

## PLANNING COMMITTEE – 24 JUNE 2021

### PART I - DELEGATED

5. **19/0646/OUT: Outline Application: Construction of new Motorway Service Area (MSA) to comprise: amenity building, 80 bedroom lodge, drive-thru coffee unit, fuel filling station with retail shop, together with associated car, coach, motorcycle, caravan, HGV and abnormal load parking, alterations to the A41 including construction of a new roundabout and vehicular access, works to the local highway network and at Junction 20 of the M25 motorway. Provision of landscaping, signage, infrastructure and ancillary works. (Outline Application accompanied by an Environmental Statement with matters of Appearance, Landscaping, Layout and Scale reserved) at LAND SOUTH OF JUNCTION 20 OF M25 AND WEST OF A41 WATFORD ROAD, HUNTON BRIDGE, HERTFORDSHIRE**

Parish: Abbots Langley

Expiry of Statutory Period: 26 July 2019

Extension agreed to 28 May 2021

Ward: Gade Valley

Case Officer: Adam Ralton

**Recommendation:** That Outline Planning Permission be Refused.

**Reason for consideration by the Committee:** The application has been called in to committee by three Members of the Planning Committee. In addition the proposal would, if approved, constitute a departure from the Development Plan.

#### 1 Relevant Planning History

- 1.1 18/1474/EIAS: EIA Scoping Opinion request - Motorway Service Area on land south of Junction 20 of the M25 and west of the A41.
- 1.2 TPO897 - The Three Rivers (Land Adjacent Junction 20 of M25, Watford Road, Hunton Bridge) Tree Preservation Order 2019 was made in August 2019 and confirmed by the Planning Committee in January 2020. This Order protects ten individual Oak trees, one individual Ash, and one individual Elder tree and one Area of semi-mature trees on the Southwest side of the application site; one group of one Oak, six Beech, one Lime and one Ash (G1); one group of ten Hornbeam, one Silver birch and four Norway Maple (G2); one group of seven Lime, one Cedar, one Oak and one Wellingtonia (G3) and a Woodland with various Oak, Hazel, Ash, Hawthorn, Blackthorn, Elder and Holly trees.

#### 2 Description of Application Site

- 2.1 The application site is a 19.02 ha (47 acres) parcel of land to the south of the roundabout forming Junction 20 of the M25 with the A41. The site lies between the southbound/anti-clockwise entry slip road onto the M25 from the junction roundabout and the northbound carriageway of the A41 on its approach to M25 Junction 20 from the south. The land slopes up from east to west, with the submitted plans showing an elevational increase of up to 30 metres from the A41 to the highest point of the site. The site's topography was artificially created resulting from previous development activity, with the site being filled with spoil from M25 widening works.
- 2.2 The application site comprises a grassland field currently used for grazing. The land is split by a hedgerow and a group of trees into two sections. Hedgerows define the eastern boundary of the site with the A41. Hedgerows and vegetation and a woodland known as Crabtree Dell form the western boundary. The southern boundary of the site runs west-to-east from Crabtree Dell across the field to the A41 Watford Road.
- 2.3 Land levels generally fall from west to east in this part of the Gade Valley toward the Grand Union Canal and the River Gade. Beyond these landscape slopes up to the east beyond

the West Coast Mainline railway and up the other side of the valley to the settlement of Abbots Langley.

- 2.4 To the south of the site is the small settlement of Hunton Bridge which includes listed buildings such as St Pauls Church and its lych gate, and beyond these the junction between the A41 and Bridge Road/Langleybury Lane. To the west of the site beyond the M25 motorway is woodland and agricultural land, with a public footpath (Kings Langley 001) crossing the land north of North Grove Wood, a wildlife site.
- 2.5 To the north/north-west of the site, beyond the M25, is Kings Langley village. The majority of this land to the north is within the administrative area of Dacorum Borough Council.
- 2.6 The site is designated within the Local Plan as being within the Metropolitan Green Belt. It is within the Upper Gade Valley Landscape Character Area as defined within the Hertfordshire Landscape Character Assessment. The Hunton Bridge Conservation Area is south of the site. The land to the east of the site on the opposite side of the A41 is at a lower level and is within Flood Zone 3.

### **3 Description of Proposed Development**

- 3.1 This application seeks outline planning permission for the construction of a Motorway Service Area (MSA) at the site. The MSA, as illustrated on the 21612-01- SITE PLAN-REV F (KLP32) would comprise of the following components:
  - 3.1.1 **Amenity Building** – Containing a mixture of retail and restaurant facilities, and including public toilets, staff facilities and plant and storage facilities. The proposed amenity building would have a main public level with a gross internal floor area (GIFA) of approximately 4560 sqm, and a lower floor level for servicing and non-public facilities, with a GIFA of 1187 sqm. The lower-ground servicing area would be to the front (i.e. facing the A41), facilitated by the existing topography. The amenity building would be centrally positioned within the site, aligned with the proposed new entrance roundabout.
  - 3.1.2 **Fuel filling station** – Would be located to the north-east of the site, at a lower part of the natural topography and adjacent to the existing M25 drainage pond. It would be located to the north of the proposed site access and the last available facility prior to vehicles exiting the MSA. The filling station would include a 263sqm kiosk providing a sales and payment area, food and drink servery, toilets and staff facilities.
  - 3.1.3 **Drive-thru coffee kiosk** – Would be to the north of the application site and comprise a 30 sqm single storey kiosk.
  - 3.1.4 **80 bedroom lodge** - Would be to the north of the main amenity building. The Planning Statement accompanying the application states that the lodge operator would have access to 40 non-designated parking spaces in the main car park.
  - 3.1.5 **Car parking** – A total of 750 car parking spaces (including 12 electric charging points and 36 disabled spaces), 94 HGV spaces, 21 caravan spaces, 19 coach spaces, 24 motorcycle spaces and one abnormal load parking area are to be provided. In addition, the fuel filling station would include 6 parking spaces.
  - 3.1.6 **Highway works** – The proposed highway works would comprise the construction of a new roundabout on the A41 to provide access to the MSA, two new bus stop lay-bys to the north of the site entrance, and alterations to the M25 J20/A41 roundabout junction to increase the number of lanes at all approaches to this roundabout apart from the approach from Kings Langley (the A4251) and to increase the number of circulatory lanes to the north and south sections of the roundabout.

- 3.1.7 **Circulation roads** – Internal circulatory road access is to be laid out enabling access from the new roundabout to the car parking areas, amenity building, lodge and a loop through to the drive-thru coffee kiosk and fuel filling station.
- 3.1.8 **Green space and landscaping** – The submitted illustrative Landscape Masterplan 21612/02 Rev C (KLP33) indicates enhancements to the existing hedgerow alongside the A41 with planting, including a screening mound adjacent to Crabtree Dell, associated with the proposed internal road layout. Soft landscaping is shown throughout the site, including interspersed within the car parking area and around all buildings.
- 3.2 This application has been submitted in outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration (Layout was withdrawn from consideration in May 2021). However, the application includes Drawing PL071 (KLP20) Rev A which sets out the maximum scale parameters (i.e. height, width and depth) for the amenity building, lodge building, drive-thru coffee building and fuel filling station. Whilst scale is a reserved matter, the submitted scale parameters are for consideration as part of this application. The submitted parameters (width x depth, and height) are as follows:
- Amenity Building: Footprint between 4198 and 4665 sqm, 21m high.
  - Lodge Building: Footprint between 1020 and 1134 sqm, 13m high.
  - Coffee Drive-thru: Footprint between 33 and 37 sqm, 7m high
  - Fuel filling station: Footprint between 261 and 291 sqm, 5m high.
- 3.3 The application is accompanied by an Environmental Impact Assessment. National Planning Practice Guidance (NPPG) advises that “the aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process”. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the procedure for assessing, consulting and coming to a decision on those projects likely to have significant environmental effects. The NPPG also confirms that “the Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority... in deciding whether or not to grant consent for the development”.
- 3.4 The application is supported by the following documents which have been taken account of in the making of the planning assessment in this report:
- Environmental Statement
    - Volume 1 comprising main text with chapters covering the EIA Methodology, Proposed Development and Site Context, Construction, Traffic and Transport, Air Quality, Noise and Vibration, Socio-Economic Impact, Ecology, Ground conditions contamination and geotechnical, Archaeology and Cultural Heritage, Landscape and Visual Impacts, Water Resources Flood Risk and Drainage, Lighting Impact, Cumulative Impacts and Residual Impacts.
    - Volume 2 - technical appendices.
    - Volume 3 - non-technical summary.
  - Planning Statement
  - Alternative Sites Assessment
  - Transport Assessment
  - Travel Plan
  - Energy and Sustainability Statement
  - Statement of Community Engagement
  - Socio-Economic Statement
  - Landscaping and Public Realm Strategy

- Agricultural Land Assessment
- Design and Access Statement
- Construction Traffic Management Plan
- Business Case and Vision Statement
- Drainage Report
- Tree Survey and Arboricultural Impact Assessment

3.5 During the course of the consideration of the application by the Council the following additional documents were submitted by the applicant, which were also taken account in the Council's assessment of the application:

- Outline Construction Environmental Management Plan (October 2019).
- Woodland Management Plan (September 2019).
- Updated Drainage Strategy Report (Rev D, July 2019).
- Letters ref 4702/NF and dated 5 November 2019, 31 January 2020 and 18 May 2020 from Furness Partnership regarding Environment Agency's objections.
- Letters ref 4702/LF dated 19 May 2020 and 13 August 2020 from Furness Partnership regarding Affinity Water's objections.
- Transport Assessment (January 2021).
- Transport Assessment Addendum by Croft (January 2021).
- Outline Groundwater Monitoring and Maintenance Plan (January 2021).
- Detailed Quantitative Risk Assessment (February 2021).
- Amended Scale Parameters Plan (Drawing No. 8350 PL071 Rev A / KLP20)

## 4 Consultation

### 4.1 Summary of Consultation Responses:

Abbots Langley Parish Council	4.2.1	Objection
Affinity Water (3 responses)	4.2.2	No Objection
Dacorum Borough Council	4.2.3	Objection
Environment Agency (5 responses)	4.2.4	No objection
Hertfordshire County Council – Archaeology	4.2.5	No objection
Hertfordshire County Council – Fire Protection (2 responses)	4.2.6	No objection
Hertfordshire County Council – Highway Authority (2 responses)	4.2.7	Objection
Hertfordshire County Council – Lead Local Flood Authority	4.2.8	No objection
Hertfordshire County Council – Minerals and Waste	4.2.9	No objection
Hertfordshire Constabulary	4.2.10	No objection
Herts and Middlesex Wildlife Trust	4.2.11	Objection
Herts Ecology	4.2.12	No objection
Highways England	4.2.13	Objection
Historic England	4.2.14	No comment
Kings Langley Parish Council	4.2.15	Objection
National Grid	4.2.16	No response received
Natural England	4.2.17	No objection
Sarratt Parish Council	4.2.18	Objection
Three Rivers District Council – Conservation Officer	4.2.19	No objection
Three Rivers District Council – Environmental Health	4.2.20	No objection
Three Rivers District Council – Landscape Officer	4.2.21	Objection
Thames Water	4.2.22	No objection
Watford Borough Council	4.2.23	No response received

Three Rivers District Council LVIA Consultant	4.2.24	Concerns
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## 4.2 Consultation Responses

### 4.2.1 Abbots Langley Parish Council: [Object]

Whilst the Parish Council acknowledge and welcome the potential for the project to provide local employment within walking distance from local residential hubs, the location of the proposals on 'character sensitive' Metropolitan Greenbelt does cause a number of concerns as noted:

- The applicant's Design and Access Statement describes the area thus; "Proposed MSA is located within an area of gently undulating landscape, comprising broad topped hills and shallow valleys." This is in complete contrast to the design proposals which depict stepped terracing on a steeply rising site. The height of the roof of the main building is some 26m off the height of the A41 access road, over a distance of roughly 120m. By the applicant's description, this is out of character and would be detrimental to the character of the area.
- Two of the key objectives of the Metropolitan Green Belt are to:
  - Check unrestricted sprawl of built up areas
  - To prevent neighbouring towns merging.
- Infilling the space between the two residential areas of Hunton Bridge and Kings Langley would be in direct opposition of these two principles. By example, the creation of the retail and business areas between Nash Mills and Apsley on the A4251, on what was an industrial landscape, which previously formed a strong character break, has now been lost by infill, meaning that detrimentally there is no longer a physical break between these two urban areas which are now essentially one continual region.
- As noted in the Hertfordshire County Council Highways objection, the proposals will bring additional traffic. This will increase exhaust pollution from extra cars and lorries and this is a very real concern for the health of local residents. Given the valley location of the traffic, which has the potential to 'store' toxic fumes at a higher ratio than more open sites and the increase in traffic at 'rush hour', this could potentially raise pollutant levels to dangerous levels at a time, when we as a society, are actively encouraging young children to walk to school. This is particularly worrying as a number of schools and nurseries are within in close proximity to the proposed site and roads
- Whilst we accept the requirement for a managed lorry park, with facilities for drivers, the pollution from standing lorries and refrigerated vehicles using the overnight parking within the sensitive valley area, will only act to maintain high levels of pollutants within this potentially 'trapping' locality.
- Levels of traffic on the current M25/J20/A41 junction are high, there are significant delays on all linked roads through the week. The proposal to increase lanes running into the junction from two to three will only serve to further clog an already congested and poorly designed junction.
- Overdevelopment of green belt will have an impact on surrounding areas. Proposed developments on the Dacorum side of the M25 will create a conurbation from Hunton Bridge through to Kings Langley and on into Apsley.

The Local Plans being developed by both Three Rivers and Dacorum, with likely targets of at least 9000 and 11000 additional houses respectively, will have a significant impact on the M25, A41, A4251 and local 'feeder' roads. For example, there are also potential sites for both employment and housing purposes to the south between the MOTO parcel and Hunton Bridge and to the north at Wayside Farm. The latter would potentially include up to 1800 houses. In Three Rivers there are sites included for potentially 2,500 houses over the next five to ten years in the Gade Valley corridor along the Grand Union Canal. This does not include the two large sites identified either side of the M25.

Whilst these additions are seen as separate sites within their own rights, we feel strongly that en-masse, the sites should all be taken into account as the 'accumulation' of developed sites within this valley run, must be a 'Material Consideration' in the deliberation and decision making on this application.

- We acknowledge the current low biodiversity rating of the site and the proposals for tree planting and landscape improvements are welcome, however the scale of the site and the steeply rising gradients will mean that the location and height of these trees will be minimal in helping to tackle the rise in pollutants. We feel that more should be done by utilizing the UTAQS (Urban Tree Air Quality Score) of the planted area, to tackle the existing and potential increases in air pollution.

#### 4.2.1.1 Abbots Langley Parish Council – Response following March 2021 consultation [Object]

- The members of the Abbots Langley Parish Council Planning and Highways Committee considered the amended documents and made the following comments:
- The committee would like to reiterate points from the letter sent on 20/5/19. They feel that the new arrangements are completely inadequate to the site and will cause additional congestion. Members would like to echo comments made by Kings Langley Parish Council and the Local MP regarding this proposal.

#### 4.2.2 Affinity Water: [Object]

You should be aware that the proposed development site is located close to an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

We are writing to object to this Application and have provided a list of concerns below. If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:

1. Due to the sites previous uses as a Chalk Quarry and landfill, the fact that the infill material for both are not fully understood, and the presence of contamination found during investigation, further ground investigation is needed with a focus on groundwater. The current ground investigation is not sufficient enough to draw conclusions that “overall environmental effect of the proposed development in relation to water resources” is negligible.
2. Due to the construction of a petrol station in a sensitive area (close to source protection zone 1 and River Gade), above ground storage options should be explored, given the risk to controlled waters. A leak detection system for the storage tanks needs to be installed and the onsite drainage system should incorporate an oil/water interceptor which acts to prevent petrol/oil being discharged into the surface water network. If evidence of hydrocarbon leakage is detected from the underground tanks, Affinity Water and the Environment Agency must be notified immediately so a proper groundwater risk assessment can be initiated.
3. If any tanks or generators are to be installed as part of the development, will need to have secondary containment which can hold 110% of the volume the tank or generator is designed to contain.
4. Due to the proximity to public water supply abstraction, the presence of contamination found during the investigation, and that surface water from the car park area is likely to carry on oil and hydrocarbons, direct infiltration should not be used as a method for disposing surface water.
5. Any other surface water disposal methods should incorporate a form of oil and water separator within the design.
6. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

7. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
8. Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise this risk. We would also want to receive at least 15 days prior notification from the developer in advance of any such works, in order to intensify our monitoring and plan potential interruption of the service.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors" (May 2019)

#### 4.2.2.1 Affinity Water: [Response 2: Object]

Thank you for notifying us of the applicant's response to our comments.

You should be aware that the development is located within 500m of our public water supply abstraction boreholes. In consideration of the nature and extent of the development alongside the characteristics of the Chalk aquifer (rapid groundwater flow through fractures, karst features and high vulnerability), any discharge from soakaways, controlled or uncontrolled spillage and construction works has the potential to impact our ability to guarantee wholesome water supply. Variation of the natural recharge pattern is also a concern.

We have reviewed the response but continue to have concerns and therefore maintain our objection to the development at this time. Please see our comments below for details.

