water risk at both the application site and the CSP2 site and there is fluvial flooding risk at the application site (CV). Officers conclude that there is a greater risk of flooding from the fluvial flooding in addition to the surface water flooding at the CV MSA site, and that the CSP2 MSA site could therefore be regarded as at lower risk of flooding.
- 20.42 In applying the remainder of the sequential test as set out in paragraph 162 of the NPPF, consideration then falls to consider 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 in the Alternative Sites Assessment below, where the relevant comparison of the main factors are being assessed in that section.
- 20.43 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.

Exceptions test

20.44 Paragraph 163 of the NPPF states:

‘If it is not possible to possible for a development to be located in areas with a lower risk of flooding (taking into account wider sustainability objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

20.45 Therefore, in any acceptance of the sequential test the proposed MSA development as development within flood zone 2 and 3 would be required to pass the exception test. Paragraph 164 of the NPPF states the following:

‘The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.’

20.46 In the event that the sequential test is passed, the exceptions test can be applied. In terms of point (a) of paragraph 164 of the NPPF, the proposed MSA would provide benefits to road users of the SRN. As previously highlighted the proposed MSA would address non-policy gaps between existing MSA on the SRN to meet a need. In addition, the proposed MSA would provide economic benefits in terms of jobs, sustainability benefits in terms of electric charging provision, footpath improvements (including a crossing over Slough Road) and biodiversity net gains. When considering the highest flood risk would be limited to slip roads (eastern section of the site), it is considered that the wider sustainability benefits would outweigh the flood risk.

20.47 In relation to point (b) of the proposed MSA development, it has been set out above how the proposed development has evolved to ensure the more vulnerable areas of the site are in the lower flood risk zones. The proposed MSA building and other facilities would be located in Flood Zone 1 and the finished floor levels would be sufficiently raised above the modelled design event floodplain extent, with the access **only** being located in Flood Zone 2 and 3. The proposed slip road is also elevated above the modelled design event flood level in this area. The external ground levels can be

designed to be profiled to direct surface water away from the built development and towards the nearest drainage point. It is considered that the proposal would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

20.48 It is noted that there have been representations from the CSP2 applicants questioning whether the access roads could be classed as 'essential infrastructure' and in particular "essential transport infrastructure which has to cross the area at risk "as laid out in Annex 3 of the NPPF. Annexe 3 sets out the flood risk vulnerability classification relevant to the decision on whether to apply the exceptions test. In this instance the exceptions test has been applied and the conclusion reached that the site would be safe for its lifetime taking account of the vulnerability of its users. The site would be meet tests in a) and b) of paragraph 164.

20.49 The Planning Inspector when dismissing the previous CSP1 MSA proposal under reference PL/19/2260/OA refers to the subject of flood risk at the location of the proposed Colne Valley Services site. Paragraph 109 of the APP/X0415/W/21/3272171 states:

'The area to the east of the M25 which would be used for highway infrastructure includes land that lies within Flood Risk Zones 2 and 3. There is criticism of some of the work undertaken to support the application, including the approach to the sequential test. But focusing on the site itself rather than the application, national policy accepts that, if there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, then the sequential test is capable of being met. Moreover, the need for the development and the ability to make the development safe would mean that the exception test would be likely to be met. The works that would take place in the areas at risk of flooding would not comprise vulnerable development.'

Having regard to the assessment above, it is considered that in the event the sequential test is passed the exceptions test could be passed.

Flood Risk mitigation and drainage

20.50 Chapter 10 of the ES considers flood risk and drainage matters. An updated Flood Risk Assessment, Sustainable Drainage Statement and Hyrdogeology technical note has been submitted as part of the application. These documents demonstrate that flood risk would not be increased elsewhere on site or the neighbouring site. In addition, de-culverting works are proposed for the River Alderbourne on the eastern parcel of the site, this is considered to result in improvements in terms of flood risk. The EA have raised no objection subject to the imposition of conditions as set out in the appendices and officers are satisfied that the proposal will not increase flood risk to the wider area. *Sequential approach to site layout:* It is also noted that the proposed MSA building and associated fuel station and drive thru would be entirely located in flood zone 1 and will be removed from the 1 in 100-

year + 35% design event floodplain based on the hydraulic modelling study. The proposed slip roads on the eastern side of the M25 transecting Flood Zones 2 and 3 and the FRA demonstrates that it can remain safe without off site impacts. As such, the proposal site would appear to have been sequentially laid out to avoid more vulnerable uses within a higher risk of flooding. The EA raise no objection subject to conditions.

SUDs and Drainage

- 20.51 The drainage details designed for the site, incorporating a range of SuDS measures including swales, infiltration soakaway/basins, infiltration trenches, detention basins and underground attenuation tanks. During the course of the application the Local Lead Flood Authority (LLFA) did seek further clarification and details in relation to the existing surface water flow route and the drainage strategy (each of these matters have since addressed by the applicant). 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.
- 20.52 The proposed MSA development would result in works to a main watercourse and would result in new structures over the River Alderbourne. The applicant has submitted amended details during the course of the application in order to address concerns from the Environment Agency relating to flood risk, biodiversity and de-culverting of the river. Overall, the Environment Agency have removed their objections to the scheme and have suggested a number of conditions.

Secondary Effects

- 20.53 The ES and ES Addendum sets out the potential significant effects of the mineral extraction upon surface waters, groundwater and flood risk. The ES is accompanied by a Flood Risk Assessment and a Hydrogeological and Hydrological Impact Assessment.
- 20.54 The proposed mineral extraction would occur on the application on land to the west of the M25. The mineral content underneath the soil comprises of superficial sands and gravels. The affected area is located within flood zone 1 and low risk of surface water flooding.
- 20.55 Subject to the appropriate mitigation through a CEMP secured by planning condition, it is considered that the proposed mineral extraction would not have any significant impacts upon the local water environment.
- 20.56 In summary, the Alternative Site Assessment section will consider the flood risk sequential test further and flood risk. It is considered that the flood

risk on site would not result in harm to vulnerable uses, with the supporting documents demonstrating that the proposed development would be safe for its lifetime without compromising flood risk on neighbouring land. 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.

Utilities

- 20.57 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.
- 20.58 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. A number of utilities have been identified which run under the A4007 Slough Road.
- 20.59 In terms of electricity, a number of high voltage cables are available in the vicinity of the site. Connection to these supplies would be subject to permissions via the relevant suppliers.
- 20.60 It is likely that the proposed development would connect to the public water, foul sewage and electricity supply. Thames Water has identified a number of issues with the capacity of the foul water network which would have implications on the discharge of sewage as part of the proposed MSA. As such, a grampian style condition is recommended requesting details of phased connection into the public sewage system so that Thames Water can appropriately plan and allocate infrastructure provision. It is considered that this would be a satisfactory approach.
- 20.61 Affinity Water have also raised no objection to water use of the proposed development. The MSA should also be able to link into existing telecoms and cable operators, again there is existing infrastructure located to the south of the site on the A4007 Slough Road.
- 20.62 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.
- 20.63 Overall, sufficient utility infrastructure is available in the immediate area to accommodate the development proposal.

21.0 Other Material Considerations - Need Case for MSA Development

Government Guidance provides a policy context for operators and others involved in identifying and filling gaps in the MSA network.

- 21.1 The National Policy Statement for the National Networks (2014) states at paragraph 2.1 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.”
- 21.2 National Government policy relating to the strategic road network (SRN) is contained within Department for Transport (DfT) Circular 01/2022 ‘The Strategic Road Network and the Delivery of Sustainable Development’. This sets out Government policy with regard to the function and provision of Motorway Service Areas (MSA) on the motorway network. The Circular advises that a well-functioning SRN enables growth by providing safe and reliable journeys.
- 21.3 Annex A of the Circular sets out the policy on the provision for road facilities (including MSA’s) on the SRN. MSA’s meet a public need on the SRN, this need relates to the provision of facilities which support the safety and welfare of the travelling public. The circular sets out the fact that MSA’s perform an important road safety function by providing opportunities for the travelling public to stop and take a break.
- 21.4 Paragraph 74 of the Circular 01/2022 states that ‘Road side facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours’
- 21.5 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.
- 21.6 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.