##### Response 1:

*There has been an extensive network of boreholes that have been drilled across the site. These have recorded contamination and groundwater levels and contamination across the site. This has recorded no overall levels of contamination that are causes for concern. We appreciate the previous uses of the site and during the construction phase there will be a rigorous regime to look out for hotspots of contamination should these be encountered. Please refer to attached site investigation report in Appendix A. We have also been consulting with the Environment Agency. During the course of the work an Environmental Permitting process will also be applied for and subject to EA review*

The findings to date are noted but with regards to protecting public water supply we need further clarification. We are in support of the statement under 5.5.4 of the site investigation report that "further longer-term sampling should be considered to verify the findings of the analyses undertaken to date". This is required under different groundwater conditions over a longer period of time before any development of this nature is approved. In addition to this we would like to see further details regarding existing and future sampling (dates, no. of rounds, test certificate etc.).

##### Response 2:

*In our discussion with the EA we have produced a number of drawings to satisfy their comments. Refer to appendix B. The storage tanks will be double skinned with a leak detection built into the system. There is an oil interceptor incorporated as part of the design.*

These measures are noted but due to the proximity to public water supply abstraction, an additional sentinel monitoring borehole and continuous sampling programme at a location between the underground fuel tank and our abstraction point is required. We also require further details regarding the detection limit of the double skin system. A risk assessment of

pollution derived by a leak occurring under the detection limit of the system should also be undertaken and submitted to Affinity Water for review.

Response 3:

*There will be a below ground bunded concrete enclosure for the tanks. This will be able to hold the volume outlined. It will also be further lined with a chemical resistant membrane. Refer to drawings in Appendix B.*

Noted but refer to above comment.

Response 4 and 5:

*No serious levels of contamination were encountered during the site investigation. We have followed the SUDS manual in the terms of a number of trains of treatment such as filter strips, swales, etc to be used prior to discharging in the final soakaway on site. All run off from car park areas will have a petrol interceptor in place. From the petrol station the forecourt run off will go into the foul drainage network.*

Irrespective of the levels of existing contamination, given the proximity to the public water supply abstraction and the groundwater flow fracture pattern in the chalk aquifer, any discharge has the potential to reach our abstraction without attenuation or dilution within a short period of time. For this reason, further clarification is needed regarding the drainage network, predicted discharge volumes and expected composition.

Response 6:

*We confirm that work on site will be undertaken in accordance with relevant British Standards and Best Practice Manuals. In terms of any pollution encountered refer to response to item 1.*

Noted. This does not however remove our concern for the protection of public water supply abstraction.

Response 7:

*We will try and avoid the use of piling techniques across the site. However, where it is required we will adopt the recommendations outlined in "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention National Groundwater & Contaminated Land Centre report NC/99/73.*

The report mentions the opportunity to implement vibrating stone column. This technique is associated with the same concerns as piling, when undertaken below the water table. For any foundation works below the water table, a bespoke risk assessment needs to be undertaken and submitted to Affinity Water for review. The risk of a turbidity plume being dragged into our abstraction needs to be considered and adequate monitoring of the aquifer turbidity generated by the foundation works is required and this should be coordinated with Affinity Water operational activity.

(June 2020)

#### 4.2.2.2 Affinity Water: [Response 3: No Objections subject to conditions]

We initially objected to the application for this development due to our concerns of the risk posed to our public water supply. After further assessment on the risks posed to our site detailed in the DQRA issued 17th February 2021 we would like to review our original response. Providing the following conditions are met we will remove our objection:

##### 1. Monitoring plan

A) Works are carried out in accordance with the monitoring plan published by Firth Consulting, issued 6th March 2021

i) With the exemption of supplementary baseline monitoring, which is to be more frequent than stated in the report. A minimum of bi-monthly monitoring should be undertaken before the fuel filling station is complete.

## 2. Contamination including turbidity

B) No works involving deep excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

ii) A localised Intrusive Ground Investigation to identify the current state of the site where piling will take place and appropriate techniques to avoid displacing any shallow contamination to a greater depth.

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

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

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply. In case of piling foundations, we strongly recommend the applicant to communicate directly with Affinity Water several weeks in advance to agree mitigation actions and prevent interruption of supply.

## 3. Contamination during construction

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

(April 2021)

### 4.2.3 Dacorum Borough Council: [Object]

The site falls within the Metropolitan Green Belt wherein there is a presumption against inappropriate development. The applicants have provided a planning statement laying down the development proposals and the relevant policy tests in relation to development within the Metropolitan Green Belt.

The applicants consider that a number of recent appeal cases support the case that the development proposed can be considered appropriate development. However, in assessing the current proposal the application needs to be considered on its individual planning merits. The appeal cases referred to in the supporting statement are significantly different to the current proposal in that they relate to the extension of existing service stations rather than the provision of a completely new facility on an undeveloped greenfield site.

Although it may be arguable that the development could be considered local transport infrastructure, the case put forward by the applicants relates to the need for the facility for much wider strategic reasons, namely to provide appropriate Service facilities on the Motorway network. In any case, even if it was accepted that the Motorway Service Station could be considered as local transport infrastructure there is a second limb to this in Green Belt policy: namely, that the development needs to preserve its openness and not conflict with the purposes of including land within it.

As pointed out within the applicants planning statement there have been a number of recent Court cases, which have examined the concept of openness, which is not defined in the NPPF. The principle cases *Sam Smiths Old Brewery v North Yorkshire County Council* and */Euro garages v SSCLG* have confirmed that this assessment should include both a visual and spatial assessment.

Bearing in mind the current site is devoid of buildings/structures and essentially open in character and will be replaced by significant built development and associated parking it is considered in this case that the proposal will undoubtedly fail to preserve the openness of the green belt.

The supporting appeal cases provided relate to extensions to existing facilities whereby the openness assessment was considered in relation to the perceived impact against an existing built up site and therefore is materially different to the application under consideration.

For the above reasons the MSA is considered to constitute inappropriate development in the Green Belt. In such situations paragraph 144 of NPPF requires "Very Special Circumstances" ("VSC") to be demonstrated to show the need for the MSA outweighs the potential harm by reason of inappropriateness and other harm.

It is considered there are a number of very special circumstances, which have been put forward which are important and weighty considerations. These include the importance of the provision of adequate services on the motorway network in providing a place for rest/refuelling/refreshment and the evidenced safety/welfare benefits, the need for services on the M25, which is sited wholly within the MGB and the economic benefits of employment at both construction and operational stages.

In addition to the green belt assessment, there are a number of other important planning considerations. The principal concern relates to the impact of the proposal on the surrounding road network.

Three Rivers District Council is currently preparing a new Local Plan for the period to 2036; the indicative timetable for the new Local Plan gives the date of adoption as late 2020. While this Local Plan has not been adopted, the proposal site is included within "Local Plan, Potential Sites for Consultation", October 2018, as Site Reference CFS24, for which the potential use is given as motorway services and retail.

In terms of plan making footnote 42 of the NPPF states that policies for large-scale facilities such as roadside services should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies.

The slip roads and roundabout on this particular junction already suffer congestion issues, particularly at peak times. The impact of a new MSA served off the principal highway linking Hemel Hempstead, Kings Langley and Watford is clearly a principal concern of the local planning authority. In its current form it is understood that both the Highway Authorities Herts County Council/Highways England have raised serious concerns regarding the Transport Assessment and the impact of the proposal on the safety and operation of the local/strategic road network both in terms of the modelling provided and the mitigation measures proposed. It is considered without the additional highway information being provided and the subsequent support of the key Highway consultees the application should not be supported.

The provision of substandard mitigation/design measures is also likely to result in further congestion impacts leading to further air quality impacts in the local area.

In addition to the above, the Council is concerned regarding the potential impacts on local shops, hotels, coffee shops etc. in the neighbouring villages/local centres. It is recognised, that in many cases, Motorway Services are largely used by Motorway users. However, the location of this site served directly off the A41 rather than the Motorway is somewhat different and may lead significant numbers of locals/people travelling between Hemel Hempstead and Watford using the facilities as an end destination rather than travelling to the neighbouring village/Town Centres shops/restaurants where parking is more restricted/constrained or perhaps chargeable. Further consideration of the potential vitality impacts on local villages/town centres should therefore be carried out.

For the above reasons Dacorum Borough Council raises serious concerns with the current application.

#### 4.2.4 Environment Agency: [Response 1: Object]

We have two objections to the proposed development due to risks to groundwater and lack of information to know if the development can meet our requirements to prevent, minimise and/or control pollution.

##### **EA Objection 1 – Insufficient information to determine risks to groundwater**

We object to the planning application, as submitted, because the risks to groundwater from the proposed petrol filling station are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 170 of the National Planning Policy Framework (NPPF).

##### **Reason**

Our approach to groundwater protection is set out in 'The Environment Agency's approach to groundwater protection'. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. In this case position statements D1 - General principles of pollutant storage and transmission, D2 - Underground storage (and associated pipework) and potentially D3 - Sub water table storage apply.

Groundwater is particularly sensitive in this location because the proposed development site

- is within Source Protection Zone 3
- is located upon a Principal aquifer.

To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by the petrol filling station to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed petrol filling station may pose an unacceptable risk of causing a detrimental impact to groundwater quality.

##### **Overcoming our objection**

In accordance with our approach to groundwater protection we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by the petrol filling station can be satisfactorily managed. The application mentions the installation of below ground fuel tanks (unknown design and capacity) associated with the petrol filling station. As the tanks will be sited on a Principal aquifer and within Source Protection Zone 3 the risk to groundwater from the direct entry of pollutants is high.

The applicant has not undertaken an assessment of risks associated with the development and has failed to demonstrate that above ground storage has been considered. The applicant has not provided sufficient information to show that below ground tanks are the

most suitable fuel storage option for this site. Limited information has been provided to confirm the proximity of the fuel tanks in relation to the water table and/or details of mitigation measures (pollution prevention measures) that are to be incorporated into the installed tanks and pipework scheme.

We are not opposed to the principle of the development of a petrol filling station at this site. In order to alleviate our concerns we recommend the applicant to provide:

1. A site specific risk assessment, quantifying risks to the water environment from the petrol filling station development. The risk assessment must consider the environmental site setting (the depth to water table is important), previous land-use history, conceptual site model following a pollutant linkage approach. The site specific risk assessment must also consider and demonstrate that the petrol filling station, from a groundwater protection point of view, is located appropriately within the development, adequately designed and fit for purpose with the right mitigation in place to protect the groundwater environment.
2. A feasibility study considering an options appraisal between above ground fuel tanks versus underground fuel tank solutions. The feasibility study to confirm and demonstrate that there is a need for the preferred option for the tanks to be underground; and that above ground options are not possible at this location subject to the risk assessment to the water environment.
3. Full structural details of the tanks design and infrastructure, including details of excavation.
4. Details of fuel delivery pipework and containment.
5. Drainage details for the forecourt and drainage within the tanker off-loading area; how the surface water will be managed (surface water drainage details) and how the surface water will be isolated from the remainder of the site.
6. Information relating to the proposed leak detection system, its monitoring and maintenance.
7. Any groundwater monitoring and sampling schedule
8. A site specific staff training manual that explains to site staff specific environmental risks associated with the petrol filling station, and actions to be taken in the event of an incident.”

We cannot provide further comment until we have seen this information, after which we would be in a position to agree a way forward.

### **EA Objection 2 – Lack of information in relation to prevent, minimise and/or control pollution**

The proposed development will require a permit under the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know if the development can meet our requirements to prevent, minimise and/or control pollution as submitted in order to be granted an environmental permit.

#### **Reason**

The proposed development involves the excavation, importation and deposit of controlled waste from a historic landfill to create the development platform. All excavated historic waste which must be removed from the site, must do so under the duty of care requirements identified in section 34 of Environmental Protection Act 1990. If the development proposes to reuse previously disposed waste, this will require treatment to ensure consistency for geotechnical and engineering purposes. The treatment, redeposit and importation of controlled waste is regulated by the Environment Agency.

The proposed development will require a landfill/deposit site for recovery permit under Schedule Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know if the development can meet our requirements to prevent, minimise and/or control pollution in order to be granted an environmental permit.

### **Overcoming our objection**

We recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

To reduce the risks to people and the environment and obtain a permit:

- the suitability of the location with respect to the protection of groundwater will need to be considered.
- the design and/or layout of the buildings may need to change.
- the design may need to include abatement technology to reduce the impact of the development beyond Best Available Techniques (BAT)

The following issues will be considered as part of the permitting process:

- The proposed development is located on a principal aquifer and within source protection zone 3 and approximately 250 meters to the public drinking water abstraction. We will therefore need to consider the development's location with regard to the protection of groundwater in more detail. A hydrogeological risk assessment must demonstrate that active long-term site management is not needed to prevent groundwater pollution. We will also need to consider whether surface run-off can be satisfactorily managed to avoid/reduce contamination.
- The proposed development is located within 170 meters of a sensitive groundwater dependent at the River Gade. A hydrogeological risk assessment must demonstrate that active long-term site management is not needed to prevent groundwater pollution.

In order to assess the risks identified above, the following information will be required as part of this application and any subsequent permit application:

- Hydrogeological risk assessment based on the nature and quantity of the waste and the natural setting and properties of the location.
- A Waste Recovery Plan to demonstrate the proposed activity is a legitimate recovery of waste

We will not be able to determine this application until this information has been provided.

### **Informative – Environmental Permit (Scope of controls for landfill and deposit for recovery)**

The proposed landfill/deposit for recovery site will require a permit under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. We will consider the following areas of potential harm when assessing the permit:

- Management - evidence that the operator has an environmental management system, will install site security and be adequately financed. We will consider implications for multiple operator installations and how the operator will deal with accidents.
- Operations - evidence that the operator has considered the entire landfill life cycle, including the landfill design and its construction (landfill engineering), the day to day operation of the site (including how they will confirm they are only accepting wastes appropriate for this site) and how they plan to close the site and manage it to prevent pollution during the aftercare phase once waste disposal stops.
- Emissions and monitoring - evidence that the operator will manage permitted emissions to water, air and land to prevent or where that is not possible, reduce pollution. Evidence that the operator has procedures in place to manage the impact of odour, noise and pests, and that emissions from the site will be monitored to confirm that mitigation measures are effective.

To reduce the risks to people and the environment, and to obtain a permit, you should refer to our generic guidance on obtaining an environmental permit and specific landfill guidance.

Further guidance and advice can be found in our guidance on risk assessment for your environmental permit.

### **Advice for applicant**

Landfill - further information on permit application and compliance

New landfill developments must comply with the standards set out in: <https://www.gov.uk/government/collections/technical-guidance-for-regulated-industry-sectors-environmental-permitting>.

### **Cases that aren't parallel tracked**

Where a developer decides not to parallel track their planning and environmental permit applications, we will not offer detailed advice or comments about how permitting issues affect planning.

### **Water Resources**

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

### **Commercial/Industrial developments**

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption. We also recommend you contact your local planning authority for more information.

### **Pre Application Advice**

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via [HNL.SustainablePlaces@environment-agency.gov.uk](mailto:HNL.SustainablePlaces@environment-agency.gov.uk).

Further information on our charged planning advice service is available at: <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

### **Final comments**

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

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations

#### **4.2.4.1 Environment Agency: [Response 2: Object]**

Thank you for the above application. Based on the additional information provided, we cannot remove our objection. The response fails to address the concerns raised by the Environment Agency regarding the historic landfill present on the site and the risks posed by the development. The proposals in the supplemental letter from GEMCO would not be

an acceptable means of managing the redeposit of controlled waste as part of this development. We maintain that the activity would require regulation under an Environmental Permit and until the application is amended to confirm such, we will not have sufficient information to remove this objection.

Section 3.5.1 addresses surface water and 3.19.1 addresses Groundwater Protection. Both of these fail to appreciate part of this development is on historic landfill where infiltration techniques are simply inappropriate due to the risk of mobilising contamination already present in the ground from historic activities. The proposed design which includes infiltrating retention ponds and sub-base storage on the more sensitive areas of the site will need significant amendment. This must include a fully sealed drainage system connected to foul sewer or to a point where it can discharge via infiltration in an area that will not impact previous anthropogenic activity.

From a groundwater protection point of view we are unable to remove our objection.

The information that we requested under our response NE/2019/130105/01 was not provided. Documents reviewed:

- Letter ref. 1261 190725 EAFPL (RE: \_M25 MOTO SERVICES EA RESPONSE TEXT.), not dated, prepared by GEMCO
- Drainage Strategy Report, rev.D, dated 25/07/19 prepared by Furness Partnership Ltd.

Our comments in relation to the drainage strategy:

- The report indicates the use of soakaway for the disposal of surface water runoff.
- Due to sensitivity of the site and expected shallow groundwater levels, the drainage strategy should be designed in line with position statements outlined in chapter G of 'The Environment Agency's approach to groundwater protection'. It should also be cross-checked with the contamination report. The following points should be considered wherever infiltration systems are proposed at a site:
- Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
- Only clean uncontaminated water should drain to the proposed infiltration system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration systems and the water table
- A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- Section 3 indicates that foul water will be directed to the main sewer system – we have no objection to this approach.
- Section 4.2 states that 'the base of the underground fuel tanks will be approximately 6m above the water table.' However, our records indicate groundwater levels at 4 mbgl in the NE corner where the FFS is proposed, which means that the 6 m of unsaturated zone cannot be achieved. We expect to receive adequate site specific data to demonstrate this statement. From a groundwater protection perspective, we have real concerns about the proposed location of the FFS, due to shallow groundwater levels in the NE corner; and we expressed them during the pre-application process. We would be more comfortable if the FFS is located in an area where a thicker unsaturated zone is identified (considering the slope of the site that would mean on a higher ground).