21.7 The interpretation of the above is considered that once a gap between MSAs is shown to exist, it is then not necessary to have regard to other considerations in determining whether a need exists – a gap of 28 miles is in itself sufficient evidence of need for planning purposes.

21.8 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.

21.9 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”.

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

21.11 As highlighted above, MSA's exist in order to meet safety and welfare needs 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. In the context of the subject application it is necessary to consider whether there is an existing

unmet need for an MSA facility on the western section of the M25. It is also noted that paragraph 109 of the NPPF which states that planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

21.12 The application is accompanied by supporting information which illustrates the need for a MSA on the western section of the M25. The applicant advises that regard has been paid to the policy guidance in relation to the maximum distance between MSA's which arises from the need to meet safety and welfare of road users as set out in Circular 01/2022.

21.13 The table below, shows the locations of gaps over 28 miles on the Northwest quadrant of the M25 motorway identified by the applicant in the submitted Planning Statement. 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 7 and table 8, 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.

Table 7: Existing MSA spacing exceeding 28 miles

	MSA	MSA	Gap distance in Miles	Route
1	South Mimms	Cobham	44.6	M25
2	South Mimms	Reading	54.4	M25 & M4
3	Cobham	Reading	43.1	M25 & M4
4	Cobham	Toddington	53.3	M25 & M1
5	Reading	Toddington	63.5	M4, M25 & M1
6	South Mimms	Beaconsfield	28.7	M25 & M40
7	Cobham	Beaconsfield	27.0	M25 & M40
8	Beaconsfield	Reading	37.4	M40, M25 & M4
9	Beaconsfield	Toddington	36.6	M40, M25 & M1
10	Fleet	South Mimms	50.5	M3 & M25
11	Fleet	Beaconsfield	33.1	M3, M25 & M40
12	Fleet	Toddington	59.2	M3, M25 & M1
13	Heston	Beaconsfield	15.2	M4, M25 & M40
14	Heston	South Mimms	32.4	M4 & M25
15	Heston	Toddington	41.3	M4, M25 & M1

16	London Gateway	Cobham	46.2	M1 & M25
17	London Gateway	Fleet	52.8	M1, M25 & M3
18	London Gateway	Reading	56.2	M1, M25 & M4
19	London Gateway	Heston	34.1	M1, M25 & M4
20	London Gateway	Beaconsfield	30.4	M1, M25 & M40

21.14 Having identified that there is a need for an MSA on the western section of the M25, the applicant has identified an area where this need could be best met. It should be noted that the table above does not take into account travel times. During peak times and periods of congestion it may take drivers in excess of 30 minutes to travel the 28 miles. As noted in Circular 01/2022 travel time is also a consideration as set out in para. 75 of the circular it states 'The network of signed roadside facilities on the strategic road network is intended to provide opportunities to stop at intervals of approximately half an hour. However, the timing is not prescriptive as travel between services may take longer on congested parts of the SRN.

21.15 Also relevant to the case for need is reference to the report published by the Highway Agency (now National Highways) entitled 'Spatial Review of the Strategic Road Network Services Areas' (2010). The report identified that long separation distances between MSA's in the South East were an issue, with around a third of separations being greater than 40 miles and the majority of gaps identified being around the western side of the M25.

21.16 The report referred to above makes reference to Cobham MSA in Surrey which has since been built. It states at paragraph 4.23 of the report: 'a new MSA at Cobham would not solve the separation issues for all the problem routes identified', and paragraph 5.9 goes on to say: 'the western stretch of the M25 is poorly serviced by MSAs which will only be partially rectified by a new MSA at Cobham'.

21.17 In addition to the above, officers also note 2005 Secretary of State (SoS) decision in relation to the approved New Barn Farm MSA (now known as Cobham Services) and Burtley Wood MSA (now known as Beaconsfield Services). The SoS makes reference to the need for a MSA in the western sector of the M25, indicating that one or two MSA's might be provided for this sector. At paragraph 28 of the decision letter the SoS highlights that the approval of the Cobham services may lead to pressure for further MSA's on the M25 further to the north.

21.18 Noting the above, the applicant has identified the optimum search area for a new MSA between junction 15 of the M25 (M4) and junction 17 of the M25 (Maple Cross). It is also considered by the applicant that further weight to the

need (notwithstanding the non-compliant gaps between MSA's) should be afforded, due to the fact that the western section of the M25 is the busiest part of the UK motorway network and acts as a key link on a number of long distance routes from north to south of England and north to west. An MSA in this location would also address the majority of non-compliant gaps as identified in the table below, with those resolved highlighted in green

Table 8: Gaps met by proposed MSA

MSA	MSA	Route	Current Gap (miles)	Gap with the introduction of CVS MSA
South Mimms	Cobham	M25 (Anti-Clockwise)	44.6	24.2
Cobham	South Mimms	M25 (Clockwise)	44.6	20.2
South Mimms	Reading	M25 - M4	54.4	24.4
Reading	South Mimms	M4 - M25	54.4	30.4
Cobham	Toddington	M25 - M1	53.3	20.2
Toddington	Cobham	M1 - M25	53.3	33.1
Reading	Toddington	M4 – M25 - M1	63.5	30.4
Toddington	Reading	M1 – M25 - M4	63.5	33.1
Cobham	Beaconsfield	M25 - M40	27.0	20.1
Beaconsfield	Cobham	M40 - M25	27.0	7.3
Beaconsfield	Reading	M40 –M25 - M4	37.4	7.3
Reading	Beaconsfield	M4 – M25 - M40	37.4	30
Fleet	South Mimms	M3 – M25	50.5	26.4
South Mimms	Fleet	M25 - M3	50.5	24.6
Fleet	Beaconsfield	M3 – M25 - M40	33.1	26.4
Beaconsfield	Fleet	M40 – M25 - M3	33.1	7.3
Fleet	Toddington	M3 – M25 - M1	60	26.4
Toddington	Fleet	M1 – M25 - M3	60	33.8
London Gateway	Cobham	M1 - M25	46.2	26.2
Cobham	London Gateway	M25 - M1	46.2	20.1
London Gateway	Fleet	M1 – M25 - M3	52.8	26.2
Fleet	London Gateway	M3 – M25 - M1	52.8	26.4
London Gateway	Reading	M1 – M25 - M4	56.2	26.2
Reading	London Gateway	M4 – M25 - M1	56.2	30
London Gateway	Heston	M1 – M25 - M4	34.1	26.2

Heston	London Gateway	M4 – M25 - M1	34.1	8.3
Heston	Beaconsfield	M4 – M25 - M40	15.2	8.3
Beaconsfield	Heston	M40 – M25 - M4	15.2	7.0
Heston	South Mimms	M4 - M25	32.5	8.3
South Mimms	Heston	M25 - M4	32.5	24.2
Heston	Toddington	M4 – M25 - M1	41.3	8.3
Toddington	Heston	M1 – M25 - M4	41.3	33.8

21.19 The applicant considers that the table demonstrates that of the non-compliant gaps on the western section of the M25 the CV MSA would resolve 22 of those gaps and materially reduce all 8 other existing gaps to 33.8 miles or less. This figure includes the gaps between Cobham and Beaconsfield which are less than the 28 miles and are not therefore highlighted in green, thus reducing the number of non-compliant gaps addressed to 20.