- Section 4.3 indicates that 'Surface water in the forecourt area will drain into a fuel retention separator which will connect to the site's foul drain network'. We have no objection to the discharge of surface water from the forecourt area to the sewer system. However, we expect to receive a detailed drainage design.

#### 4.2.4.2 Environment Agency: [Response 3: Object]

Thank you for re-consulting us on the above application following the submission of further information. The information submitted is not adequate to overcome our objections. We refer the applicant again to our comments provided under EA ref. NE/2019/130105/01.

As we stated before, we will not provide further comments until we receive the information requested under EA ref. NE/2019/130105/01, after which we would be in a position to agree a way forward.

Even though we do not provide detailed comments to the Letter ref. 4702/NF, dated 5 November 2019, prepared by Furness Partnership, we want to make the applicant aware of the following:

- In accordance with the 'The Environment Agency's approach to groundwater protection' we will not accept roof water to enter the infiltration systems before the pollution prevention measures.
- Site specific groundwater levels have to be provided. We require sufficient groundwater monitoring events, at the proposed PFS location, to capture seasonal variations (e.g., quarterly monitoring for at least 1-2 years). Groundwater levels considered in the design must take into account heavy rain events and changes due to climate change.

(November 2019)

#### 4.2.4.3 Environment Agency: [Response 4: Object]

We had a meeting with applicant's representatives on 19 December 2019. However, the tank installation details that were agreed in the meeting (i.e., concrete base with upstand, monitoring wells, details of the membrane to demonstrate it is suitable for contaminants present in the landfill materials, etc.) are not reflected in the submitted document. If additional engineering design details cannot be applied, then a long term groundwater monitoring program should be implemented. Regarding the tank leak detection system, wetstock monitoring should also be incorporated.

In addition, we prefer pipework be installed above ground using ducts where they can be easily inspected. If pipes are installed underground, they should be double skinned and with interstitial monitoring.

Groundwater levels beneath the proposed petrol filling station should be provided, with clear indication of unsaturated zone thickness. Water levels should capture the seasonal variations. The Site Investigations report referred to in the letter is outdated and does not provide any data related to unsaturated zone and groundwater levels beneath the proposed petrol filling station. This aspect and groundwater quality issue were also discussed in the meeting where we made our concerns clear.

(February 2020)

#### 4.2.4.4 Environment Agency: [Response 5: No objections]

Thank you for re-consulting us on the above application. We are now in a position to remove our objections. The application demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the

granting of planning permission but respect that this is a decision for the local planning authority.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution

#### Condition 1 – Remediation Strategy

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

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

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF). The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 and is located upon a principal aquifer with shallow groundwater levels.

In addition, the Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination present as a result of historic uses in and around the site could result in a deterioration of groundwater quality within the Mid-Chilterns Chalk WFD groundwater body.

Note: As agreed in the meeting held on 19 December 2019 with the applicant's representatives, the site requires further site investigation with proper groundwater monitoring and sampling program in place.

#### Condition 2 – Verification Report

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

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF. The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 and is located upon a principal aquifer with shallow groundwater levels.

In addition, the Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination present as a result of historic uses in and around the site could result in a deterioration of groundwater quality within the Mid-Chilterns Chalk WFD groundwater body.

#### Condition 3 – Monitoring and Maintenance Plan

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

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the NPPF. The previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 and is located upon a principal aquifer with shallow groundwater levels.

In addition, the Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination present as a result of historic uses in and around the site could result in a deterioration of groundwater quality within the Mid-Chilterns Chalk WFD groundwater body.

#### Condition 4 – Unsuspected Contamination

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

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF.

No investigation can completely characterise a site. In this case it is understood that a number of industrial units are currently occupied and it has not been possible to access these areas for investigation.

#### Condition 5 – Use of Infiltration Surface Water Sustainable drainage Systems (SuDS)

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems

must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the NPPF.

Note: The drainage system must be designed as agreed, with surface water from the forecourt area directed to the sewer system, petrol interceptor installed prior to any discharges to ground from parking and other areas, and roof water draining directly to the surface water system entering after pollution prevention measures.

Condition 6 – Use of Piling, boreholes, tunnel shafts, ground source heating and cooling systems

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

Reason To ensure that the proposed piling/ foundation works do not harm groundwater resources in line with paragraph 170 of the NPPF. Piling and foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Note: With respect to any proposals for piling/ foundation works through made ground, we would refer the applicant to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

Considering the site sensitivity a groundwater monitoring and sampling program must be implemented prior, during and after piling/ foundation/ or other ground works conducted at the site.

Condition 7 – Borehole Management Plan

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

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the NPPF. Incorrectly installed, managed and decommissioned boreholes can act as pathways for the migration of contamination or hydraulically link aquifers of differing water quality. In sensitive locations, such as those within an SPZ1, the Environment Agency requires information to demonstrate that these risks can be mitigated through the use of appropriate management techniques (ie clean drilling methods, management of boreholes during the construction phase etc.).

Condition 8 – Underground Tank installation Scheme

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

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

Reasons: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 170 of the NPPF and Position Statements D1 and D2 of the 'The Environment Agency's approach to groundwater protection'.  
(August 2020)

#### 4.2.5 Hertfordshire County Council – Archaeology: [No objections]

This office previously provided a Scoping Opinion in relation to this development. We agreed that Archaeology should be scoped in to the EIA, and recommended that an archaeological geophysical survey and trial trenching evaluation be carried out and the results included in the Environmental Statement (ES). It appears that the geophysical survey has taken place, but not the trial trenching evaluation.

The report for the former has been included as Appendix 10.2. I have the following comments to make about the document:

- There appears to be a lack of quality control throughout the report, as shown by the report's title – this planning application does not concern either Junction 10 of the M25 or Herefordshire.
- Para 3.3.2 states that the survey was conducted using a Bartington Grad601-2 fluxgate gradiometer, a handheld instrument. However para. 7.1 says that a cart fitted with 4 Bartington Grad-01-1000L gradiometers was used, in part due to its superiority to the handheld Grad 601 system. The report needs to be revised to state which technique was used and why.
- The report includes no raw (or 'minimally enhanced') data to meet EAC (Schmidt et al 2015, para 3.8), or Historic England (English Heritage 2008) guidelines. This should be added. No traverse balancing (e.g. zero mean traverse) or destaggering should be applied to this data and it should be presented in a greyscale format clipped to +3nT - 2nT as the processed data has been. Should a cart-based system have been used where no such data can be provided or such data is completely unintelligible, this needs to be explained in the report.

The applicant's desk-based assessment (DBA- Appendix 10.1) has been greatly revised from the version that was reviewed by this office during the scoping stage. An Archaeology and Cultural Heritage chapter (Chapter 10) has also been submitted as part of the ES. I have the following comments to make on these documents:

- The discussion of archaeological potential now includes the archaeological work that was previously carried out within the site boundaries (Oxford Archaeology 2010). I concur with both documents' conclusions that similar Bronze Age pitting may well survive in the southern field, but that the northern field retains little to no archaeological potential. This also matches with the geophysical survey results.
- I do not, however, agree that there is any evidence to suggest that remains in the southern field lie beneath an average of 0.5m of made ground and may be truncated. The ground investigation works in Chapter 9 and Appendix 9.1 of the ES state that a layer of 'made ground' between 0.35m and 0.8m lies above the natural clay-with-flints, however there is no indication that this is anything other than the standard topsoil and/or subsoil that occurs within any agricultural field. Indeed the ground investigation report describes the various layers as 'topsoil' and 'gravel'. There is no suggestion that it contains significant quantities of modern waste or building material, and the geophysical survey shows that there is little magnetic disturbance contained within it. It is therefore unlikely that the southern field was significantly disturbed during works to the M25, or

that any archaeology present will be more truncated than within a standard field that has been ploughed.

Despite this, I am largely in agreement with both the DBA and ES chapter's recommendations that the next stage of archaeological work can take place post consent. A geophysical survey in itself is not enough to prove the absence of significant buried heritage assets, but in this case it adds just enough to the body of available evidence to suggest that remains of high significance are unlikely to be present. It is likely that the southern field will contain discrete prehistoric features, but these would have to be of exceptional density and unusual quality to be significant enough to impact on the viability of development.

The next stage of archaeological work should therefore comprise an archaeological trial trenching evaluation of the southern field (at a minimum of 5% sample). This should be followed by whatever mitigation measures are suggested as necessary by the results of the evaluation. Please note that the above modifications should also be made to the geophysical survey report and the revised version submitted to meet the requirements of the recommended conditions.

With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological field evaluation, via trial trenching of the proposed development site, prior to any development commencing;
2. such appropriate mitigation measures indicated as necessary by this evaluation These may include:
  - a. the preservation of any remains in situ, if warranted,
  - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
  - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
  - d. such other provisions as may be necessary to protect the archaeological interests of the site;
3. the revision of the geophysical report to meet recognised professional standards as discussed above;
4. analysis of the results of the archaeological work with provisions for subsequent production of a report(s) and/or publication(s) of these results & an archive;
5. such other provisions necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority

in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations

#### 4.2.6 Hertfordshire County Council – Fire and Rescue Service: [Response 1: Comment]

We have examined the drawings and note that the provision for Hydrants does not appear to be adequate to comply with BS9999:2017.

##### **WATER SUPPLIES**

1. Having consulted with our water officer there does not appear to be any hydrants either on the proposed site or within an acceptable distance of the site, accordingly water supplies should be provided in accordance with BS 9999. This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

2. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.

##### **ACCESS AND FACILITIES**

1. Having examined the Vehicle Tracking Fire Engine drawing no 449008, access for fire fighting vehicles onto the site and around the proposed site appears to be adequate, however access requirements to specific buildings depends on footprint area and height and these should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16, paying particular attention to table 19. As

this project is at planning stage we would expect further details regarding fire service access provision to specific buildings to be made available during the building control consultation phase for our comments.

2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.

3. The Vehicle Tracking Fire Engine drawing no 449008 appears to show fire service access roads that avoid excessive dead ends, however if the proposal creates any dead end access roads in excess of 20 metres in length, turning facilities should be provided. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

#### 4.2.6.1 Hertfordshire County Council – Fire and Rescue Service: [Response 2: No objections]

Further to our planning consultation response letter dated 8th May 2019, we are in receipt of additional information regarding water supplies and access received from Richard Wilson, BEC Building services consultants via email, copy attached.

We have examined the drawings and comments and note that the proposed access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when we receive details of the Building Regulations application.

#### 4.2.7 Hertfordshire County Council – Highway Authority: [Object]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

This application requests outline planning permission for the construction of a Motorway Service Area close to Junction 20 of the M25. The proposal also includes an 80 bedroom lodge hotel, a petrol filling station and assumes a new site access from A41 Watford Road. The documents submitted for consideration include a Transport Assessment reporting the anticipated vehicular trips associated with the development and the potential impact of these trips on the surrounding highway network (including the motorway network). Hertfordshire County Council is the Highway Authority responsible for the A41 and A4251 which connect to the M25 at Junction 20. It does not have any responsibility for the motorway network and the following comments are therefore made in relation to the traffic impact on the A41, the A4251 and the local roads connecting to them:

##### **Description of the proposal and existing highway.**

The development layout and associated parking arrangements are presented on Drawing No. 21612/03 Rev C. Parking is shown to be provided for 766 cars, 94 HGV, 19 coaches, 24 caravans and 24 motorcycles. A new vehicular access is proposed from A41 Watford Road using a new roundabout junction. This road is a Principal Road and is classified as a Primary Distributor Road within Hertfordshire's road hierarchy. Hertfordshire County Council's policies for allowing new vehicular access to existing routes are specified in its Roads in Hertfordshire Design Guide. This document confirms that new vehicular access to a road with this 'Primary' status is not permitted. The Highway Authority acknowledges the potential safety benefits associated with encouraging drivers to take regular breaks when driving any considerable distance. However the Highway Authority will require that the development promotes a substantial package of highway improvement works to mitigate for the potential detrimental impact of the additional traffic movements on the adjacent

highway network. These measures will need to demonstrate the particular 'exceptional circumstances' that would justify the introduction of the new access.

The proposed access arrangement is indicated on Drawing No.1803-F01 Rev I and assumes a re-alignment of the A41 to the west to accommodate the positioning of the 60m ICD roundabout within the site. A Stage 1 Road Safety Audit (RSA) has been undertaken for the new junction and is included in the Transport Assessment document. The Highway Authority does not support the designer's response comments in relation to the recommendations made in the RSA. It therefore proposes to undertake a formal review of the RSA and the designer's response which will be reported separately. However, it is noted that the RSA identified a potential problem in relation to the available forward visibility on the A41 approaches. There remains a concern in relation to the forward visibility on the southbound approach as this appears to cross the central reserve safety fence on the A41 (which would obstruct this visibility). The delivery of the visibility requirements will also result in the loss of existing trees from the highway verge. The Highway Authority will resist the loss of any substantial trees unless it can be demonstrated that no alternative highway arrangement can be delivered.

### **M25 Junction 20 Capacity Analysis**

A site inspection was undertaken on Wednesday 13th June 2018 between 08:00 and 09:00. This has facilitated an initial review of the proposed roundabout location and the operation of the existing roundabout junction 20 of the M25.

The Transport Assessment presents an assessment of the existing and proposed operation of the M25 Junction 20 interchange. Capacity improvements are presented in indicative form on Drawing No.1803-F05 Rev A. Information relating to the operational capacity and the extent of traffic queuing is reported for am, pm weekday periods and the suggested peak period of operation for the Service Area (Saturday 10:00 to 11:00). Table 24 of the document presents a comparison of predicted queue lengths in 2028 with and without the development. The Highway Authority has given consideration to the following elements of the junction:

**A41 Southbound junction approach.** The development promotes a carriageway widening on the nearside of this junction approach over a distance of approximately 150m. The widening continues into the circulatory carriageway of the roundabout. The comparison presented in Table 24 confirms that this improvement will not mitigate for the additional development traffic on the junction. Traffic queues (and the resultant delays) are shown to increase during the a.m. weekday, p.m. weekday and Saturday peak periods.

Observations on site by HCC in June 2018 recorded significant queues on this junction approach (extending beyond the Langley Lodge Lane bridge which is approximately 600m from Junction 20). Significant congestion is also recorded on Streetview/Traffic on this highway link. The Highway Authority is therefore not supportive of a proposal that will increase delays on this congested highway link.

**A4125 Southbound junction approach.** The development promotes a carriageway widening on the nearside on the immediate approach to the junction over a distance of approximately 20m. The widening continues into the circulatory carriageway of the roundabout. The comparison presented in Table 24 confirms that this improvement will mitigate for the additional development traffic on the junction during the p.m. weekday peak period only. Traffic queues (and the resultant delays) are shown to increase during the a.m. weekday and Saturday peak periods.

Observations on site by HCC in June 2018 recorded significant queues on this junction approach (extending beyond the bus stop layby which is approximately 200m from Junction 20). Significant congestion is also recorded on Streetview/Traffic on this highway link. The

Highway Authority is therefore not supportive of a proposal that will increase delays on this congested highway link.

**Circulatory carriageway - Southbound.** There are no carriageway widening proposals on this section of the junction. Observations on site by HCC in June 2018 suggest that the traffic queues on this section of the roundabout extend back to the northbound M25 entry slip road. Any capacity improvement on this section of the junction will need to be generated by an increase in traffic signal green time relative to the M25 southbound exit slip road.

**A41 Northbound junction approach.** The development promotes a carriageway widening on the nearside and offside of this junction approach over a distance of approximately 90m. The comparison presented in Table 24 confirms that this improvement will mitigate for the additional development traffic on the junction during the a.m. weekday peak period only. Traffic queues (and the resultant delays) are shown to increase during the p.m. weekday and Saturday peak periods. Observations on site by HCC in June 2018 recorded moderate queues on this junction approach.

**Circulatory carriageway - Northbound.** There are no carriageway widening proposals on this section of the junction. Observations recorded on site by HCC in June 2018 suggest that the traffic queues on this section of the roundabout extend back to the previous set of traffic signals. Any capacity improvement on this section of the junction will need to be generated by an increase in traffic signal green time relative to the M25 northbound exit slip road.

**Circulatory carriageway - Eastbound.** The development promotes a carriageway widening on the nearside of this junction approach over a distance of approximately 15m. Observations recorded on site by HCC in June 2018 suggest that the traffic queues on this section of the roundabout extend back through the previous set of traffic signals. This creates further problems as traffic entering the roundabout from the adjacent M25 slip road cannot enter the offside lane of the roundabout (where traffic heading to the MSA will be attracted).

#### **Junction Analysis Summary.**

The highway improvements promoted for the Junction 20 roundabout are not considered to deliver adequate mitigation for the additional traffic generated by the proposed development.