21.20 The need for an MSA and non-compliant gaps was considered in the recently dismissed appeal for the CSP1, which is a material consideration. The Planning Inspector highlights that there are no MSA's on the western section of the M25 between South Mimms and Cobham and recognises that 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. At paragraph 66 the inspector states:

'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 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 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.'

21.21 The Inspector recognised that the location of the CV MSA would fall between 32 of the gaps and address 20 of them. It would also reduce the gap between Beaconsfield MSA on the M40 and Cobham, measured at 27 miles to 20 miles or 7 miles depending on the direction of travel.

21.22 In conclusion, it is considered that a clear need for the proposed MSA in this section of the M25 between Cobham and South Mimms has been demonstrated when assessed against Government Policy as set out in Circular 01/2022 and has been accepted by the Inspector in his decision on the recent CSP1 appeal. Whilst there is a difference between the gaps referred to, it is considered that the appeal Inspector's approach that the proposal would resolve 20 of the identified gaps and would have the benefit of reducing the

gaps between Beaconsfield and Cobham in both directions (2) is reasonable to accept. The proposed MSA would respond to the unmet need for a MSA facility on the north west quadrant of the M25 motorway. This facility would address the welfare and safety of drivers using the SRN. This need is a material consideration in favour of the application and is afforded very significant weight.

22.0 Consideration of Alternatives and the Alternative Sites Assessment

- 22.1 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. not have such harmful effects, or would not have them to the same extent. As such, the competition between sites for meeting this identified need has prompted the alternative sites assessment as a material consideration. Consideration of alternatives is relevant to the vsc test which, is consider later in the report, at the Planning Balance.
- 22.2 The applicant has included an assessment of the alternatives sites within the submitted planning statement and supplementary planning statement. In addition, the Sequential Test and Exception for Flooding also provides information on the alternative sites. This section of the report will undertake an alternative site comparison of key planning considerations before concluding on whether an alternative site to the CVS MSA would amount to a preferable approach to meet the identified need. The conclusions drawn will then be pulled forward into the Planning Balance at the end of this report.
- 22.3 During the course of the application there have been competing proposals for a new MSA on the western section of the M25, which are included in the assessment and are addressed further in this section of the report.
- 22.4 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. In addition, EIA Regulations places no obligation on applicants to actively assess alternatives or to justify the choices they have made.
- 22.5 In terms of the site selection the applicants' key considerations of a preferred site on the western side of the M25 were:

- National Highways preference for on-line MSA's as opposed to off-line. Circular 02/2013 makes reference to on-line MSA's. Paragraphs B13 – B15 of Circular 02/2013 states "on-line (between junctions) service areas are considered to be more accessible to road users and a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions".
- The ability to provide access and egress from the M25 to a new MSA via slip roads that would comply with highway standards or capable of an approval of a departure from relevant standards.
- Seek to address as many non-compliant gaps of MSA's and seek to serve the maximum number of motorway users.
- Finding sufficient land commercially available for a potential MSA.
- Avoid significant environmental constraints in terms of site selection.

22.6 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. In terms of justification, the applicants ASA sets out that in order to minimise the harm to the Green Belt the MSA should seek to deliver safety and welfare benefits to the maximum number of motorway users. In terms of the criteria of meeting the best need the following have been applied:

- Number of MSA gaps served
- Number of non-compliant gaps
- Number of Motorway users served.

22.7 Area of search: The ASA identifies the western section of the M25 between junctions 15 and 20 as potential locations for a proposed MSA. The ASA carried out reflects the preference for on-line MSA in accordance with the Circular However, suitable areas for off-line MSA's have been considered. It also considers the size of land parcels required to support an MSA. The ASA splits the M25 (15-20) into a series of links, this also consistent with the approach carried out in flooding sequential test as set out in the previous section of the report. The links are as follows:

- Link A: Junction 15 to 16
- Link B: Junction 16 to 17
- Link C: Junction 17 to 18
- Link D: Junction 18 to 19
- Link E: Junction 19 to 20

22.8 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. 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.”

22.9 It is however noted that National Highways can allow a departure from the required design standards and the applicants use a minimum of 1.2km weaving to the adjacent junctions. The applicants ASA sifts out link C (junction 17 to 18) in terms of highway safety for reasons that an MSA could not be located between these junctions due to the lack of adequate weaving distances. The ASA also notes distance constraints with Link D and E, this is also consistent with the findings in the flood sequential test. However, for the purposes of the ASA exercise, these sites are carried through for the consideration for non-compliant gaps and traffic levels. It is noted that the current application site does not meet the full weaving distances and National Highways are supporting a departure from the standard as set out above.

22.10 In terms of the assessment against the number of non-compliant gaps fulfilled between each link, these are ranked as follows:

- Ranked 1st: Junction 15 to 16 (Link A): 22 non-compliant gaps
- Ranked 2nd: Junction 18 to 19 (Link D): 21 non-compliant gaps
- Ranked 3rd: Junction 16 to 17 (Link B): 19 non-compliant gaps
- Ranked 4th: Junction 19 to 20 (link E): 18 non-compliant gaps

22.11 In terms of levels of traffic levels, data has been obtained from National Highways webtris database (2019) for each of the links identified above. In terms of two-way traffic flow the following links have been ranked as follows:

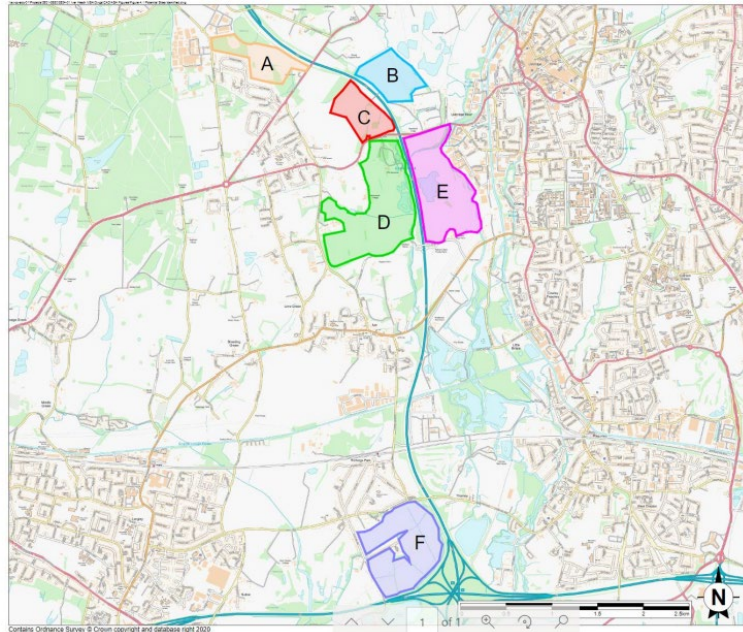
- Ranked 1st: Junction 15 to 16 (link A): 207,816 vehicles passing per day
- Ranked 2nd: Junction 18 to 19 (link D): 186,952 vehicles passing per day
- Ranked 3rd: Junction 16 to 17 (Link B): 166,482 vehicles passing per day
- Ranked 4th: Junction 19 to 20 (Link E): 143,411 vehicles passing per day

22.12 Based on the above, the applicant's ASA identifies that an MSA located between junctions 15 and 16 on the M25 would serve the highest number of routes and non-compliant gaps, together with the highest levels of traffic. It is for these reasons that the applicant has taken forward Link A as the preferred location of an MSA. This includes the application site. Link B which includes the CSP1 and 2 site was sieved out at this stage by the applicant.