#### **Trip Generation**

The Highway Authority has previously provided comment on trip generation figures for the proposed development. This traffic data was based on information available from two existing MSA facilities on the M1 in the north of the country and some considerable distance from the proposed development site. The Highway Authority will therefore require confirmation that the anticipated trip generation figures have been approved by Highways England.

#### **Traffic Safety.**

The Transport Assessment includes a brief analysis of the recent history of personal injury collisions recorded on the Junction 20 roundabout. The analysis reports that the collisions are spread around the junction. Although the general pattern is acknowledged to be scattered, there is a cluster of collisions at the roundabout entry from M25 northbound that will need to be investigated further as part of any junction improvement works.

#### **Sustainable Travel Modes / Travel Plan.**

The details submitted include a Travel Plan document which will help to influence travel patterns to and from the site. This document and Drawing No. 1803-F01 Rev I identify the proposed addition of two bus stops close to the site. This addition is supported by the

Highway Authority but it will require that any potential bus stops at the locations shown are provided with easy access kerbing and appropriate shelters.

The Travel Plan makes limited reference to the potential for walking and cycling to the site and the proposed layouts do not include any facilities for cycle parking. Drawing No.1803-F01 Rev I identifies the proposed widening of the existing footway (to 2.0m) at the location of the proposed roundabout but there is no indication of the length of footway that would be widened. The development would be expected to provide employment opportunities for local residents. The Highway Authority will therefore require that the existing footway on Watford Road is widened to accommodate use by both pedestrians and cyclists between the site and Hunton Bridge to the south.

### **Highway Summary.**

The Highway Authority considers that the proposed mitigation measures at junction 20 of the M25 do not deliver the 'exceptional circumstances' required to justify the proposed new roundabout junction on A41. It is therefore unable to recommend the granting of permission for this application in its current form.

#### **4.2.7.1 Hertfordshire County Council – Highway Authority: [Response 2: Object]**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Hertfordshire County Council (HCC) as Highway Authority recommend refusal of the application due to insufficient information to demonstrate that the development proposals would not have a severe impact on the local highway network. The reasons for refusal are summarised as follows:

1. The development proposals would increase traffic volumes on the A41 by 45% in the AM peak, 36% in the PM peak and 86.5% in the Saturday peak. Counter to Policy 5 (a)(b)(g) of HCC's Local Transport Plan 4 (LTP4), this level of traffic increase will exacerbate existing issues with on the A41 at Junction 20 of the M25 and impact on the safety of the highway. More details are provided herein.
2. The junction modelling provided to date has not satisfactorily demonstrated the impacts of the additional traffic volumes and the new site access junction on the A41. The modelling is not fit for purpose. The modelling does not consider the impacts on the A41(S), A41(N) and A4251. Increase in movements at the M25 J20 will negatively impact these arms of the roundabout. This is counter to HCC's LTP4, Policy 5 (Development Management) – specifically d) and g) -, Policy 14 (Climate Change Network Resilience), Policy 19 (Emissions Reduction), 21 (Environment) and DfT Circular 02/2013.
3. HCC's Policy 5 (f) of the Local Transport Plan 4 (LTP4) stipulates that new accesses onto primary and/or main distributor roads will only be considered where special circumstances can be demonstrated in favour of the proposals. At this time, special circumstances have not been demonstrated to justify the introduction of a new access onto the A41, a primary/main distributor road. The increase in traffic volumes, introduction of a new access and increase in queuing is likely to impact the safety of the A41. This is counter to HCC's LTP4 Policy 5 f) (Development Management) and DfT Circular 02/2013.
4. Road Safety Audit of the proposed changes have not been undertaken to date. This is required to justify that the proposals are safe and suitable. This is counter to HCC's LTP4 Policy 5 b) (Development Management), Policy 17 (Road Safety) and DfT Circular 02/2013.
5. HCC's South West Herts Growth and Transport Plan (SWGTP) includes a scheme for bus priority along the A41, including improvements to J20 of the M25 to facilitate this.

The scheme is part of 'Package 6 – Watford-Hemel Hempstead Corridor', specifically SM30 whereby the proposals are described as: 'A41 (M25 J20 and J19) Bus Priority measures' 'Bus priority on some approaches, at and between M25 J20 and M25 J19 spur (Hunton Bridge Roundabout), including consideration of potential for bus lanes with bus priority signals'. This is contrary to HCC's LTP4 Policy 1 (Transport Hierarchy), Policy 5 (Development Management) and Policy 23 (Growth and Transport Plans).

6. The site is located in a fundamentally unsustainable location. Whilst the proposed improvements demonstrated in Drawing No. 1803-F07 are welcomed and encouraged, the site is not within a suitable (800 m ideal or acceptable maximum of 2km) walking distance of residential communities which would enable and encourage future employees of the facility to commute by walking. This is contrary to HCC's LTP4 Policy 1 (Transport Hierarchy) and Policy 5 (Development Management). A small community of residents are within an 800m (desirable) walking distance of the site. The majority of Watford exceeds the acceptable maximum walking distance of 2 km.

### **Description of the Proposals**

The application is for the construction of a new Motorway Service Area (MSA) to comprise amenity building, 80 bedroom lodge, drive-thru coffee unit, fuel filling station with retail shop, together with associated car, coach, motorcycle, caravan, HGV and abnormal load parking, alterations to the A41 including construction of a new roundabout and vehicular access, works to the local highway network and at Junction 20 of the M25 motorway. Provision of landscaping, signage, infrastructure and ancillary works. It is an outline application accompanied by an Environmental Statement with matters of appearance, landscaping and scale reserved.

### **Background**

The applicant has provided updated modelling and a Transport Assessment Addendum to support previous reasons for refusal. The most recent response provided to the applicant was in December 2019 and included reasons for refusal:

1. Access arrangements would impede on forward visibility on the A41.
2. Junction modelling did not reflect the real-life situation on the network where queues were observed in the AM peak on many of the junction arms.
3. Highway safety issues on the M25 northbound off-slip.

The previous comments were provided May 2019 and included the three reasons for refusal as indicated above and an additional reason which was relating to the lack of accessibility of the site by walking and cycling. HCC recommended that the existing footway on the A41 (Watford Road) be widened to accommodate use by pedestrians and cycling (i.e. a shared path) to facilitate access to the site from Hunton Bridge to the south. Please note that the original recommendation is provided within this response.

The modelling has undergone several iterations of review and HCC's comments herein are on the latest submissions by the applicant. HCC requested in correspondence that the relationship between the operation of both the site access and Junction 20 are demonstrated. The applicant provided an updated LinSig to include the site access. The latest documents are:

- Transport Assessment Addendum (January 2021)
- Transport Assessment (January 2021)
- Proposed Site accesses Arrangement Drawing 1803-F01 Rev J
- Potential Improvements to M25 A41 Roundabout Drawing 1803 - F05 Rev D

For information, the proposed site access would comprise a roundabout junction which would require re-alignment of the A41 to accommodate the access. New bus laybys are proposed north of the proposed site access for both directions of travel.

Potential improvements to Junction 20 of the M25 (M25 and A41 Roundabout) include:

- Widening of the A41 north arm to accommodate a third lane on the approach to the junction;
- Kerb realignment at the A4251 approach to accommodate the additional lane and kerb realignment at the A41 north arm approach;
- Provision of a third lane from the A41 north arm to the slip exit to the M25 Eastbound (clockwise);
- Widening of the entry slip lane from the M25 Westbound (anticlockwise) to accommodate a third lane on the approach to the junction;
- Widening of the roundabout circulatory from the M25 Westbound entry arm to the A41 south arm to accommodate a third lane;
- Widening of the A41 south arm approach to accommodate a third lane; and,
- Widening of the M25 Eastbound (anticlockwise) entry arm to accommodate a third lane on the approach to the junction.

### Assessment of Maintained Reasons for Refusal

#### Reason for Refusal 1

The first reason for refusal is that the development proposals would result in significant increases in traffic volumes on the A41(S) arm, both southbound to access the site and northbound to get back to the M25. This will also add volumes to the circulatory.

The additional traffic volumes in each of the peak hours, taken from the Transport Assessment, and the net increase as compared to observed 2016 and growthed 2023 and 2028 flows on the A41 between Junction 20 and the proposed site access are as follows:

Peak Period	AM Peak		PM Peak		Saturday Peak	
	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.
<b>M25 Trips (95%)</b>	493	493	463	463	828	828
<b>A41 Trips (5%)</b>	26	26	24	24	44	44
<b>Total Trips</b>	<b>519</b>	<b>519</b>	<b>487</b>	<b>487</b>	<b>872</b>	<b>872</b>
Traffic on A41 (2016)	1020	1092	1169	1071	868	843
<b>Percent Increase on A41 (2016)</b>	<b>48.3%</b>	<b>45.2%</b>	<b>39.6%</b>	<b>43.2%</b>	<b>95.4%</b>	<b>98.2%</b>
Traffic on A41 (growthed to 2023)	1135	1183	1251	1150	953	915
<b>Percent Increase on A41 (2023)</b>	<b>43.4%</b>	<b>41.7%</b>	<b>37%</b>	<b>40.3%</b>	<b>86.9%</b>	<b>90.5%</b>
Traffic on A41 (growthed to 2028)	1182	1229	1305	1198	1001	958
<b>Percent Increase on A41 (2028)</b>	<b>41.7%</b>	<b>40.1%</b>	<b>35.5%</b>	<b>38.7%</b>	<b>82.7%</b>	<b>86.4%</b>

This means in AM peak 493 vehicles are being added to the queues at the J20 junction with the M25. This would no doubt impact on queuing in all directions. 493 vehicles arriving from M25 (southbound on the A41, turning right into the site on the proposed access roundabout junction) will block vehicles travelling northbound on the A41 from entering the proposed roundabout access junction to get to Junction 20 and either travel onto the M25 or further north on the A41 or A4251. This relationship is not shown accurately on the modelling – please refer to reason for refusal number 2 for additional details. The development proposals would draw a large number of vehicles off the M25 and onto the A41 at a junction which is already subject to congestion and queuing and has been shown in HCC’s Comet Model to have issues in the future, particularly with the Local Plan Growth forecast for the area.

This is contrary to HCC’s Local Transport Plan 4, Policy 5 (Development Management) – specifically d) and g) -, Policy 14 (Climate Change Network Resilience), Policy 19 (Emissions Reduction), and 21 (Environment).

#### Reason for Refusal 2

The second reason for refusal is related to the suitability of the junction modelling. The junction modelling is prepared using LinSIG software which is software used to model signalised junctions. For information, the parameters considered for operational capacity of a junction in LinSIG include the Degree of Saturation, Mean Max Queue, Delay and Practical Reserve Capacity.

The Degree of Saturation (DoS) is the ratio of flow to capacity at the link. Typically, anything below 90% is considered acceptable.

The Mean Max Queue (MMQ) of a junction arm represents the maximum queue within a typical cycle averaged over all the cycles within the modelled time period.

The Delay is the average delay per vehicle in seconds on a link and is the average of a modelled time period.

The Practical Reserve Capacity is a measure of how much additional traffic could pass through a junction whilst maintaining a DoS of 90% or less on all links of the junction.

HCC requested that the applicant provide a model which demonstrates how the two junctions interact in order to understand the wider implications on the operation of the Junction 20 of the M25, the proposed access and the wider network. Unfortunately, the software is limited in its ability to demonstrate this and the relationship between the two junctions is not suitably demonstrated.

The modelling suggests that the queuing from Junction 20 of the M25 would not impact on the operation of the roundabout access into the site. This is not accepted as the queuing (as described under reason for refusal 1) is expected to go back beyond the site access junction. This would mean that vehicles travelling northbound through the roundabout would be stuck in queues from the M25 junction. HCC cannot accept the results of the modelling as accurate or appropriate. This matter requires more consideration.

It is also noted that the modelling does not accurately represent the traffic flows proposed for the development. For example, in the 2028 AM Peak Sensitivity Test Flows scenario, the modelling only shows 156 vehicles arriving at the development site, 141 of which arrive from the M25. As highlighted in Reason for Refusal 1, the number of vehicles arriving at the site from the M25 is equal to 493 in the AM peak and therefore there should be 493 vehicles turning right into the site from the southbound entry into the proposed roundabout junction access. This is also the case for the PM and Saturday peak flows. The 2023 scenarios appear to provide the more accurate trip attraction to the site for the Sensitivity Test scenarios only. The discrepancy noted for 2028 flows is observed for the 2023 with Development scenarios, without sensitivity testing.

Please also note that the modelling discussed herein, only refers to the model which includes the proposed improvements on Junction 20 of the M25 and the modelling for future years was not provided for the current arrangement. Any perceived / observed benefits would come only with the addition of the junction improvements. The proposed improvements included within the latest submission include:

- Widening of the A41 north arm to accommodate a third lane on the approach to the junction;
- Kerb realignment at the A4251 approach to accommodate the additional lane and kerb realignment at the A41 north arm approach;
- Provision of a third lane from the A41 north arm to the slip exit to the M25 Eastbound (clockwise);
- Widening of the entry slip lane from the M25 Westbound (anticlockwise) to accommodate a third lane on the approach to the junction;

- Widening of the roundabout circulatory from the M25 Westbound entry arm to the A41 south arm to accommodate a third lane;
- Widening of the A41 south arm approach to accommodate a third lane; and,
- Widening of the M25 Eastbound (anticlockwise) entry arm to accommodate a third lane on the approach to the junction.

Regarding the impact of queuing, the modelling shows the following mean max queues for the 2028 scenarios:

- AM peak:
  - Sensitivity Test Flows = 172 PCUs = 989 m. This would bring queues beyond the proposed access junction and also which is beyond the signals at Langleybury Lane.
  - With Dev Flows = 168 PCUs = 966 m. As above, this is beyond the signals at Langleybury Lane.
- PM peak:
  - Sensitivity Test Flows = 175.7 PCUs = 1,010.3 m (1.01km). As above, this is beyond the signals at Langleybury Lane.
  - With Dev Flows = 178 PCUs = 1,023.5 m (1.02km). As above, this is beyond the signals at Langleybury Lane.
- Saturday peak:
  - Sensitivity Test Flows = 139.7 PCUs = 803.3 m. This queuing would go beyond the proposed access and nearly reach Langleybury Lane.
  - With Dev Flows = 101 PCUs = 580.75 m. This queuing would go beyond the proposed access location.

Queuing at the junction is unacceptable, even with the introduction of improvements to address the proposed development impact at Junction 20 of the M25. The queuing, as noted above, would extend beyond the site access and in some cases beyond the junction at Langleybury Lane. This does not factor in the junction access which would see priority for right turners from the A41 N arm into the site. This would in turn result in northbound vehicles (entering the access just on A41 S arm) unable to enter the junction and result in further queuing south of the site access thereby exacerbating an existing issue. The proposals do not suitably address the impacts on Hertfordshire's network and the impacts of the access on the operation of the A41.

Further review of the model also showed that the impacts of the additional traffic on the junction will impact the A4251 approach to Junction 20. The modelling shows that as a result of the development proposals, queuing in the 2028 AM peak would increase from 10.9 PCUs to 21 PCUs (with Dev.) or 58.6 PCUs (Sensitivity). The associated Degree of Saturation of the approach increased from 85% to 98.4% and 106.6%, respectively. The PM peak would see queues increase from 53.7 PCUs to 54.5 PCUs (with Dev) or 71.5 PCUs (Sensitivity). The associated Degree of Saturation of the approach decreases from 105.8% to 104.1% for the Development scenario and increases from 105.8% to 110.9% for the Sensitivity scenario. As previously mentioned, a DoS of 90% or lower is considered to be within capacity anything above is over capacity. On this basis, the modelling is demonstrating that the development would push the junction over capacity in the 2028 AM Peak hour for both the with Development and Sensitivity scenarios. It also shows that it is likely to exacerbate the existing capacity issues likely to arise in the 2028 PM peak. The Saturday peak would see queues increase from 5 PCUs to 6.5 PCUs (with Dev) and (Sensitivity). The associated Degree of Saturation of the approach increased from 63.1% to 78.3% and 76.4%, respectively. It is evident that the development proposals would adversely impact on the operation of the A4251 approach arm of Junction 20 in the AM and PM peak hours in particular. The additional vehicles from the M25 travelling through the circulatory would result in less opportunities for vehicles from the A4251 to enter the circulatory, resulting in queuing. This would be worsened if the proposed mitigation, as described previously, did not come forward.

Impacts of the development proposals on the A41 North approach were also reviewed. The modelling shows that as a result of the development proposals, queuing in the 2028 AM peak would increase from 166.6 PCUS for lane 1 and 166.1 PCUs for lane 2 to 225.9 PCUs for lane 1 and 15.2 PCUs for lane 2 (with Dev.) or 209.3 PCUs for lane 1 and 15.2 PCUs for lane 2 (Sensitivity). The associated Degree of Saturation of the approach increased from 135% for lane 1 and 134.8% for lane 2 to 137.5% for lane 1 and 89.3% for lane 2 and 137.5% for lane 1 and 89.3% for lane 2, respectively. The PM peak would see queues increase from 120.2 PCUS for lane 1 and 120.2 PCUs for lane 2 to 260.5 PCUs for lane 1 and 13.7 PCUs for lane 2 (with Dev.) or 249.9 PCUs for lane 1 and 13.1 PCUs for lane 2 (Sensitivity). The associated Degree of Saturation of the approach increased from 119% for lane 1 and 119% for lane 2 to 144.4% for lane 1 and 85.2% for lane 2 and 139.1% for lane 1 and 82.2% for lane 2, respectively. The Saturday peak would see queues increase from 99.7 PCUs for lane 1 and 99.7 PCUs for lane 2 to 139.2 PCUs for lane 1 and 57.2 PCUS for lane 2 (with Dev) and 140.8 PCUs for lane 1 and 57.8 PCUs for lane 2 (Sensitivity). The associated Degree of Saturation of the approach increased from 118.9% for lane 1 and 118.9% for lane 2 to 134.8% for lane 1 and 115.2% for lane 2 and 134.4% for lane 1 and 114.8% for lane 2, respectively. It is evident that the development proposals would adversely impact on the operation of the A41 North approach arm of Junction 20. The additional vehicles from the M25 travelling through the circulatory would result in less opportunities for vehicles from the A41 north approach arm to enter the circulatory, resulting in queuing. This would be worsened if the proposed mitigation, as described previously, did not come forward.

For information the above refers to model 'M25 Junction 20- With Dev\_July 2020 Rev D\_(Sens Test)'.

The impact of the development on the local highway network is contrary to HCC's Local Transport Plan 4, Policy 5 (Development Management) – specifically d) and g) -, Policy 14 (Climate Change Network Resilience), Policy 19 (Emissions Reduction), and 21 (Environment).

It is also noted that the Department for Transport's DfT Circular 02/2013 (The Strategic Road Network and the Delivery of Sustainable Development) provides the following guidance in 'Annex B: Roadside Facilities for Road Users on Motorways and All-purpose Trunk Roads in England': 'B12. At all roadside facilities, it is particularly important to avoid adverse impacts upon the effective operation of the strategic road network, such as increasing the risk of congestion or of vehicles slowing or stopping on the main carriageway. Proposals for new roadside facilities will be subject to road safety audit procedures to be undertaken in accordance with the requirements of the Design Manual for Roads and Bridges.'

This means that the proposals are counter to DfT's Circular 02/2013 Paragraph B12.

Regarding location of a services, it is also stated in Annex B that on-line service areas are the most accessible to road users and are best to ensure that increase of traffic demand at existing junctions is avoided (Paragraph B13). Therefore, the Highways Agency has a preference for on-line locations (i.e. between junctions, not off the main highway).

### **Reason for Refusal 3**

The third reason for refusal is related to the provision of a new vehicle access onto Hertfordshire County Council's primary road network. Policy 5 of HCC's LTP4 states, in regard to new accesses:

'The County Council will to work with development promoters and the District and Borough Councils to:

....

- Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.'

Policy 5 f) requires that special circumstances are demonstrated in favour of the proposals. HCC requested this justification from the applicant. In the amended Transport Assessment provided March 2020, the applicant provided their reasons to support that the provision of the Motorway Service Area (MSA) at this location, with access from the A41, as an exceptional circumstance. For completeness, the arguments to demonstrate special circumstances were:

- Location of existing MSAs are 45 miles apart which exceeds the maximum distance of 28-miles set out in Circular 02/2013. The report states that the nearest MSA going clockwise from Junction 20 is 11.4 miles (South Mimms) and the nearest going anti-clockwise is 33.4 miles (Cobham).

This access proposal and the arguments put forth by the applicant for special circumstances were brought to the Strategic Transport Infrastructure Board (STIB) which is made up of Hertfordshire County Council's Director of Environment, Assistant Director of Highways Operation and Head of Highways, Implementation and Strategy. STIB reviewed the application's case for special circumstances at a meeting on 1 July 2020 and it was the view of STIB that the applicant's summary of special circumstances were not adequate to justify the provision of a new access onto the principle A road which also acts as a primary distributor.

As above, this is counter to HCC's LTP4 Policy 5 f) (Development Management).

As above, the site also does not comply with the DfT Circular 02/2013 in that it has not been demonstrated that a site on-line cannot be delivered (per Paragraph B15).

#### **Reason for Refusal 4**

The fourth reason for refusal is that a Stage 1 Road Safety Audit of the proposed changes to Junction 20 of the M25 and the proposed new access junction has not been undertaken. A Road Safety Audit of the changes to Junction 20 and the site access on the A41 is important to ensure that the changes to the highway are safe and suitable.

Section 3, Chapter 6 of Hertfordshire's Highway Design Guide – Roads in Hertfordshire: Highway Design Guide 3rd Edition- states that 'HCC undertakes that all significant proposals for the provision, improvement and maintenance of roads in Hertfordshire will be subjected to independent road safety audit throughout the design process.' This is enforced in all chapters of the guidance, including Section 2, Chapter 5 and Section 4, Chapter 7.

This is counter to HCC's LTP4 Policy 5 b) (Development Management) and Policy 17 (Road Safety).

It is also noted in the DfT Circular 02/2013 that Proposals for new roadside facilities will be subject to road safety audit procedures to be undertaken in accordance with the requirements of the Design Manual for Roads and Bridges (paragraph B12). This has not yet been provided.

#### **Reason for Refusal 5**

The fifth reason for refusal is that the proposed changes on the A41 to accommodate the scheme would interfere with the ambitions of HCC's South West Herts Growth and Transport Plan (SWGTP). The SWGTP includes a scheme for bus priority along the A41, including improvements to J20 of the M25 to facilitate this. The scheme is part of 'Package 6 – Watford-Hemel Hempstead Corridor', specifically SM30 whereby the proposals are described as: 'A41 (M25 J20 and J19)Bus Priority measures' 'Bus priority on some

approaches, at and between M25 J20 and M25 J19 spur (Hunton Bridge Roundabout), including consideration of potential for bus lanes with bus priority signals'.

The addition of a roundabout junction south of Junction 20 of the M25 would impact on the deliverability of a bus corridor on the A41, creating additional barriers to those already occurring. The applicant provided Drawing No. 1803-F09 to demonstrate a potential bus priority scheme on the approach to Junction 20 of the M25 on the A41 Southern arm. The scheme was presented to HCC's public transport team who were concerned that it would introduce possible weaving manoeuvres which would negatively impact on the safety of the highway.

This is contrary to HCC's LTP4 Policy 1 (Transport Hierarchy), Policy 5 (Development Management) and Policy 23 (Growth and Transport Plans).

#### **Reason for Refusal 6**

The final reason for refusal is that the site is not in a sustainable location, particularly in reference to employees accessing the site. The site is not in a reasonable walking distance for the majority of Watford, Kings Langley, Abbots Langley and other nearby Villages and therefore for future employees of the site. The potential to promote and encourage sustainable modes of travel to and from the site for employees is therefore limited and poor, which would encourage a larger number of commuting car trips. However, the provision of the upgraded footway on A41 Watford Road are welcomed.

A small community of residents are within an 800m (desirable) walking distance of the site. The majority of Watford, Kings Langley, Abbots Langley and other nearby Villages exceeds the acceptable maximum walking distance of 2 km. A larger community of residents would live within a reasonable cycling distance. However, it is noted that, particularly for potential staff arriving from the north, negotiating crossing at major roundabout junctions would not be an appealing trip to the site. The proposals include for new bus stops on the A41, north of the site access, however, as previously noted, HCC has concerns over the safety of these junctions and the possible introduction of weaving manoeuvres.

The nearest train station is a 1.1-mile, or 23 minutes, walk from the site and would require negotiating around Junction 20 with no formal crossings over the junction arms. At peak times, this could be intimidating and unwelcoming.

This is contrary to HCC's LTP4 Policy 1 (Transport Hierarchy) and Policy 5 (Development Management).

#### **Summary**

The reasons for refusal are following review of revisions to the modelling provided by the applicant and further discussions.

#### **4.2.8 Hertfordshire County Council – Lead Local Flood Authority: [No objections]**

We have reviewed the following information in support of the application:

- Kings Langley Motorway Service Area, Drainage Strategy Report, dated 08/03/2019, Revision C, prepared by Furness Partnership
- SuDS Schematic, Drawing No. 21612/05, Revision B, dated 07.03.19, prepared by illman-young
- Environmental Statement, Vol 1, 12.0 Water Resources, Flood Risk and Drainage
- Environmental Statement, Vol 2, Appendix 12.1 Flood Risk Assessment
- Environmental Statement, Vol 2, Appendix 12.2 Drainage Strategy Report
- Environmental Statement, Vol 2, Appendix 12.3 Pre-Application Consultation with Thames Water

The drainage strategy is based on a mixture of SuDS measures. The main car parking areas are proposed to be permeable paving with sub-base, which discharges to an attenuation

basin, followed by swales and a further attenuation basin. The HGV and coach parking areas are drained through below ground storage and pipe connections into an attenuation basin. As LLFA we would not encourage the use of petrol interceptors due to the associated maintenance, and would prefer the use of additional filter drains/swales at detailed design stage.

The surface water drainage strategy utilises sub-base storage within the car park, bioretention planters, swales and attenuation ponds to store surface water in the 1 in 100 years plus 25% climate change storm event. As LLFA, we require the applicant to assess climate change based on the most conservative upper end estimate for climate change and the development use on the site. We would recommend the 1 in 100 year + 40% climate change event be assessed to understand the sensitivity of the proposed drainage system to any increase in climate change.

There are large changes in elevation across the site, the applicant has stated regarding the existing site, how the northern part of the site has been used as landfill in the past, resulting in deep layers of Made Ground, up to 12m thick. Along the southern part, and along the eastern boundary, the Made Ground reduces to around 0.3m to 1m thick. The southern part is the location of the above ground attenuation basins. As there are changes in elevation throughout the site, we would recommend the LPA secure the drainage scheme through updated infiltration testing at the exact location and depth of the proposed SuDS features.

The applicant has reported an average infiltration rate of  $5.4 \times 10^{-5}$  m/s. However, a number of infiltration tests have been undertaken throughout the site ranging from 10-6, 10-4, 10-4, 10-5 at trial pits 8, 10, 11, 12 respectively. A total storage of 5,548 m<sup>3</sup> has been calculated to be required.

As the proposed scheme has yet to provide the final details and in order to secure the principles of the current proposed scheme, we recommend the following planning conditions to the LPA should planning permission be granted:

#### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the approved Kings Langley Motorway Service Area, Drainage Strategy Report, dated 08/03/2019, Revision C, prepared by Furness Partnership and the SuDS Schematic, Drawing No. 21612/05, Revision B, dated 07.03.19, prepared by illman-young. The surface water drainage scheme should include:

1. Implementing the appropriate drainage strategy based on infiltration.
  2. Providing a minimum attenuation volume of 5,548 m<sup>3</sup> to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  3. Undertake the drainage to include permeable paving with sub-base storage within the car park, bioretention planters, swales and attenuation ponds. As well as below ground storage and pipe connections into an attenuation basin in the HGV/coach parking areas.
- Reason: To reduce the risk of flooding to the proposed development and future occupants

#### **Condition 2**

Upon completion of the cut/fill works and prior to commencement of development works, updated infiltration and ground condition tests should be carried out to BRE Digest 365 standard. Results should be used to confirm the final design of the drainage for the scheme and submitted to the Local Planning Authority for approval. The scheme shall be based on the approved Kings Langley Motorway Service Area, Drainage Strategy Report, dated 08/03/2019, Revision C, prepared by Furness Partnership and the SuDS Schematic, Drawing No. 21612/05, Revision B, dated 07.03.19, prepared by illman-young. The scheme shall include:

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly

labelled drainage layout plan showing the pipe and SuDS network. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. All calculations/modelling and drain down times for all storage features. Calculations to include sensitivity checks for the 1 in 100 year + 40% for climate change event.

3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.

4. Incorporate the use of permeable paving with sub-base storage, bioretention planters, swales, attenuation ponds and below ground storage.

5. Details of final exceedance routes, including those for an event which exceeds the 1 in 100 year + climate change rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority

### **Condition 3**

Upon completion of the drainage works for each site in accordance with the timing / phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings for site drainage.

2. Maintenance and operational activities.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

### **Informative to the LPA**

We recommend the LPA obtains a maintenance plan that explains and follows the manufacturer's recommendations for maintenance or follows the guidelines explained in the SuDS Manual by Ciria. A maintenance plan should also include an inspection timetable with long term action plans to be carried out to ensure effective operation and to prevent failure. For further guidance on the maintenance of SuDS components, please refer to the SuDS Manual by Ciria.

#### **4.2.9 Hertfordshire County Council – Minerals and Waste: [Provided Comments]**

Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

### **Minerals**

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the Southern part of the County and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls partially within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and

gravel material on site in construction projects to reduce the need to import material as opportunistic use.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

## **Waste**

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, new housing and other built development should have regard to the overall infrastructure required to support it, including a sufficient number of waste management facilities that should be integrated accordingly and address the principles of sustainability and the proximity principle. This includes providing adequate storage facilities for waste arising through the arrangement of separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

Good practice templates for producing SWMPs can be found at <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

The county council would expect detailed information to be provided within a SWMP. The SWMP should cover both waste arisings during the demolition and construction phases. The waste arising from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction stages, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.

We note that our records show that the site for the proposed development coincides with the Historic Landfill site: Junction 20 M25-A41, Site Ref 87/217, and would advise you to refer to the Environment Agency for advice in regards to any potential considerations.

The county council encourages that any further assessment and subsequent measures to remove asbestos from site is noted in the SWMP. Contaminated waste or/and asbestos would need appropriate specialist waste removal and more detailed consideration in terms of waste management which would differ to the other types of excavation waste anticipated. Hazardous waste will need specialist disposal at a hazardous landfill or a non-hazardous landfill which has separate cells to take stable non-reactive hazardous waste. It should be noted that there are no such sites in Hertfordshire.

The Environment Agency (EA) is the regulatory body and they should be contacted regarding hazardous waste issues

#### 4.2.10 Hertfordshire Constabulary: [No objections]

I am content that security, crime prevention and safety has been considered and addressed.

My colleague Mr.Gerry Brophy and I discussed the security issues at length with Paul Gooderson of Roberts Limbrick Architects in a pre-application meeting.

#### 4.2.11 Herts and Middlesex Wildlife Trust: [Object]

Objection: Measurable net gain to biodiversity not proven, insufficient detail supplied on mitigation or compensation measures, ecological report not compliant with BS 42020.

1. Measurable net gain. The revised NPPF (July 2018) states:

*170. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*d) minimising impacts on and providing net gains for biodiversity*

174. *To protect and enhance biodiversity and geodiversity, plans should:*

*b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

175. *When determining planning applications, local planning authorities should apply the following principles:*

*a) 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;*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. Subjective assessments of net impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with policy.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

*'8.1 Making decisions based on adequate information*

*The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:*

*h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'*

The most objective way of assessing net gain to biodiversity in a habitat context is the application of the biodiversity impact assessment metric created by DEFRA and NE – e.g. the Biodiversity Impact Assessment Calculator (Warwickshire County Council 2018 v19). This metric assesses ecological value pre and post development on a habitat basis and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF. The use of the metric (which is the foundation of the Biodiversity Offsetting system) is advocated in <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite. This will give some legitimacy to statements claiming that net gain can be achieved.

2. Once it has been accurately calculated how much habitat creation is required to offset the impact of the proposals, all ecological mitigation, compensation or enhancement measures suggested in the ecological report must be definitively stated.

The report is full of examples of conceptual mitigation or compensation which is neither measurable nor definitively described. As an example, chapter 8 of the environmental statement states:

*8.176 The outline landscaping plans submitted with this application will be developed during detailed design to achieve a net gain for ecological receptors. These detailed landscaping plans will be secured through planning condition.*

*8.177 If the recommended ecological enhancement measures are incorporated into the scheme, the overall development is predicted to have a Permanent Positive impact on Local biodiversity.*

These and other statements fail to conform with NPPF or BS 42020 because they are not measurable or definitive. The landscaping plans together with accurately measured compensation areas, fully described habitat creation zones and fully funded establishment and management regimes have not been supplied. 'If the recommended ecological enhancement measures are incorporated into the scheme' is not a definitive indication of what will be provided, merely a concept of what could. To suggest that the scheme would have a permanent positive impact on local biodiversity is subjective and not supported by any measurable and therefore verifiable assessment.

BS 42020 states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

Currently all statements of mitigation or compensation are not supported by any measurement or mapping or numbers. They cannot be left to an LEMP or CEMP because there is no indication of how big they will be, where they will go and what exactly what they will consist of. Only when this information is provided together with the BIAC calculation can it be known if the site is capable of achieving a measurable net gain to biodiversity, sufficient to condition the requirement for a CEMP or LEMP.

Habitat creation is only as good as its management. Details of all management for wildlife habitats, particularly wildflower meadow areas, in order to achieve required condition i.e. to accord with target condition statements in the BIAC will also be required. Claims of net gain in biodiversity can only be considered valid if the management required to maximise habitat condition are described and secured. Details of establishment, management, and monitoring together with funding mechanisms required to secure these must be supplied.

#### 4.2.12 Herts Ecology: [No objections]

The application is for a significant development on what is undeveloped land currently used as grazed grassland. In the recent past the site has been farmed as arable.