22.13 The next stage of the ASA identified potential areas of land between junctions 15 and 16 which would accommodate a potential MSA. The factors used to determine this includes a sufficient size area of land to accommodate an MSA and areas of land which are available and free from substantial development (including vacant land for agricultural purposes). Six sites were identified as potential MSA sites between Junctions 15 and 16 and are set out as follows:

- Site A: West of Denham Road
- Site B: Iver Heath East
- Site C: Iver Heath West
- Site D: East of Bangors Road South
- Site E: West of Uxbridge
- Site F: North West of Junction 15 (M4/M25)

Figure 6: Sites within link A



22.14 Each of these remaining sites were subject to a comparison between them, to enable ranking of them in terms of site suitability for a MSA development. The selection criteria considered:

- Highway safety and access constraints
- Planning & environmental constraints, including Green Belt and planning history
- Deliverability

22.15 In terms of highway safety and access, sites C, D and E were carried forward in the applicants ASA. Sites A, B and F were not carried forward owing to unacceptable spacing to the junctions or weaving distances.

22.16 With the assessment of the remaining sites in terms of planning considerations the ASA sets out that all three sites are located within Green Belt, Colne Valley Regional Park and the South Bucks District AQMA. In addition, sites C, D and E have sufficient areas of land within Flood Zone 1. However, any junction works at any of three sites would result in incursion into flood zones 2 and 3.

22.17 In terms of site D the ASA highlights that this is the most constrained site, due to the fact that ancient woodland and heritage assets are within the site boundaries. The site is also judged to have adverse impacts when assessed against the purposes of the Green Belt and would require land on the opposite

side of the M25 which is not commercially available (within Site E). Site D also has negative historic planning history in terms of MSA developments.

22.18 For site E, this site is more constrained by flood Zone 3 owing to the presence of the Colne Brook in the northern section of the site. The site is also constrained by the fact that it is a historic landfill site, and like site D is subject of historic MSA planning history (which were applications refused or dismissed). The southern section of site E is also not available commercially for the purposes of an MSA development. In terms of Green Belt performance, the applicants consider site E would have the greatest adverse impact in terms of Green Belt.

22.19 Site C is contained within Flood Zone 1, although the ASA also recognises that any junction formation would involve an incursion onto flood zones 2 and 3. The site is adjacent to ancient woodland and designated heritage assets. The ASA identifies site C as having the lesser harm on the Green Belt compared to sites D and E.

22.20 Noting the above, the ASA identifies site C as being the best performing site and would best meet the overall assessment criteria. The applicant states that as site C would represent an on-line MSA site, which the preference in accordance with the locational requirements set out in Circular 02/2013, (replaced by Cir 1/2022). As such, and in similar conclusions to the flood sequential test, potential off-line MSA sites are not given any further consideration as an alternative site. It is also noted that one of the potential off-line sites highlighted by the applicant has been the subject of a recently refused application. This is explored further in the report below.

The Alternative MSA Sites

22.21 As highlighted earlier, during the course of the application, there have been three alternative proposals for MSA's on the western section of the M25. Whilst the applicants sieved out the CSP site in their criteria based on the number and gaps and traffic levels, officers consider that it is appropriate to consider the Warren Farm/ CSP site as part of the alternative assessment.

22.22 In terms of the recently dismissed appeal at CSP1, the Inspector carried out a review of the alternative sites. 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 subject application at Colne Valley Services (on-line MSA) between Junction 15 and 16 on the M25. A copy of the CSP1 appeal is attached at Appendix D.

22.23 The CSP1 scheme was dismissed on the grounds that the scheme would cause substantial harm to the Green Belt. Other harm was raised in terms character and appearance of the area, loss of BMV agricultural land and to aviation

safety. In coming to his conclusion, the Inspector also gave consideration to the other two proposals for MSA's on the western section of the M25.

22.24 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).

22.25 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.'

22.26 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.

22.27 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.

22.28 In terms of the comparison of the dismissed CSP1 scheme and the subject application the Inspector recognised that overall, the proposed Colne Valley Services 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".

22.29 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 Colne Valley 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.'

22.30 In concluding on the alternative site, the Inspector was clear that the Colne Valley Services 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.'

22.31 Since the dismissed appeal, an amended scheme in the vicinity of the Warren Farm site, albeit further south, has been submitted to the Council, known as CSP2. The main difference between CSP1 and the revised proposal at CSP2 is that the MSA has now been re-located to the eastern side of the M25, adjacent to the current HS2 workings on the Chiltern Tunnel.

22.32 The proposed MSA scheme at CSP2 would continue to be located in roughly the same location between junction 16 and 17 of the M25, but with the MSA building located on the eastern side of the M25. The CSP2 MSA scheme would continue to be an on-line MSA and served by a similar access slip roads as per CSP1. The current scheme is undetermined and can be differentiated to the CSP1 scheme as follows:

- MSA facilities building, parking and fuel filling relocated to the eastern side of the M25 (adjacent to the current HS2 compound for the Chiltern Tunnel)
- Reduction in overall site size from 59.52 hectares to 35.87 hectares
- Reduction in the scale and footprint of the facilities building
- Removal of hotel
- Reduction in car parking

22.33 The subject MSA scheme and the revised CSP 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.

22.34 When it comes to judging acceptability of the Colne Valley Services proposal, it is reasonable and proper to take into consideration the circumstances of the other proposed MSA at CSP2, as this is a material consideration for the decision maker.

22.35 A review of the two current MSA proposals are summarised in table 9 below, together with the summary of the Inspector's conclusions from his report on the appealed Chalfont St. Peter (CSP1) site in **bold** relating to either that site or to the other locations he considered at that appeal:

Table 9: 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) Comments by Inspector in comparison to Iver Heath in bold	Summary
Site Size	The site comprises approximately 45ha of agricultural land immediately adjacent to the M25 motorway between J15 and 16. 13.25ha of developed area	The site comprises of approximately 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 8.71ha of developed area	59.52ha of medium scale arable fields on either side of the M25. Developed area is 11.6 hectares	CSP2 proposed MSA has a smaller land area and smaller developed area. CV MSA has a larger land take to accommodate for parking required by additional traffic flow on the M25.
Green Belt	Inappropriate GB development. Will result in significant harm to openness of	Inappropriate GB development. Will result in significant harm to openness of the GB in both	Yes CSP1 limited harm to GB purposes a); significant harm to c) and no	Each proposal is inappropriate development in the GB and will impact on

	<p>the GB in spatial terms and moderate visual impact .</p> <p>Limited harm to GB purposes a) and b) and moderate adverse harm to c)</p> <p>Overall harm: moderate</p>	<p>spatial and visual impact. No harm to purpose a) and b). Moderate harm to purpose c)</p> <p>Overall harm: significant</p>	<p>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 CSP1. Although broadly comparable in terms of purposes, there would be considerably lesser impact on openness</p>	<p>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>
<p>Scale and Height Parameters (indicative)</p>	<p>Facilities/Amenity Building – up to 14.3m maximum</p> <p>Fuel Filling Station – up to 8m</p>	<p>Facilities/Amenity Building – up to 9.1 maximum</p> <p>Fuel Filling Station – up to 7m</p>	<p>Facilities/Amenity Building 13.5m maximum</p> <p>Fuel Filling Station - Up to 7m</p> <p>Hotel - Up to 13.5m</p>	<p>CSP2 MSA has a smaller scale buildings and lower overall heights. Both are indicative</p>

<p>Building Footprint</p>	<p>Facilities/Amenity Building – 4,500sqm</p> <p>Fuel Filing Station – 500sqm</p> <p>Drive-Thru Coffee – 300sqm</p>	<p>Facilities/Amenity Building – 4,700sqm</p> <p>Fuel Filling Station – 480sqm</p>	<p>Facilities/Amenity Building – 7,800sqm</p> <p>Fuel Filling Station - 450sqm</p> <p>Hotel – 3,570sqm</p>	<p>CSP2 MSA has marginally less buildings and lower quantum of building footprint.</p>
<p>Biodiversity</p>	<p>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 followed and 3 tests passed. No significant effects.</p> <p>Demonstrated that >10% biodiversity net gains achievable; 85.92% habitat and 58.35% hedgerows-significant</p> <p>Loss of Veteran Tree</p>	<p>The site is not subject to any statutory designated ecological sites. Two Sites of Special Scientific Interest located within 2km.</p> <p>No protected species on site. No significant effects.</p> <p>Demonstrated that >10% biodiversity net gains achievable; 15% habitat and 29% hedgerows</p>	<p>Loss of a Veteran Tree. Demonstrated that >10% biodiversity net gains achievable (35.8%).</p> <p>Iver Heath - Harm in relation to veteran tree at Iver Heath would be comparable. Any loss of veteran trees could be compensated for or replaced</p>	<p>CVS MSA GCN District Licence process and 3 tests followed, to mitigate</p> <p>CVS MSA proposal would result in the loss of a veteran tree.</p> <p>No loss of veteran tree at CSP2 or protected species affected</p> <p>CV secures higher BNG.</p>
<p>Water</p>	<p>Flood Zone 1 - Western Parcel Flood Zone 2 and 3 (a and b) and Surface Water</p>	<p>Flood Zone 1 – both parcels Two small pockets of Surface Water Flooding</p>	<p>Flood Zone 1 – both parcels Pockets of Surface Water Flooding on western section</p>	<p>CV experiences fluvial flooding. CSP2 does not experience fluvial flooding.</p>

	<p>Flooding on eastern parcel</p> <p>Flood impact mitigation included</p>	<p>comprising low ditches on western section</p> <p>Flood impact mitigation included</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>Both CVS and CSP2 have areas of Surface Water Flooding.</p> <p>Flood impact mitigation included in both CV and CSP2 MSA –</p> <p>Sequential test dealt with later</p>
Air Quality	<p>Site is located in x2 Air Quality Management Areas – M25 and Iver Parish. Iver Parish AQMA relates to a residential area</p>	<p>Site is located in Air Quality Management Area – M25</p>	<p>Site is located in Air Quality Management Area – M25</p>	<p>CP2 located in one AQMA, CV MSA in two.</p>
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 Farmhouse and Dovecote east of Mansfield Farmhouse</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>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>

	<p>A Grade II* listed dairy is located approximately 390m south of the site. Dairy in 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>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>	
Landscape Character	<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 will be localised and predicted to be moderate. No residual</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</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 will 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>

	significant effects in the longer term.	moderate. No residual significant effects in the longer term.		
Visual Effects	<p>ES identifies that the combination of topography and local woodland naturally screen most of the views into the site from the surrounding area, particularly that part of the site lying west of the M25.</p> <p>Four PRoW footpath routes through or adjacent to the site.</p> <p>Residential properties located adjacent to southern boundary and south western boundary.</p> <p>No long term impact, moderate harm identified.</p>	<p>Site relatively well-contained, no intervisibility with Chalfont St Peter.</p> <p>Localised impact, with no significant impact in the longer term.</p> <p>East-facing part of the site would be visible from the valley and higher residential areas in Harefield and Maple Cross. Considerable harm identified</p>	<p>ES identifies that local views into the site are limited to the west due to undulating 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</p>	<p>CV MSA will be well contained within the landscape. Moderate harm identified in the long-term.</p> <p>CSP2 MSA will be integrated into the landscape through existing / proposed earthworks and planting, it will be more widely visible across the Colne Valley. Considerable harm identified in the long-term.</p>

			<p>would be localised effects.</p> <p>Iver Heath overall is not as sensitive as Warren Farm. Of note is the relationship with 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 approx. 80m to the east. Residential receptors are also located on the edges of Iver Heath.</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 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>The Orchards traveller site, located 500m to the north west</p>	<p>The Orchards traveller located 200m to the north</p>	<p>Both MSA proposal broadly comparable in</p>

	<p>(when measured from the closest slip road (southbound M25).</p> <p>Mansfield Lodge and New Cottage approx. 80m to the east, (when measured from 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>when measured from the closest slip road.</p> <p>Aviary Cottage, Denham Lane, 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>Mopes Farm located 200m to the south west</p>	<p>terms of separation distance to neighbouring properties from main MSA 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 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 would not result in loss of BMV land.</p>
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	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	CVS MSA proposal would result in mineral recovery which is a benefit.

	area of the site contains the larger reserve of the mineral resource which could be extracted prior to construction.		viable for extraction.	
Disadvantages of Mineral Extraction	Short term impacts on the landscape	No extraction of mineral	Mineral extraction would meet local and national polices 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 8km from Heathrow Airport 6km to RAF Northolt	2km from Denham Aerodrome 15km from Heathrow Airport 10km to RAF Northolt	2km from Denham Aerodrome 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	Objection from Denham Aerodrome. CSP2 has no significant impact on aviation safeguarding. CVS 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	941 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 23 Caravan Spaces 23 Motorcycle 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 marginally more parking relative to traffic flow
Electric Charging	100 active	120 Active/ 20 Passive	Up to 20 active, spaces and up to 100 passive	Both proposed MSA's are comparable in terms of electric charging provision
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 site is close to local areas of population</p>	Potential staff connection onto wider PROW network and Denham Way	<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 East. Proposals would include a staff shuttle bus. The site is capable of achieving a good level of accessibility</p>	Both MSAs provide pedestrian and cycle access. CV MSA provides for shorter distances, and more opportunities in terms of sustainable accessibility. 300
Secondary/Rear Access	<p>Yes</p> <p>No secondary vehicular access for TVP. 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>.</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</p>

				benefits and disbenefits to each approach.
Weaving Assessment	Non-compliant weaving distance Departure approved in principle by National Highways	Compliant weaving distances	Compliant weaving distances	National Highways raises no objection to either MSA.
Highways impact and safety	No Objection From National Highways subject to recommended conditions. No objections from Buckinghamshire Highway Authority – subject to conditions and/or S106 obligations	No Objection From National Highways subject to recommended conditions. No objections from Buckinghamshire Highway	No objection from Highways England or Buckinghamshire Highway Authority subject to conditions and/or s106 obligations	No objection on highway grounds on either MSA
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	CV MSA proposal would address one more gap than CSP2 (and reduces 2 further gaps)

			users owing to traffic flows.	
Economic Benefits	c300 FTE Jobs in the first year of opening rising to c399 FTE jobs when fully operational	c300FTE 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. See below on deliverability.	24 months See below on deliverability.	15 – 18 months estimate. Iver Heath – reasonable prospect of delivery and realistic timescales in 2026/27	Both MSAs are comparable in terms of delivery times. <i>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.</i> See below on deliverability.

22.36 Comparative Analysis - Summary of Key Findings:

CV MSA

22.37 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.

22.38 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.

22.39 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.

22.40 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.

22.41 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.

22.42 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.

22.43 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.

22.44 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.

22.45 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.

22.46 100 EV charging points are to be provided, with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.

22.47 No objections subject to conditions from National Highways and Bucks highways.

CSP2 MSA

22.48 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.

- 22.49 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.
- 22.50 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.
- 22.51 The eastern has surface water flood area. Flood risk can be effectively mitigated.
- 22.52 In terms of residential and other amenities including noise, air quality there is no significant impact to neighbouring properties.
- 22.53 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.
- 22.54 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.
- 22.55 100 EV charging points are to be provided with the proposed scheme capable of achieving carbon reductions and energy efficiencies through sustainable construction.
- 22.56 CSP2 MSA would result in loss of BMV agricultural land.
- 22.57 No objections subject to conditions from National Highways and Bucks highways.

Summary

- 22.58 An overall summary is to be drawn having regard to all the relevant key issues.
- 22.59 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 in the overall assessment.
- 22.60 In terms of landscape CV MSA is less harmful resulting in a moderate localised impact compared to CSP2 which is considerable.
- 22.61 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.