The large triangular site includes a field in the top two thirds, and part of an adjacent field in the bottom third. A gappy hedgerow divides the two fields within the application site. The north-eastern boundary is defined by the A41 and is wooded with mature trees along part of its length; the north-western boundary is defined by the slip road joining the M25 motorway; and the southern boundary is contiguous with grassland and has no defining border. Adjacent to the south-eastern corner is a small broadleaved woodland known as Crabtree Dell. The site is on a hill and rises up about 30m creating a significant undeveloped landscape feature.

A number of ecological reports have been submitted in support of this application:

- Preliminary Ecological Appraisal Survey (Greengage, February 2019) - including:
- Appendix 8.1 Preliminary Ecological Appraisal;
- Appendix 8.2 Reptile Survey Report;
- Appendix 8.3 Bird Survey Report;
- Appendix 2 – Ecological Site Walkover / Bat Survey Report including Bat emergence / re-entry and Activity Survey (Aspect Ecology, 2016)

### **Grassland**

The grassland is species-poor and considered to be of limited ecological interest.

### **Hedgerows, Trees and woodland.**

I understand the dividing hedgerow across the site is proposed for removal. This hedgerow is described as being species-poor and gappy and aerial photos confirm this. However, it is the remnant of an old hedgerow feature present on the 1880s 1st edition Ordnance Survey map and the 1820s Bryant and Andrews map of Hertfordshire. Although much reduced and degraded over time, this clearly was once a notable feature of the landscape.

Consequently, a new, native-species, woody feature should be planted along the southern boundary of any development proposal to compensate for the loss of the existing hedgerow feature - and I am pleased to see this is, in fact, proposed.

Boundary trees and/or a section of hedgerow along the eastern boundary may also need removing to make way for the access route.

Any trees or sections of hedgerow removed should be replaced elsewhere within the site or remaining gappy hedgerows (as infill planting). The loss of mature trees should be replaced on a two-for-one basis as a minimum.

Crabtree Dell and perimeter trees will be retained. Crabtree Dell will be buffered from built development with vegetation / planting zones. The ecology of Crabtree Dell should not be compromised, as suggested in outline design layout Option 1: Negatives 4, where a larger semi-natural / soft landscape buffer may be needed (as is proposed in Option 2: Positives 14; and Option 3: Positives 15) to ensure there are no adverse effects to the woodland.

Option 3 appears to be the favoured option and I am pleased to see subsequent landscape details will include improved ecological buffers to the south-western boundary with Crabtree Dell.

Any tree planting near Crabtree Dell should comprise native species known to thrive in this woodland or in the vicinity.

Any retained trees, including their roots and overhanging branches, should be protected from harm during construction works.

### **Protected species**

Specific survey for bats, birds and reptiles have been undertaken:

#### **Bats**

Bats were recorded using the southern boundary of Crabtree Dell.

Any lighting scheme should not illuminate boundary vegetation, particularly in the south-western corner, to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

#### **Birds**

A number of common bird species were recorded in September 2018, however none were of conservation concern or considered to be a constraint to the proposals.

However, the trees and shrubs may provide potential nesting opportunities for birds and consequently any significant tree/shrub works or removal should be undertaken outside the breeding bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

### **Reptiles**

No reptiles were found during specific surveys undertaken in September and October 2018 and consequently they are considered to be absent from the site. Consequently, reptiles should not be regarded a constraint to these development proposals.

Notwithstanding, a precautionary approach to vegetation clearance is recommended and details should be included within a Construction Environmental Management Plan and (Landscape) Ecological Management Plan (CEMP and L/EMP) at the relevant planning stage (see last paragraph).

### **Badgers**

Badgers are known to be in the area and measures need to be put in place to safeguard them from harm and prevent them from entering the site during any construction phases. Details should be included within a CEMP and LEMP at the relevant planning stage (see last paragraph).

A badger walkover survey should be undertaken prior to commencement of vegetation clearance and construction phases; this should be secured by Condition of any consent granted:

*“Prior to commencement of the development (including vegetation clearance and construction phases), a Badger walk-over survey of the site and 30m of adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist to check for badger activity. If badgers will be impacted on by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority for approval. A licence may be required from Natural England to proceed lawfully.”*

*Reason: To ensure badgers are protected from harm during construction in accordance with national legislation.”*

### **Biodiversity enhancements**

Multiple additional mitigation and enhancement measures (including considerable native tree and shrub planting; habitat boxes/piles for bats, birds and invertebrates; living green roofs) have been identified.

Any biodiversity enhancements will contribute to the local biodiversity resource; however they may not fully replace any habitats lost. Although I have no objection to the principle of development, the proposals will result in the loss of farmland and its associated ecology resource – albeit considered to be of limited intrinsic value. The outline layout plan shows some opportunity to provide biodiversity enhancements within the development scheme; however further details of how this loss (of farmland ecology) will be addressed can be assessed at the Reserve Matters stage or by Condition once details of proposed landscaping are known. I advise when the requested Landscape Ecological Management Plan is submitted it should address the expectations of NPPF in achieving overall, measurable, net gain for biodiversity.

#### **4.2.12.1 Herts Ecology: [April 2021 – No objections]**

Since the previous comments submitted by Hertfordshire Ecology on 22 May 2019, the following additional documents relating to ecology have been submitted:

- Environmental Statement CH 08 Ecology
- Response to Representations
- outline construction environmental management plan (OCEMP)
- Kings Langley MSA – Woodland Management Plan

### **Construction Environmental Management Plan**

The outline CEMP identifies suitable mitigation for the construction stage in line with the recommendations within the Preliminary Ecological Appraisal and specific surveys for protected species by Greengage. These include a precautionary approach to vegetation clearance to safeguard nesting birds, hedgehogs and reptiles; measures to safeguard badgers and prevent disturbance of bats by lighting and the need for further bat survey work relating to any trees affected by the development.

### **Woodland management plan (WMP)**

I am glad to see a comprehensive management plan for the area of retained woodland (Crabtree Dell). Although the plan aims to monitor for ash die back given the predominance of ash within the woodland (particularly section 1), contingency should be considered in the event that the majority of the ash trees are lost. Overall the proposed thinning and coppicing will provide ecological benefits and lead to a greater biodiversity within the woodland.

### **Landscape and Ecological Management Plan**

The proposed new woodland and any additional biodiversity measures should be demonstrated within a Landscape Ecological Management Plan. This, in combination with the WMP, would provide a complete record of the measures proposed and how they will be managed to sustain biodiversity in the long term. The ultimate condition of the potential habitats be derived from these treatments and monitoring of their success in achieving this could be informed by the use of the Natural England Biodiversity Metric.

### **Applicants Response to Representations**

This states that no objection has been raised in respect of biodiversity from Hertfordshire Ecology (HE). Whilst it is true that HE has not raised any objection to the principle of development at this stage, our initial response was clear that further details of how the loss resulting from the proposal (of farmland ecology) would need to be addressed at the Reserve Matters stage or by Condition. Furthermore, we advised that any measures outlined in the requested Landscape and Ecological Management Plan should meet the expectations of the NPPF in relation to the delivery of a biodiversity net gain. Since the publication of the January 2020 Environment Bill, there is a greater expectation (though it is not yet mandatory) that any net gain should be measurable. Consequently, I advise that as far as possible any net gain delivered should be consistent with the expectations set out in the Environment Bill - although until such time as this Bill is passed in to law, determination relating to biodiversity net gain should be based on current legislation and policy.

#### **4.2.13 Highways England: [Initial Comments received, more information requested]**

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

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN.

### **Local Plan**

Three Rivers District are currently preparing a new Local Plan for the period to 2036; the indicative timetable for the new Local Plan gives the date of adoption as late 2020.

While this Local Plan has not been adopted yet, the proposal site is included within "Local Plan, Potential Sites for Consultation", October 2018, as Site Reference CFS24, for which the potential use is given as motorway services and retail.

### **Site Access**

Vehicular access to the site would be gained via the creation of a new 60-metre ICD roundabout on the A41. While the A41 is not SRN, we have an interest in the design of this access junction due to its potential impacts on the M25 junction 20 if queues extend back to junction 20. The modelling provided by the applicant has not included this junction; we request that they undertake such modelling.

### **Current Congestion**

In order to give an approximate indication of current traffic conditions, we consulted the Google Traffic Conditions tool[1] during the evening peak of Monday 20 May 2019, approximately between 5:30 and 6pm, at M25 junction 20 (junction with the A41).

While this is only a snapshot view, this did reveal some congestion, i.e. red lines, on some movements, as well as moderate congestion, i.e. yellow lines, on some other movements.

### **Review of the Transport Assessment**

We have reviewed the Transport Assessment[2] (TA) and associated modelling and we have the following comments.

### **Base traffic, Traffic growth and Committed developments**

Base traffic is derived from a combination of WebTRIS data and traffic surveys. For the A41 flows, these are taken from surveys undertaken on Wednesday 23 November and Saturday 26 November 2016. These include HGVs and total vehicles and are summarised in Table 6 of the TA.

The mainline flows on the M25 in the vicinity of the Junction 20, as well as slip road flows, are determined from the Department for Transport WebTRIS system. Hourly volumes from the WebTRIS database for Thursday 23rd June 2016 and Saturday 25th June 2016 are used to establish the morning and evening peak hours as well as the inter-peak and Saturday peak hours. The corresponding percentages of HGVs are taken from WebTRIS data from only two of the MIDAS sites – M25/5177A for clockwise flows and M25/5194B for anticlockwise flows. These are used for HGV proportions across all movements.

Traffic volumes from WebTRIS are summarised in Tables 7 and 8 of the TA, with the HGV percentages detailed in paragraph 6.23.

We have the following comments and queries on the base traffic data and TEMPRO:

- Please clarify which of Tables 7 and 8 shows clockwise and which shows anti-clockwise movements. If these are clockwise and anti-clockwise respectively, then these are correct in terms of WebTRIS data.
- Paragraph 6.13 states that the WebTRIS data is unavailable for the clockwise on slip and anti-clockwise off slip owing to a long-term fault. So please explain why these are included within Tables 7 and 8; can they be relied on if there is a long-term fault?
- Please clarify which movements from the surveys in Appendix 4 correspond with which volumes in Table 6. From checking AM peak flows, these do not add up. And how are the A4251 flows accounted for?
- Similarly, it is not clear why there are discrepancies in the base volumes in the Figures.
- Please present the first two pages of Appendix 5 (annual WebTRIS data) with each complete line of data on the same line; it is very confusing as some numbers appear to be in the wrong columns and without access to the original data, we cannot verify which data refer to HGVs and total vehicles. We need this to verify the HGV percentages quoted in paragraph 6.23.

- Spot checks on the future volumes showed correct application of the TEMPRO growth rates; however, as noted above, we still need to check the base volumes themselves.
- The TA does not include committed development traffic, although background traffic growth is applied by using TEMPRO. Please confirm if the applicant has agreed with Three Rivers Council that there are no committed developments to take account of.

#### Development trip generation and distribution / assignment

- The TA assesses trip generation and distribution/assignment by the following methodology:
- The development is assumed not to generate additional traffic, but to divert traffic from the M25 and A41, thus resulting in an increase in turning movements at the M25 junction 20.
- The proportions of existing M25 traffic that would divert into the site are determined by proportions of such traffic at an existing MSA on the M25 at Cobham. The average turn-in proportions across five monthly datasets – April, June, August, September and November 2017 – are determined for the weekday AM peak, the weekday PM peak and the Saturday peak. These volumes used to determine these proportions are from WebTRIS data.
- The same HGV proportions are applied as in the base traffic at junction 20, as detailed above.
- The split between local and M25 trips is determined from questionnaire surveys undertaken at the Ferrybridge MSA, which asked respondents for their origin and destination.

In response, we have the following comments:

- Please explain how the distributions in Figures 10 to 15 are derived. Given the stated percentages of development traffic taken from existing traffic, these distributions do not match up with the corresponding base traffic volumes in the other Figures. Either there is a mis-match between Tables 6/7/8 and the Figures, or between Table 10 and the Figures.
- Please also re-check the Figures showing the resulting development traffic volumes.
- How are the directional proportions of the local road trips determined?
- The development ('turn-in') trips for the M25 traffic are assumed to include the A41 turn-in trips as well, according to Paragraph 6.57 and Table 14 (i.e. the total turn-in trips remain the same). This does not seem correct as it reduces the overall percentage of turn-in trips as a proportion of total existing trips.
- The use of the same HGV proportions as in the base traffic at junction 20 could be inaccurate, as it implies that the proportions of HGVs using the MSA is the same as the proportions of total traffic. But HGV trips are likely to have different characteristics, for example due to differing requirements for rest breaks and potentially other requirements of freight traffic. Ideally, the proportions of turn-in traffic should be calculated separately for HGVs and for non-HGV traffic at the Cobham MSA. Then these proportions may need further adjustment if the HGV facilities at Cobham differ from those proposed at the proposal site.
- We will additionally re-check Tables 10, 11 and 12 when these queries have been addressed.

#### **Junction Models**

We have reviewed the Linsig modelling files provided to us by Croft Transport Planning and Design on 2 May 2019, along with junction drawings.

We have various comments, and also some queries for the applicant's consultant, as follows.

Base\_Aug 18 (with validation adjustment)

## Network Layout

Network layout represents the existing junction layout.

- Arms: Layout is correct (5 approach arms) and gyratory layout is correct, except that another arm should be added to the gyratory between Arm 10 and Arm 1 to ensure the movements are modelled correctly.
- Lanes:
  - Number: All have the correct number of lanes.
  - Lengths: These all appear to be correct although on Arm 13 it would appear that the nearside lane is more heavily used than the offside you may need to swap around which side the flare is on.
  - Saturation Flows: All should be set to 1900 as per the latest JCT guidance.
  - Give-way parameters: – Arm 13 – these need to be corrected as the “maximum flow whilst giving way” and the coefficient are those from a signal approach. These should be obtained from a Junction 9 model.
- Connectors: The following amendments are needed to the link connectors to ensure they correlate with lane markings/traffic movements, these should be further checked:
  - Remove Link Connectors 2/2 to 4/1; 4/1 to 6/2; 4/2 to 7/1; (Subject to new arm: 10/2 to 14/1; 10/2 to 1/1; 11/2 to 1/1)
  - Add Link Connectors (Subject to new arm: 10/1 to 1/1)
  - Zones: Correct number and connected correctly.

## Signal Information

- It is assumed that this has been taken from existing up-to-date signal timing sheets as it also contains dummy phases – however, please confirm this. However, we have commented on the parameters anyway.
- Please check if Stage 3 in Stream 3 should be removed as the signal specification indicates it is only for signal start up.
- Controllers: 1 used as per the signal specification.
- Phases: These are all as per the signal specification.
- Stage streams: 3 Streams from Controller.
- Stages: These are correct other than Stream 3 where Stage 3 is for signal start up only and should be removed from the staging.
- Stages Stage sequence: all have a 2-stage sequence, except Stream 3 where Stage 3 is for signal start up so should be removed, and are as per the signal specification, once stage 3 is removed from stream 3.
- Intergreens: these are all as per the signal specification.
- Network Plans: one plan used containing 1 controller with the correct stage sequences.
- Cycle times: all scenarios are set at 90 seconds which is greater than the recommended 60 – 72 seconds. How have these times been derived: from cycle time optimisation tool or on-site measurements?
- Traffic flow Matrices: please can the traffic flows be provided in matrix form to match zones in LinSig for ease of reference/review.
- Traffic flow Assignment: it is recommended that the Entry Lane Balancing based assignment function is used unless the applicant can advise as to why the standard delay based assignment should be used. Please advise.
- Scenarios: 12 scenarios assessed. A run of Auto-assign function followed by the optimisation tool has resulted in different results being shown.
- In the 2016 Surveyed AM peak the North and South circulatory arms are generally showing queue lengths of double the stacking capacity available in each lane. In the 2016 Surveyed PM peak the North, South and West circulatory arms are showing queue lengths greater stacking capacity available in each lane, in some lanes double or triple the length of the stacking capacity available. On a Saturday peak the queues on the north and south circulatory arms are slightly exceeding the stacking capacity available.

In summary, the base model needs to be updated as highlighted above and the model re-run. Once the base model has been agreed then the future layout models can be reviewed and commented on.

As mentioned above, we also request modelling of the proposed site access, in order to determine if there would be an impact on junction 20 of the M25. This may need to consider potential interaction with the junction of Watford Road / Bridge Road / Langleybury Lane.

### **Safety issues**

When the outstanding concerns regarding the traffic assessment have been resolved, we will consider the safety implications, if any, of the results, including with reference to collision data.

### **Mitigation Measures**

When the outstanding concerns regarding the traffic assessment have been resolved, we will review the modelling of the proposed changes to the M25 junction 20 and the impacts thereof. We will also consider if other mitigation measures might be required also.

### **Summary**

We have reviewed the TA and note that the development has the potential to result in an impact upon the SRN. We cannot yet determine if the proposal will materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/13, particularly paragraphs 9 & 10, and DCLG NPPF, particularly paragraph 109). Also, the construction traffic management plan will be reviewed if other issues become resolved.

And various other design issues, besides the modelling, will need to be considered in the further development of the design of the M25 junction 20 improvements.

Various design issues may also need to be considered in the further development of the design of the proposed MSA itself, due to the proximity to the SRN.