- 22.62 In respect of CSP2 there would be limited harm through the loss of BMV.
- 22.63 The comparison on flood risk will be dealt with below in considering the sequential test.
- 22.64 In terms of meeting the need, officers consider that the CV MSA site is locationally better placed compared to CP2 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. Turning now to the flood risk sequential test, the test in paragraph 162 of the NPPF for this MSA is whether there is a reasonably available site that it appropriate for this development at a lower risk of flooding.
- 22.65 In considering 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 161 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, the CV MSA site would optimise the number of gaps resolved and reduce 2 further gaps, is on a stretch of the M25 with the highest volume of motorway users to maximise the associated safety and welfare benefits. It would cause less harm overall to the Green Belt, moderate harm to the landscape, harms to a veteran tree, less than substantial harm to the setting of heritage assets and non-heritage asset.
- 22.66 Officers consider that CV MSA would be an appropriate development as it would meet the identified need with less harm. Officers consider that the sequential test and exceptions test is capable of being passed in respect of CV MSA as being appropriate for an MSA to optimise the benefits for motorway users. 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, incorporating SUDS.
- 22.67 There are a number of matters where both sites are broadly comparable as listed in the table above.
- 22.68 Turning now to benefits, both sites would have benefits in terms of jobs and economic growth with CV being closer to population centres with more opportunities in terms of sustainable accessibility, both would have some limited benefits in terms of rights of way enhancements and HGV parking. CV would provide greater benefits in terms of biodiversity net gain and minerals

extraction. This would reinforce the conclusion that CV has less harm and is an appropriate development to meet the need for an MSA on this part of the M25 and delivers greater benefits.

22.69 Deliverability is dealt with in the section below.

23.0 Deliverability

23.1 The CV MSA applicants estimates a 21month period, including mineral extraction for delivery of the MSA. Chapter 4 of the ES sets out the Scheme Description and Construction Methods for the proposed MSA development. Figures 4.4a, 4.4b and 4.4c set out the construction phasing for the proposed development, which is broken down into 6 phases and summarised as follows:

- Stage 1 - Establishment/Enabling (Months 1 to 6): This would include the formation of temporary access points to enable the formation of the construction compound
- Stage 2 – Groundworks (Months 6 to 10): This would include soil stripping and the extraction of the underlying sands and gravels (the mineral)
- Stage 3 – Main Compound/East Bound Link (months 10-11): This would include removing the initial compound in the south of the site and creating a new compound in the location of the new car park.
- Stage 4 – MSA Works 1 and Junction Completion (months 11-14): This would include the completion of the permanent M25 Junction and new Slough Road overbridge
- Stage 5 - MSA Main Works 2 (months 15-20): This would include construction of the main amenity building and fuel service station
- Stage 6 – Completion Works (month 21): This would include final fitout of buildings and the completion of the emergency access and staff drop off point and the permanent completion of the diverted right of way.

23.2 The CSP2 MSA applicants estimates a 24-month period, for delivery of the MSA.

23.3 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.

23.4 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.

- 23.5 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 applications 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.
- 23.6 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.
- 23.7 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.
- 23.8 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.
- 23.9 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.

23.10 If consent is obtained, then for the reasons given later in this report, officers' current view is permission should be granted, 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 the competing alternatives in this case, again subject to any further material considerations.

23.11 The resolution recommended at the end of this report therefore acknowledges that a final determination of the CV 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".

24.0 Other Matters raised in representations

24.1 This section addresses any other matters that have arisen from representations as part of the subject planning application. These are set out as follows:

EIA process:

24.2 Objections have been raised in the minerals application by the CSP2 applicants to the approach taken in the EIA which is tantamount to salami slicing contrary to the EIA Regulations rather than treating the MSA and minerals applications as a single project in EIA terms. The principle of salami slicing means that developers should not be allowed to split a project into smaller components to avoid the need for an EIA which is not the case here. The purpose underlying the requirement to present information in the form of an environmental statement or an environmental impact assessment under the regulations is to ensure that all the information that should be presented identifies likely significant effects on the environment arising from the proposed development and for the council as the decision maker to take this into account when making a decision on the application.

24.3 Officers are satisfied that the applications for the MSA and minerals are clearly treated as a single project in the environmental statement (ES) with the effects of one (either minerals or MSA) are a secondary consequence of the other, given they are all part of one project. This was carried out by including the summarised ES findings, and any identified likely significant environmental effects of the mineral working, within the MSA ES and vice versa. As set out above the report considers individual, secondary and cumulative effects of

each subject within the ES. It is considered that the information provided is satisfactory to enable the council to consider the application in the full knowledge of the likely significant effects of the overall project and take this into account when making a decision.

Uncertainty over highway access:

- 24.4 Objections have been raised over the lack of detail on access and uncertainty that this will be acceptable if left to the reserved matters stage. National Highways and BC highways have raised no objections from a highway impact or safety to the proposal when considering the information provided at this outline stage. As such, officers are content that the level of detail provided would be acceptable in order to justify the principle of the development. Conditions can be imposed to require the submission of further details to be submitted for approval to ensure the access arrangements would be acceptable in highway terms and this meets the test for imposing conditions.

Smart motorway implications:

- 24.5 Representations were made in relation to the fact that the subject MSA scheme does not take into consideration the potential widening of the M25 in conjunction with the SMART Motorway scheme earmarked for the south western quadrant of the M25. Officers note that the running lanes between junctions 15 and 16 were included in the Second Road Investment Strategy, and specifically the M25 south-west quadrant strategic study stage 3 report. However, on the 15th April 2023 the Government confirmed that all future and paused SMART Motorway schemes would be cancelled. Therefore, this does not require further consideration as part of the proposed MSA.

Validation requirements:

- 24.6 The CSP2 applicants raised concerns over insufficient information provided on access contrary to validation requirements. As set out above, National Highways and BC highways have raised no objections from a highway impact or safety to the proposal. The CSP2 applicants have not raised any objection to the level of information and in circumstances where access may be treated as a reserved matter Officers consider that there is sufficient information in relation to the access to accept the principle of granting an outline planning permission with details to follow and secured through condition. Conditions can be imposed to require further details to be submitted for approval to ensure the access would be acceptable in highway terms and this meets the test for imposing conditions.

Colne Valley Regional Park:

- 24.7 A number of representations have been made by CVRP during the course of the application. The majority of the issues raised are dealt with in the report above. Other matters are addressed as follows and in the CIL section below.

- 24.8 Reference has been made to guidance on Local Nature Recovery Strategies (LNRS) and the fact that this has not been taken into account as part of the application. However, LNRS are the responsibility of the Local Planning Authority and the Buckinghamshire LNRS is not yet in place.
- 24.9 Issue of land ownership and covenants has also been raised. This is addressed in the deliverability section and alternative sites assessment above.

Ecology

- 24.10 Representations have been received in relation to incomplete ecology submissions and shortfalls in information in relation to great crested newts. However, the applicant provided supporting information during the course of the application. It is envisaged that the applicant will be entering into the County District Licence scheme for GCN. This is set out in the ecology section within the report. In consultation with the Council ecology officer, this is being addressed by way of planning condition.

Noise

- 24.11 Comments have been received which suggest that mitigation would be required as part of the development in relation to noise. The suggestions include acoustic barriers along Iver Heath Fields and Richings Park. The officers report deals with the noise impacts on adjoining residents. It is noted that Richings Park is located some 3.6km to the south of the application site and therefore it is considered that there would be no impact on the residents of Richings Park in terms of noise, nor is there any identified need for such mitigation to along to Iver Fields.

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 Framework it is considered that the following planning obligation(s) are required to be secured within a signed section 106 agreement if the application is considered to be acceptable. Section 122 (2) of the CIL regulations state:

“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development”*

- 25.2 The following draft obligations are agreed by the applicant:

Employment and Skills Strategy:

A written strategy containing targets to facilitate the employment and training of local people on the land during the construction and operation

of the development which shall be submitted to an approved in writing by the Council at the same time as the first Reserved Matters application.

SUDS Scheme Whole Life Maintenance Plan:

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

SUDS Management Company:

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

ANPR Cameras Contribution:

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

Air Quality Management Area Contribution:

A sum of £19,920.00 to benefit the Ivers Air Quality Management Plan as a contribution to initiatives to improve air quality in the area.

Off-Site Highway Works Scheme:

A scheme for the Highway Works Agreements pursuant to Section 38 and/or Section 278 of the Highways Act 1980 to be submitted to and approved to the Council including upgrades to Bus Stops on Slough Road, a financial contribution for a Puffin Crossing and the realignment of Slough Road (including the footways and cycleways)

Full Travel Plan:

An over-arching travel plan informed by the submitted framework travel plan aimed at promoting sustainable transport options for the Development, to be submitted to and approved in writing by the Council.

Off-Site Landscape Strategy:

A written strategy for the landscaping and future management and maintenance in perpetuity 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 which shall have been submitted to and approved in writing by the Council at the same time as the first reserved matters application.

Public Rights of Way Strategy:

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

- 25.3 The draft 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.
- 25.4 It is noted that representations have been made from the Canal and Rivers Trust and the Colne Valley Regional Park suggested a raft of required mitigation measures in the form of the following:
- Relocation of Iver Environment Centre from the current location to the western side of the M25 (at the applicant's expense).
 - Delivery of active travel routes around the site, including Uxbridge to Black Park
 - Mitigation for the River Alderbourne
 - Maintenance and management for the Biodiversity Netgain land
 - Financial contributions towards CVRP, open space and recreation
 - Improvements to the canal towpath in association with the sustainable travel options (to be captured by legal agreement)
- 25.5 Noting the CIL regulations as set out previously, it is considered that the majority of the suggested mitigation measures would fail to accord with section 122 (2) of the CIL regs. It should be noted that the proposed MSA is intended to serve the users of the SRN and would not be a local attraction in its own right. Whilst it is recognised that a proportion of staff would use local routes to access the site, the improvements sought above would not be considered proportionate or reasonable when noting the intended staff movements.
- 25.6 As previously outlined, the proposed development would result in the diversion of a public right of way and a drop off point/staff access from the north side of Slough Road. In consultation with Council Highway and strategic access officers a number of improvements will be made to rights of way, together with improvements to bus stops and the provision of a pedestrian crossing. These elements are considered to accord with the regs and would be necessary when noting the required changes to the rights of way and staff access provision to the south of the MSA Development.
- 25.7 As set out in the report above, the proposed development is considered to be acceptable in both ES and planning terms in regard to biodiversity. Land is to be provided as part of the proposed bio-diversity net gain measures and the ongoing management of this land is to be secured through the S106 and considered necessary.
- 25.8 In terms of the suggestion of the re-location of the Iver Environment Centre, impacts on adjoining sites are considered acceptable in ecology and visual amenity terms. The Centre is outside the applicants red edge site and outside their control. There would appear to be no justification for the movement of this facility as part of the proposed development, as it not necessary to make the development acceptable. It is noted that the existing location in close

proximity to the SRN. This suggested mitigation measure is considered not to meet section 122 of the CIL Regs.

25.9 The representations in terms of the River Alderbourne biodiversity are noted. As noted from the Environment Agency consultation, conditions have been suggested in this regard and therefore a legal agreement would not be considered necessary.

25.10 The suggested financial contributions towards CVRP, open space and recreation would not be necessary to mitigate the development as the conclusions reached in relation to any harm the CVRP do not identify the need for mitigation other than those outlined above. There is not pressure on open space or recreation as a result of this development identified above.

25.11 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 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:

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

26.3 The proposed MSA development is inappropriate development, which by definition is harmful to the Green Belt and would result in both significant spatial harm and moderate visual harm to the openness of the Green Belt. The proposal would result in conflict with three out of the five purposes of the Green Belt a resulting in limited harm to purposes a) and b) and moderate harm to purpose c). The proposal would not accord with Local Plan Policy of GB1 of the South Bucks District Local Plan (1999) to which moderate weight is afforded to this policy conflict.

- 26.4 The proposal would result in less than substantial harm at the lower end of the spectrum to the setting of listed buildings at Mansfield Farmhouse, Barn to the NE of Mansfield Farmhouse, Dovecote and White Cottage and low-level limited harm to the setting of the non-designated heritage asset and moderate harm to the non-designated archaeological interest contrary to policy CS8 of the South Bucks District Core Strategy (2011). To which moderate weight is afforded to this policy conflict.
- 26.5 The proposal would result in localised residual moderate harm to character of the landscape and visual impacts, contrary to Policy CP9 of the South Bucks District Core Strategy (2011), Policy EP3 of the South Bucks District Local Plan (1999) and Policies IV1 and IV13 of the Ivers Neighbourhood Plan. However, this conflict could be overcome in considering the importance of the need for an MSA and whether this would outweigh this harm. Regard has been given to the impact Colne Valley Regional Park in this landscape assessment.
- 26.6 The proposal would result in the loss of a veteran tree which would be balanced against the need for an MSA and the appropriate mitigation and compensation proposed and as such would not conflict with CS9 of the South Bucks District Core Strategy (2011) or IV 13 of the Ivers Neighbourhood Development Plan (2022).
- 26.7 The proposal complies with other development plan policies on the main issues in so far as they relate to trees and hedgerows, highways, parking and access, public rights of way (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the exception of biodiversity net gain and landscape), well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, 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 National Planning Policy Framework 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 [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.

26.12 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. Those policies which are most important for determining this application are Core strategy policies CP8, CP9, Local Plan policy GB1, EP3, BMWLP policy 1 and 6 and IVNP policy IV13 relating to the principles that go to the heart of the development in respect of Green Belt, landscape character and context, prior extraction of minerals. As set out above policies CP8, CP9 and GB1 are not fully consistent with the NPPF however moderate weight can still be attached to this policy having regard to paragraph 219 of the NPPF.

26.13 Overall, the suite of the most important development plan policies are not considered to be up-to-date for determining the application, and as such paragraph 11d) of the NPPF is considered further below. 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 the harm against public benefits and planning balance, and the weight to be given to harm and benefits where referenced.

26.14 The proposal complies with the objectives of the NPPF on the main issues in so far as they relate to trees and hedgerows (other than veteran trees), parking and access, public rights of way (except as identified in this report), meeting the challenge of climate change and flooding mitigation, and conserving and enhancing the natural environment (with the exception of landscape), well-designed places, crime prevention and safe communities contamination, air quality, energy, lighting, aviation, and residential amenities.

26.15 In terms of access arrangements, details are reserved for subsequent approval and illustrative only at this stage. 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 subject to conditions. There are some positive benefits resulting from the rights of way enhancements which are afforded limited positive weight.

26.16 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, irreplaceable habitats, designated heritage assets and areas at risk of flooding are relevant to this proposal.