Please note that this email does not constitute a formal recommendation from Highways England. We will provide a formal recommendation when we can be confident that the application is in its final form. In the meantime, we would ask that the authority does not determine the application (other than a refusal), ahead of us receiving and responding to the required/requested information. In the event that the authority wishes to permit the application before this point, we would ask the authority to inform us so that we can provide substantive response based on the information to hand at that time.

#### **4.2.13.1 Highways England: [Insufficient Information] Response 2, received May 2021**

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

This response represents our formal recommendations regarding the Land South West of Junction 20 of M25 and West of A41 Watford Road, Hunton Bridge, Hertfordshire application and has been prepared by Janice Burgess.

There is insufficient information presently available to Highways England to ensure that the M25 motorway, and in particular M25 junction 20, continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

We have been working closely with the applicant and will continue to do so until either an agreement is reached with the applicant on the impact and any necessary mitigation required on the SRN or until such point that Highways England and the applicant cannot reach agreement or until the applicant withdraws the application.

In terms of the work that is required of the applicant to satisfy the requirements of Highways England and that the proposals set out are deliverable, the applicant needs to:

- Provide a LinSig model of the existing layout that is agreed with Highways England;
- Provide a LinSig Model of the proposed Mitigation layout that demonstrates that there are no adverse impacts on M25 Junction 20 from the development traffic and that it doesn't compromise the ability of the LPA to deliver already committed Local Plan growth;
- Reach agreement on the Proposed Mitigation Measures with Highways England;
- Confirm that the proposed layout meets the requirements of DMRB and if any Departures are required on the SRN they will need to be approved by Highways England;
- Complete a Stage 1 Road Safety Audit of the agreed preliminary design of the proposed mitigation layout (Auditors and Audit Brief to be approved by Highways England Planning Response (HEPR 16-01) January 2016
- Highways England) that demonstrates that the proposed layout is safe for all users of the SRN at this location; and
- - Agree that where mitigation will involve work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and Highways England (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are obtained (and at no cost to Highways England). Works to the highway will normally require an agreement or agreements, under Section 278 and Section 38 of the Highways Act, with Highways England and the Local Highway Authority.

This list is not exhaustive and will depend on the result of assessments and the identification of an appropriate package of mitigation. Until all the above have been completed and approved by Highways England then we will not be able to determine and confirm if the impacts from the proposals can be accommodated on the SRN. If the applicant can demonstrate that there is no adverse impact to the operation, capacity and safety of this junction, and this is agreed with Highways England, then Highways England are unlikely to offer an objection to this proposal. However, we would ask that the authority does not determine the application (other than a refusal) ahead of us receiving and responding to the required information set out above. We will continue to work with the applicant to provide, and review, the required application.

This recommendation shall remain valid until 13 August 2021 (3 months)

4.2.14 Historic England: [No comment]

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.2.15 Kings Langley Parish Council: [Objection]

1. It would make the existing traffic congestion problems at junction 20 significantly worse, and be in breach of Government policy as per the Department for Transport's Circular 02/2013:

"On-line (between junctions) service areas 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 at existing junctions."

The traffic mitigation measures proposed would be:

- i) unachievable / ineffective (there isn't enough physical room to make the M25 offslip additional lanes wide or long enough to make any material difference)
- ii) counter-productive (the additional lanes on the roundabout would cause even more lane discipline confusion)
- iii) less safe (traffic entering the junction from the A4251 would have to contend with three lanes instead of two coming at potentially high speed from the A41 southbound out of sight on the right)
- iv) more restrictive (traffic entering the junction from the A4251 would be less able to access the junction/queue all the way back through Kings Langley, as happened when it was previously traffic light controlled).

So, these measures, and the additional traffic, would make the existing, chronic traffic congestion problem much, much worse.

2. It would damage the Green Belt, as the main building would stand out in a highly visible location on the top side of the Gade valley.

This is not a special circumstance where national or local economic interests would outweigh green belt planning controls, because there is an alternative which is located nearby.

Each application has to be considered on its own merits, but comparing effects on the Green Belt is material, and this proposal would cause far more harm to the Green Belt than the alternative.

3. Increased and unacceptable noise, air and light pollution

Given the increase in heavy goods traffic, an increase in noise pollution is inevitable.

Every vehicle coming off the motorway would travel 2 miles from junction 20 to the parking area and back, causing increases in air pollution including increases in hydrocarbons, nitrogen oxide and carbon dioxide) having detrimental impact on the health for all, especially children attending the nearby primary school, church-goers, nearby residents and wildlife.

Whilst there is already light pollution from the M25, Junction 20, and the A41, this proposed development would extend it further into the countryside.

4. It would be wholly unnecessary considering the alternative proposal for an on-line motorway service area on the M25 between junctions 16 & 17, where the national and local interests could be achieved without either of these two planning problems.

Kings Langley and the Gade valley would be harmed and not obtain any benefit from the junction 20 proposal (especially the claimed local interests), so the council asks Three Rivers District Council to refuse planning permission.

#### 4.2.15.1 Kings Langley Parish Council: [Objection] Further objection received March 2021.

I am writing on behalf of Kings Langley Parish Council to object in the strongest possible terms to this application.

It is clear that a new service area is required on the western section of the M25 and, as a result, there are three applications for MSAs currently in place: Colne Valley MSA between J15 and J16; Extra MSA Group's proposal between J16 and J17 and Moto just off J20 on the A41. All three proposals are in the Green Belt, but the MOTO application that will push more traffic onto local roads to access the services.

Department of Transport guidelines state "On-line (between junctions) service areas 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 at existing junctions. Therefore, in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, the Highways Agency has a preference for new facilities at on-line locations."

MOTO have based their proposal on traffic counts done on just two days in November 2016. Since that time, the level of housing and employment developments in Dacorum and Three Rivers have been significant with the two draft Local Plans adding thousand more dwellings with associated traffic 'funneling' onto the A41 and A4251.

Moto have suggested the MSA will create only a small increase in local traffic, based on information from a survey done in Ferrybridge. Ferrybridge is in West Yorkshire so it is difficult to understand how the two could be considered comparable.

The current MOTO proposal, with no such developments incorporated into the traffic assessments still requires a major reconfiguration of the M25 roundabout. It's difficult to see how any such work could be contemplated until all these local authorities have finalised their plans and studies have been undertaken to realistically assess demand.

No specific mention is made of Kings Langley and the effect this application will have on the village.

The lack of serious, well-informed assessments of traffic makes the entire proposal unviable and assume an increase of just 14% over 12 years to 2028. In addition, it suggests it will add just 2000 vehicle movements during the morning and evening 'peak hour.'

Notwithstanding the 'peak hour' on the A41 and A4251 stretches from 6.30am to 9.30am in the morning and 3.30pm to 6.30pm in the evening, the traffic during those times is frequently at a standstill at this junction. To address this the M25 and A41 slip roads onto the roundabout will increase to 3 lanes. On the Watford side of the roundabout land will be taken from the centre grass verge to create an extra lane between the north and south A41 carriageways.

On the Kings Langley side, the two lanes at the traffic lights, between the north and south A41 are unchanged, but an extra lane will be created between the north and south lanes of the A4251 to speed A41 southbound vehicles onto the roundabout. There is no change to the A4251 Kings Langley entrance or exits to the M25 junction.

The effect of these changes will push more traffic onto the roundabout more quickly, up to 2000 vehicle per hour during peak times, of which between 5-10% are Heavy Goods Vehicles. This is a big increase in big vehicles which will not be easily accommodated even with an extra lane. The net effect will be traffic backing up on both local roads and the 'off' slip roads throughout the day.

A new roundabout will be built on the A41 300m south of Junction 20 to provide access to the service area but will also create further delays on the A41 south of Junction 20. There is also a pedestrian crossing just to the north, although it is not clear who will use this as there is no pedestrian access from Kings Langley and the population of Hunton Bridge is only around 500 people. It is clear the crossing is included to give the impression of encouraging non-vehicular traffic such as cyclists and pedestrians.

However, they won't be getting jobs with MOTO. This is a 24-hour facility and MOTO have advertised that it will create 200 jobs, but don't feel local demand warrants dedicated public transport, cycle lanes or footpaths. No parking for staff is included. MOTO consider cycling a distance of 5km (which would take in Chipperfield, Chandlers Cross, Leavesden and North Watford) acceptable although this would mean using unlit often steep, narrow roads and dual carriageways. Bus and train services are limited, only run north to south, are unreliable, do not operate 24/7 and are expensive. To work shifts at a 24-hour MSA and get to work on time and return home safely, the only reliable method will be to use a car.

In terms of the location, the MSA would extend development beyond junction 20 into a predominantly rural area that contrasts quite markedly with the historic villages of Hunton Bridge and Kings Langley. The buildings and car parking areas of the MSA will be seen as a physical extension of the 2 villages because of the roads, lighting, signing and other manifestations of the MSA on the approaches.

Additionally, every vehicle coming off the motorway to the MSA will travel 2 miles from M25 to the parking area and back, causing increases in pollution for all including the nearby church and primary school, Hunton Bridge and Kings Langley. Engine pollution creates the following levels of pollutants:

	Starting	Restarting	Idling
Hydrocarbons (THC) (mgs)	191	44	8
Nitrogen oxide (NO) (mgs)	228	6	0.3
Carbon dioxide (CO) (mgs)	2970	1253	3.2

A recent study in The Lancet found 19% of childhood asthma cases were caused by traffic and the effects were particularly harmful upon primary school age children.

In terms of light pollution, whilst there is a distinct sky glow from J20, the M25 and, to a lesser extent, the A41, the requirement for safe levels of lighting within the MSA together with attendant vehicle lights would extend the lit corridor of the M25 into open countryside for a significant distance to the south and west. This would erode night time tranquillity and extend the urbanising influence of the M25 corridor.

Finally, the National Planning Policy Framework (NPPF) says to change Green Belt boundaries, you must show all other reasonable options have been considered. MOTO have explicitly ruled out an MSA between junctions 16 and 17, whereas EXTRA and Welcome have submitted applications. These are less sensitive locations. The NPPF also emphasises that the Green Belt serves 5 purposes, but does not 'grade' the Green Belt. A Green belt site does not need to meet all 5 criteria to be considered of value and need only meet 1 of those criteria to justify Green Belt protection; planners and developers often try to argue that this is not the case.

The overall aim of Green Belt policy is to prevent urban sprawl and provide openness and permanence. The NPPF also makes it clear that inappropriate development is by its very nature harmful to the Green Belt and should only be approved in very special circumstances. In this case the planned MSAs elsewhere with direct access to the motorway not via local roads arguably negates the need for MOTO's proposed MSA. That said, some developments are not wholly inappropriate including local transport infrastructure, but an MSA is not 'local transport infrastructure' as MOTO acknowledge.

The MOTO site is a landfill mound from M25 works. This development will be visually intrusive and have “a greater impact on the openness of the Green Belt than the existing development” and therefore be contrary to NPPF guidelines. The planning documents and drawings try to suggest the site is relatively level. It is not and no changes have been suggested to the service area itself.

4.2.16 National Grid: [No response received]

4.2.17 Natural England: [No objection]

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

4.2.18 Sarratt Parish Council: [Object]

Whilst the application is not in the Sarratt area the Parish Council object strongly to this application due to the increase in traffic on the already busy road network. The proposed new roundabout on the A41 would cause further congestion and delays on an already busy road.

4.2.19 Three Rivers District Council - Conservation Officer: [No objections]

The application site is a section of land bound by the M25 to the west, the A41 to the east and Langleybury Lane to the south. There are a number of heritage assets in close proximity to the site, including the Little London scheduled monument (list entry number: 1010911), grade II listed lock house and associated lock (list entry numbers: 1348210 and 1172996) and the grade II\* Church of St Paul and its associated grounds and monuments (list entry no.: 1100890). The Church of St Paul falls within the Hunton Bridge Conservation Area, which is to the south of the site affected by this application and includes further listed buildings, of which The Old Schoolhouse (list entry no: 1100912) is closest to the application site.

Due to the nature of the site, which is largely separated from the surrounding landscape by the three roads listed above, it is the setting and significance of the Church of St Paul and Hunton Bridge Conservation Area which are deemed most relevant to the application site and which may be harmed as a result of the proposed development. The other assets are significantly removed from the application site, particularly due to the presence of the M25 and A41, which significantly disrupt the setting of the proposed development, encircling the area and minimising the interaction between the site and the setting of the heritage assets.

Hunton Bridge Conservation Area is described within the area's appraisal document as featuring a variety of buildings from different time periods, a number of which are listed and feature traditional building methods and materials. The variety in the built form of the area allows for openings and green spaces within the more urbanised sections of the development, with differing roof forms providing views which open out onto the countryside beyond. Extensive tree cover largely shields the conservation area from the incongruous appearance of the A41 Watford Road to the west and West Coast Railway Line to the east of the conservation area, whilst enhancing the green, rural character of the area. A large part of the area's significance derives from the buildings within it and the historic development of the settlement, with the building stock referencing key points in Hunton Bridge's history, such as the opening of the Grand Union Canal in the nineteenth century. Additionally, the conservation area has a strong link to the surrounding agrarian landscape, due to Hunton Bridge's residents' historic dependency upon the land for their livelihood.

The Church of St Paul's II\* grading highlights that it is deemed to be of high architectural and cultural significance. A prominent marker of the settlement, its spire can be seen across Hunton Bridge and the surrounding landscape. The intersection of the A41 and Langleybury

Lane has, nevertheless, divorced the church slightly from the rest of the village, which the church is located to the east of. This has had an impact upon the setting of the church, detaching it from the remainder of the village and placing it within a distinct 'island' of land. This isolation is both a positive and negative contributor to the significance of the church, its location placing it in a distinct position which dominates the approach into the conservation area from the north and the west, whilst also linking the church's setting more closely to the open landscape, rather than the core of the settlement. Within the church grounds are three separately listed structures, which are all listed as grade II. These are the Lych Gate (list entry no: 1173180), Loyd Memorial Cross (list entry no: 1348206) and Langleybury War Memorial (list entry no: 1436884). All three contribute positively to the historic and cultural significance of the church and the conservation area, as well as having a strong group value.

As a result of the proposals, the impact upon the conservation area will be minimal due to the distance between the development and the conservation area boundary. A large contributor to the significance of the conservation area is found within its boundary and is based upon Hunton Bridge's building stock and relationship with the canal. The surrounding landscape provides an important contrast to the more urbanised appearance of the village and reinforces its open appearance, with the differing building heights and sizes allowing for views out into the surrounding landscape. Similarly, the lack of development in the fields surrounding the conservation area reinforces the village's historic links to the agrarian landscape, which would have provided employment for many residents. However, the views out into the open fields are often incidental and do not constitute a formal plan to the development. Any harm will therefore derive from the loss of incidental views into/out of the conservation area when travelling along the A41, upon which existing trees and hedgerows already largely screen the development site. The proposed landscaping for the site will further mitigate any potential harm, and likely have no further impact upon the conservation area boundary. Further information will have to be provided within a full application, including comprehensive detailing of proposed landscaping and an analysis of key viewpoints.

The impact upon The Church of St Pauls will largely be upon its wider setting and the relationship it has with the surrounding landscape. This would be considered as minor less than substantial harm, as although the amount of undeveloped land surrounding the church will be less, a sufficient buffer will be retained, as well as the prominence of the church within the landscape. Again, this is on the assumption that the provision of landscaping submitted as part of the full application will be as submitted as part of this outline application. A reduction in the amount of dividing hedging and trees comparative to what is proposed within the outline scheme may be more harmful to the significance of the church group of listed structures, and therefore would not be advised.

#### 4.2.20 Three Rivers District Council - Environmental Health: [No objections]

##### **Air Quality**

I have reviewed chapters CH. 04 Traffic & Transport and CH. 05 Air Quality of the Environmental Statement. I have also reviewed the Construction Traffic Management Plan and the Framework CEMP.

The Air Quality Assessment suggests that through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulate matter releases may be effectively mitigated. The resultant impacts are considered to be negligible. Dispersion modelling using ADMS-Roads has been carried out to assess the impact of the operation of the proposed development on local air quality. The operational development is predicted to result in a negligible impact on local air quality at existing receptors within the vicinity of the application site. The assessment has taken into account the cumulative effects of other committed developments in the area. The cumulative impacts are considered negligible.

During the construction phase of the proposed development, the effects of construction traffic are considered to be Moderate Adverse. Control of site traffic routes, speeds, and cleanliness of vehicles will be implemented during construction via adherence to a comprehensive CEMP. During its operational phase the proposed development is considered likely to generate an increase in travel demand at Junction 20 due to movements on and off the motorway to gain access to the services. To minimise the effects of this additional demand, a range of mitigation measures has been identified and proposed including highway improvements at Junction 20 and the implementation of a TP. The overall residual effect of the proposed development in transport terms is considered likely to be Minor Adverse or Minor Beneficial.

The Construction Traffic Management Plan shows that the proposed route for construction vehicles will avoid the Kings Langley AQMA. The Framework CEMP has estimated the number of vehicle movements during the busiest phases of the development. The CEMP will include predicated vehicle numbers throughout all phases of the works, traffic management controls and appropriate routes for construction traffic.