- 26.17 Turning firstly to Green Belt harm, As set out above the proposed MSA development is considered inappropriate development, and would result in moderate harm overall to the Green Belt which is afforded substantial negative weight in accordance with paragraph 148 of the NPPF.
- 26.18 The NPPF states at paragraph 148 that 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 assessment of other harm and benefits are considered further below, and the consideration of the VS will follow on from that.
- 26.19 In relation to irreplaceable habitats, as set out above, there would be harm arising from the loss of a veteran tree. Paragraph 180b of the NPPF highlights that development resulting in the loss of ancient or veteran trees should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. The loss of this veteran tree and its irreplaceable habitat represents harm which is afforded negative weight. The need for an MSA would represent a wholly exceptional reason for this loss. Furthermore, the loss would also be mitigated by suitable compensatory tree planting and a biodiversity net gain. There is no clear reason to refuse the application on this ground.
- 26.20 With regard to the historic environment, special regard has also been given to desirability of preserving the setting of nearby listed buildings at Mansfield Farmhouse, Barn to the NE of Mansfield Farmhouse, Dovecote and White Cottage due to the proposed changes within their setting. and the conclusion is that the proposal would result in 'less than substantial harm' at the lower end of the scale to the setting of these listed buildings to which great weight is given under paragraph 202 of the NPPF. The harm to the setting of designated heritage assets should be weighed against the public benefits of the scheme in accordance with paragraph 202 of the NPPF. This weighing exercise will be carried out following the consideration of all the relevant matters and a conclusion reached at that stage on whether there is a clear reason for refusal relating to designated heritage assets. Great importance and weight is given to the harm to the heritage assets.
- 26.21 Turning to the risk of flooding, Officers conclude that taking all other factors into account as set out in the report below the proposal would meet the identified need, and pass the flood risk and exceptions sequential tests, and provide for flood mitigation measures in accordance with paragraphs 161-164,

166 and 168 of the NPPF. For a comparison of all main matters please see Table 9. Officers therefore consider there are no clear reasons to refuse the proposed development on flood risk under paragraph 11d)i.

26.22 Turning next to the test in paragraph 11d)ii this requires a balancing exercise as to whether the harm significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole.

26.23 In addition to the harm already identified above, moderate harm to the character of the landscape and visual impact which attracts moderate weight. There is also harm at the lower end of the spectrum to the setting of the non-designated heritage asset at Mansfield Lodge which is attributed limited weight given the existing presence of the M25. Harm at the medium end of the scale has also been identified in terms of non-designated archaeological interest which is weighed in the balance in accordance with paragraph 203 of the NPPF.

26.24 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, which is a significant positive consideration. Alternative land and sites for MSA provision have been considered as a material consideration. Officers consider that CV MSA would be an appropriate development having regard to all the matters considered above to fulfil this need as the preferred site. Significant positive weight is given to this factor.

26.25 In addition to the benefits arising from the need for an MSA the proposed development would also create economic benefits through the creation of jobs and investment during- and post- construction phases, with a Local Employment Strategy to maximise the opportunities locally and this benefit is afforded significant weight. A significant net gain in biodiversity has been demonstrated to be achievable, and this attracts significant 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.

26.26 The proposed development would involve the prior extraction of mineral beneath the western section of the site and not sterilise the mineral. The extraction relates to circa 173,000 tonnes of sand and gravels of which 17,300 would be used on site. It is considered an advantage that the sand and gravel can be won and contribute to the council's landbank supply in accordance with BMWLP policy resulting in a limited benefit given the amount with delivery through the separate minerals application. This is considered an economic benefit to which great weight is given in the balance in accordance with paragraph 211 of the NPPF.

26.27 As set out above, the resolution recommended acknowledges that a final determination of the CV MSA application will not be made at this stage. 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 Very Special Circumstances

27.1 Taking the above into account, it is concluded that having due regard to the need for an MSA in this quadrant of the M25, the benefits identified above delivered by the proposed development clearly outweigh the identified harm to the Green Belt and other harm. Officers consider that 'Very Special Circumstances' do exist in this case.

Balance relating to Heritage

27.2 In considering paragraphs 202 and 203 of the NPPF in relation to the harm to heritage assets, it is concluded that the need for an MSA, economic benefits for employment and creation of jobs, and biodiversity net gain as public benefits would outweigh the less than substantial harm at the lower end of the spectrum to the setting of the nearby designated heritage assets as a result of the proposal to which great weight is given.

27.3 There is harm to the non-designated heritage assets at Mansfield Lodge and archaeological asset which is outweighed by these benefits.

Summary on Green Belt VSC and Heritage

27.4 Having regards to the above, Officers now turn again to paragraph 11d)i. of the NPPF there is no clear reason to refuse the proposed development on either Green Belt or heritage grounds.

28.0 Conclusion

28.1 When considering the overall balance, it is acknowledged that this is judgement and that the need for an MSA is an important factor with its associated public safety benefit and other benefits. Officers in making a judgement consider that the adverse effects of the proposal would not outweigh the benefit on a normal balance. In applying the tilted balance in paragraph 11d)ii. the harm would not significantly and demonstrably outweigh the benefit.

28.2 Whilst the proposal would conflict with the Development Plan as outlined above, having regard to the material considerations outlined above, officers in making a judgement consider that there are significant material considerations that weigh in favour of the proposal which would indicate a departure from the development plan.

28.3 As set out above, the resolution recommended acknowledges that a final determination of the CV MSA application will not be made at this stage. 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.

Equalities Act

28.4 *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.*

Human Rights

28.5 *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 (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

30.0 Recommendation

30.1 That the decision be delegated to the Director of Planning and Environment for APPROVAL subject to

- A) Referral to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2021 on Green Belt grounds; and
- B) The granting of satisfactory consents by the Secretary of State pursuant to the Green Belt (London and Home Counties) Act 1938 (as amended). The application shall be referred back to the Strategic Sites Committee in the event that:
 - (i) the application has not been called-in by the Secretary of State and there has been no decision to approve any Green Belt (London and Home Counties) Act 1938 (as amended) consent application within 4 months of the date of this resolution; or
 - (ii) there has been no confirmation, within 4 months of the date of this resolution, that consent has been sought from the Secretary of State for the erection of buildings on the land and for any necessary alienation of Buckinghamshire Council's interest in the land or for the land to be released from all of the restrictions contained in the Green Belt (London and Home Counties) Act 1938 (as amended); or
 - (iii) within 4 months of the date of this resolution, new material considerations are considered to have arisen pursuant to the application for Green Belt (London and Home Counties) Act 1938 (as amended) consent to the Secretary of State, or any decision on the application, or otherwise, that requires reconsideration of the resolution to approve by the Strategic Sites Committee; and
- (c) The completion of an Agreement under s111 Local Government Act 1972 (as amended) securing (by way of obligations requiring a further Agreement under s106 Town & Country Planning Act 1990) planning obligations broadly in accordance with the details set out in the main body of the report (and any update sheet); and
- (d) The imposition of planning conditions broadly in accordance with the details set out in the report (and any update sheet) as considered appropriate by the Director of Planning and Environment;

Or, if these cannot be achieved, for the application to be refused for such reasons as the Director of Planning and Environment considers appropriate.

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.

31.0 List of Tables, Figures and Appendices

List of Tables:

Table 1: Summary on landscape character

Table 2 Summary of visual effects

Table 3: Noise Predictions for Highest Likely Noise for existing NSRs (daytime activities)

Table 4: Noise Predictions for Highest Likely Bridge Construction and Demolition Noise for Existing NSRs (night-time periods)

Table 5: Sequential Test Stages

Table 6: National Webtris Traffic Flows (2019)

Table 7: Existing MSA spacing exceeding 28 miles

Table 8: Gaps met by proposed MSA

Table 9: Alternative MSA Comparison

List of Figures:

Figure 1: Iver Neighbourhood Plan Policies Maps Inset 1 (IV1 – Gaps between Settlements)

Figure 2: Extract of red edge site plan showing realigned Slough Road

Figure 3: Map showing Access Arrangements

Figure 4: Extract Plan of Slough Road Crossing and Footpath Works

Figure 5: Potential Sites within Link A

Figure 6: Sites within link A

List of Appendices:

Appendix A: Consultation Responses

Appendix B: Representations

Appendix C: Site Location Plan

Appendix D: Conditions

Appendix E: LDA Consultation Response

Appendix F: Appeal Decision CSP1

Appendix G: Illustrative Plans and Images

Appendix H: Alternative Sites

Appendix I: Biodiversity Net Gain Plans