I would recommend that conditions requiring the following be applied to any permission granted:

- A CEMP (including a Construction Traffic Management Plan) - construction traffic should be routed away from the identified sensitive receptors such as schools and the Kings Langley AQMA;
- A Dust Management Plan;
- Wheel Washing;
- Provision of EV charging points.

I would suggest informatives relating to the following:

- The use of Euro 6 vehicles where possible;
- Following relevant guidance such as the IAQM guidance.

### **Contaminated Land**

I have reviewed chapter CH. 09 Ground Conditions, Contamination & Geotechnical of the Environmental Statement and the Geo-Environmental Site Assessment Report prepared by Ground Investigation (South West) Ltd (Doc ref. SW-828.1.2 Rev 1).

The investigation has identified potential sources of contamination on site. These include an old chalk pit and two areas of historic landfill (inert, asbestos cement, non-hazardous and excavation/demolition wastes).

Significant thicknesses of made ground have been identified. Two rounds of ground gas monitoring have been undertaken, elevated concentrations of CH<sub>4</sub> and CO<sub>2</sub> have been recorded. No elevated concentrations of contaminants of concern were identified in the site soils. ACM was not encountered. Elevated PAHs and TPHs were identified in the groundwater.

I would recommend that a condition requiring a supplementary investigation be applied to any permission granted. The condition should require a supplementary investigation (to include additional ground gas and groundwater monitoring), a remediation strategy and a verification plan. I would also recommend separate conditions requiring a verification report to be submitted and requiring any unsuspected contamination to be reported to the LPA.

### **Noise**

Having read through chapter 6 and also the CEMP I have no comments on the assessment or how it has been undertaken. I would expect that during construction that the site would not be accessed before 7am with work commencing at 8am.

The one area where there is no information is around monitoring of levels during construction. A robust monitoring programme should be summited and agreed before any demolition or construction related activities commence. This will ensure that works are undertaken to comply with the assessment and that should any problems occur they can be addressed.

### **Light**

I have no comment on this again the assessment is thorough taking into account all relevant documents and factors. As long as the appropriate guides are followed and local circumstances are taken into consideration there should be no issues from the lighting.

#### **4.2.21 Three Rivers District Council - Landscape Officer: [Objections]**

I wish to object to the proposals due to the detrimental impact it will have on important and historic trees at the site.

The site is situated on predominantly agricultural grassland comprising two fields totalling approximately 14 Ha. It is on raised land to the west of A41 at the approach to junction 20 of the M25. The two fields are separated by a remnant historic hedgerow which includes the 16no individual trees and the hedgerow H1 which run from G3 in the east towards W1 to the south west of the site. The M25 runs adjacent to the western edge of the site.

Access is proposed to the site via a new roundabout situated on the A41 and the proposals before us identify the removal of a significant number of individual trees, a hedge and part of a group of trees to accommodate the proposed development.

The site is visible from some parts of the residential area to the western facing slope of Gade Valley opposite the site and also from St Pauls Church and surrounds situated to the south of the site within the Conservation Area. To alleviate these views the tree planting plan will also be relevant

#### **Impact of the proposals**

The Tree Survey and Arboricultural Impact Assessment dated March 2019 assessed the 16no individual trees which are growing on the site, 9no. Groups of trees, one woodland and one hedgerow. Of the 16no. Trees assessed the proposed development will result in the removal of 13 of these. The hedgerow is also proposed to be removed together with and a number of trees comprising around 75% of the length of G3. Of the 13no. Individual trees it is proposed to be removed one of these is a Category A (T5) and four are category B (T3, T7, T8, and T10). Of the very few trees already within the site it is proposed to remove a significant number of trees for the development. Category A and B trees are those trees of the best quality and the most suitable for protection during the course of any development and so I feel very strongly that efforts should be made to ensure these trees are protected within any proposed scheme. It is unfortunate that it would appear that the Tree Survey and Arboricultural Impact Assessment were dated March 2019 and so the findings of this document did not inform the development of the design and layout of the site

The development should secure the retention of all of the individual trees categorised as A or B, so T1 through to T10 and as many of the Groups of trees as possible, but again particularly those of category A or B status (G3, G4, G6). Note also that even of those groups of trees categorised as C provide good screening benefit around the boundary of the site and so should be retained where possible. Where possible supplementary planting of native planting mixes would improve the screening of the site from key areas.

W1 'Crabtree Dell' should also be retained without damage.

It is crucial overall that of the trees to be retained that the full RPA of all category A and B trees should be retained and level changes within the RPA are not permitted. While I

appreciate that to retain these trees within any development proposal may require an amount of redesign; however if the significance of the important trees had been identified at the outset and allowed to inform the design process, the trees could have easily been taken into account. BS5837:2012 does at 4.4.1.1 'A tree survey should be undertaken by an arboriculturalist to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline data) to inform feasibility studies and design options. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development'.

The outline application identifies appearance, landscaping and scale to be reserved. My main concern with the proposal is the layout as it relates to the retention of trees on the site. The proposed layout will mean that trees significant to public amenity will be destroyed and as a result of this I have no choice but to object to the proposed scheme on the detrimental impact it will have on trees important to the character and amenity of the area.

Please note that on 08/08/19 a Tree Preservation Order was made protecting 12 individual trees, 3 groups, an Area and a Woodland, known as the Three Rivers (Land Adjacent to Junction 20 of M25, Watford Road, Hunton Bridge) TPO 2019.

4.2.22 Thames Water: [No objection]

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

4.2.23 Watford Borough Council: [No response received]

4.2.24 Three Rivers District Council – Landscape Consultant [Concerns]

Thank you for consulting us on the Outline Application for the construction of new Motorway Service Area (MSA) to comprise of: amenity building, 80 bedroom lodge, drive-thru coffee unit, fuel filling station with retail shop, together with associated car, coach, motorcycle, caravan, HGV and abnormal load parking, alterations to the A41 including construction of a new roundabout and vehicular access, works to the local highway network and at Junction 20 of the M25 motorway. Provision of landscaping, signage, infrastructure and ancillary works. (Outline Application accompanied by an Environmental Statement with matters of Appearance, Landscaping and Scale reserved).

This letter sets out our consultation response on the landscape impact of the application and how the proposal relates and responds to the landscape setting and context of the site.

The submitted landscape proposal was reviewed following a desktop study and a site visit by a Chartered Landscape Architect and Member of the Landscape Institute. The site visit was undertaken on a bright and clear day in early November 2020, when deciduous trees had minimal leaf cover and visibility was good.

The site lies in an undulating landscape comprising of broad topped hills and shallow valleys. The site occupies the east facing slope of a hill which lies on west side of the valley of the River Gade on the south eastern side of the M25. The urban area of Abbots Langley lies on the east side of the valley and Kings Langley is situated north of the M25.

### **Local Policy Context**

The current Local Plan for Three Rivers District consists of the following Development Plan Documents:

- The Core Strategy (adopted October 2011);
- The Development Management Policies (DMP) Local Development Document (LDD) (2013); and
- The Site Allocations LDD (adopted November 2014).

Relevant policies within these documents include, but are not limited to:

DM6: Biodiversity, Trees, Woodland and Landscaping (DMP LDD 2013)

This policy states under Section F: Trees, Woodlands and Landscaping that:

- i. Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerows Regulations 1997.
- iii. Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- iv. Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v. Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.
- vi. Where the felling of a tree or removal of a hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required, taking account of issues such as landscape and biodiversity.
- vii. Areas forming part of development proposals which are to be transferred to the local authority for maintenance should be designed for ease of access and low cost maintenance overheads and management regimes.

DM7: Landscape Character (DMP LDD 2013)

Section B: Landscape Regions of this policy it states:

In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The Council will support proposals that:

- i. Lead to the removal or a reduction in the impact of existing structures and land uses that are detrimental to the visual quality of the landscape
- ii. Enhance public access and recreation opportunities without detriment to the landscape or wildlife
- iii. Contribute to delivery of Green Infrastructure
- iv. Contribute to the measures identified in the Hertfordshire Landscape Strategy 2001 to strength, reinforce, safeguard, manage, improve, restore and reconstruct landscapes.

The Local Plan also identifies the Gade Valley to the east of the site as a Green Infrastructure Corridor with a second corridor passing through the northern end of the site to North Grove Wood and Berrybushes Wood. Therefore, Core Strategy (2011) Policy CP9: Green Infrastructure also applies:

Core Strategy (2011) Policy CP9: Green Infrastructure also applies

The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces. Priorities for Green Infrastructure focus on conserving and enhancing the following key assets and the linkages between them which are illustrated in Appendix 5:

- a) the corridors of the Rivers Chess, Colne and Gade and the Grand Union Canal
- b) the Chilterns Area of Outstanding Natural Beauty
- c) the Colne Valley Park
- d) the District's Sites of Special Scientific Interest, Local Nature Reserves, wildlife sites, key biodiversity habitats, species and areas identified in the Hertfordshire Biodiversity Action Plan and heritage assets and landscape character within areas of Green Infrastructure.

It is also important to improve connectivity between key assets through the establishment of linked and coherent networks and corridors of green spaces and sustainable transport links. More detailed ongoing work will inform future priorities for Green Infrastructure in Three Rivers and will be included within the Green Infrastructure and Landscape Supplementary Planning Document. The Council will require new development to contribute to the delivery of new Green Infrastructure and the management of a linked network of new and enhanced open spaces and corridors. Development will not compromise the integrity of the Green Infrastructure network, by causing fragmentation, damage to, or isolation of Green Infrastructure assets including natural habitats and species.

### **Landscape and Visual Impact Assessment Review**

The submitted Environment Statement (ES) Landscape and Visual Chapter has been prepared following the principles set out in the third edition of the "Guidelines for Landscape and Visual Impact Assessment"(GLVIA3) including an assessment of both landscape and visual sensitivity, magnitude of change and significance of effect. Although not referenced, viewpoint visualisations look to be in line with the Landscape Institute Technical Guidance Note (TGN) 06/19: Visual Representation of Development Proposals, (September 2019). However, we cannot be certain that the submitted photos conform to the guidance standards, set out by the Landscape Institute. (I.e. a full Frame Sensor camera with 50mm lens, or cropped frame sensor camera with 35mm or 28mm fixed lens was used). Type 1 (annotated viewpoint photographs) have been used for visual representation. Though, given the topography and prominence of the proposed development we would have recommended that a minimum of photo wires (Type 3) were used to represent the development within its context and help visualise the extent of the development and in turn ensure appropriate assessment of the potential visual impact has been undertaken.

Within the submitted Landscape and Visual Impact Assessment, the sites characteristics are suitably described, and the range of views that are available are also appropriately summarised. However, we consider the assessment itself underestimates the likely effects of the proposed development on landscape character and visual amenity, which would not comply with Policies CM6 and DM7 (Development Management Policies Local Development Document (2013)).

### **Landscape Character**

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework, which states that planning policies and decisions should contribute to the natural environment by: "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services". Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

Landscape character assessments enable landscapes to be described and understood by mapping natural, physical and cultural features in order to define different landscapes and

demonstrate what makes them special. Landscape character types share similar characteristics, such as underlying geology, soil type, topography and landform, the pattern and type of land/field enclosure, historic land use, the pattern of settlements and types of building that these comprise, tree and woodland cover and the general visual experience of the area. Landscape character areas are specific geographic areas that exhibit a particular landscape character type.

Effects on landscape character can be both direct, i.e. on the character area/landscape type that the site is located within, and indirect, i.e. changes to characteristics or perceptions of character that occur beyond the boundary of a character area/landscape type. In addition, effects on landscape character may be positive or negative, i.e. strengthening and enhancing the characteristic patterns and features, or eroding and losing the patterns and features that contribute to landscape character.

In regard to this application site, the relevant Landscape Character Assessment for this site is the county level Hertfordshire Landscape Character Assessment. It provides a good baseline for assessing the effects of the proposed development on landscape character, as this assessment provides the most detailed information available on landscape character in this area.

The application site is located within the Upper Gade Valley Landscape Character Area (LCA) with Lower Gade Valley LCA to the south and Sarratt Plateau LCA to the west.

The key characteristics of this area include:

- steeply sloping valley slopes with secondary valleys running perpendicular to the Gade
- multiple arterial routes including roads, rail and canal
- high proportion of 20th-century built development, both in valley and on the slopes
- linear woodland on steep slopes and edge of adjacent plateau
- pastoral slopes in the west and arable to the east
- meadow pasture on the valley floor
- medium-scale parklands overlooking the valley
- M25 viaduct major landmark along the valley

We would however conclude that the most distinctive feature of this landscape is the strongly contained valley with steep slopes, which at times provide open views across the valley. This openness provides a sense of rurality, even with the urban fringe in close proximity, which also contributes to the setting and scenic quality of the Gade Valley.

The assessment has identified the landscape as having medium landscape value (Para 11.63) and high susceptibility to change “since it comprises a hillside which visibly contributes to the green setting of the Gade Valley and in winter is part of the outlook from numerous properties in Abbots Langley.” (Para 11.61). Because of this, it has resulted in an overall landscape sensitivity to development of moderate to major (Medium - High). However, the definition for this sensitivity level is not provided within the assessment methodology. In ‘An approach to landscape sensitivity assessment – to inform spatial planning and land management’ (Natural England, 2019) for High/Medium (Moderate Major) this level of sensitivity is defined as; “Landscape and /or visual characteristics of the assessment unit are susceptible to change and / or its values are medium through to high. It may be able to accommodate the relevant type of development but only in limited situations without significant character change or adverse effects if defined in the relevant land parcel summary. Thresholds for significant change are low”. If using this definition, we would agree that this is the correct judgement.

In contrast, Table 11.6 Matrix combining sensitivity with magnitude to determine the significance of the effect for both landscape and visual receptors does not reflect the 5-point scale the moderate major landscape sensitivity judgement would suggest it would. Because

of this, there is concern that the receptor significance of effect may differ from that stated. For instance, the residual impacts on Landscape Character (Para 11.175) have been assessed as negative of minor-moderate significance in summer due to the proposed increase in tree cover. However, given the elevated position of the application site, the planting will still have little effect by year 15. Also, a high proportion of the proposed planting is evergreen species, which is uncharacteristic of the existing tree cover in this area and would contribute to the urbanising influence of the development and remove the sense of Abbots Langley being the edge of the urban area. Overall, this would have a significant harm on the existing landscape character and therefore in our professional judgement should be deemed within the assessment as having a negative moderate – major level of significance.

### **Visual Amenity**

The site is visible from parts of the Abbots Langley residential area and Grand Union Canal Walk to the east of the site, as well as St Pauls Church and surrounding area to the south of the site within the Conservation Area. The site is situated on a manmade landform, however given the Gade Valley characteristics, it blends in seamlessly with the remaining natural landforms and features in the local area.

The proposed buildings are sited in a prominent position on the elevated slopes and will be visible when viewed from the east, particularly from the Grand Union Canal. Although the assessment has highlighted this change of view, as with the landscape receptors, we believe the findings of the visual impact have been underestimated. The proposed buildings, retaining walls and parking areas and lighting having an adverse impact on visual amenity, even with the proposed mitigation.

For example, Viewpoint 3 is representative of the views from the towpath of the Grand Union Canal by the North Grove Lock Keepers Cottage to the east of the site, beyond the A41. The assessment has measured the sensitivity of the receptor as high, due to its heritage asset status and long-distance footpath use. Without mitigation, its impact has been measured as negative of major significance, whereas with the proposed mitigation, after 15 years of establishment, the summer view has been assessed as have negative negligible significance. The assessment methodology Table 11.1 Description of the Levels of Significance has defined negligible as “No effects or those that are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error.”

The LVIA proposes that the proposed mitigation will reduce the significance of effect considerably, with many of the viewpoint residual impacts reducing from negative moderate/major (Winter Year 1) to Negative Negligible (Year 15 Summer). In our professional opinion, the significance of effect would not reduce to this level of residual impact due to the noticeable degradation of the existing view, even with proposed mitigation planting. Our position is further supported when reviewing the verified views (AVR, 2019), which show the tree growth after 15 years. On review, you can see that the building is still visible. Furthermore, given the prominence of the building on the hillside and establishment and management of trees to consider, its unfeasible to predict that mitigation planting will reduce residual visual impact to a negative of negligible level. Therefore, we deem that the principle of a development of this scale and nature in this location, with the proposed mitigation, will have a detrimental impact on visual amenity from multiple visual receptors and cannot be achieved without undue consequence.

### **Landscape Features**

The application site is made up of a remnant hedgerow dividing two fields. The hedgerow supports 16no. mature trees of which 2no. are classed as Grade A, 5 as Grade B. There is also a tree belt along the boundary with the A41 and 4no. clumps of mature trees within the southern field. The LVIA states that there are “no landscape features of significance within

the application site apart from some mature trees, remnants of a former hedgerow, which runs west to east down the slope, dividing the north and south fields. "(Para 11.89) and with the proposed mitigation tree planting, the residual effect on landscape features has been assessed as neutral (Para 11.176).

We believe the significance of the existing features has been underestimated, with the remnant hedgerow forming part of a historic field boundary that is present on OS maps dating back to 1885 (OS One Inch 1885-1900) and therefore the residual effect would still be negative.

During the site visit, it was clear that elements of the existing hedgerow was in decline, there is no evidence within the application that preservation and enhancement has been explored. In terms of the mitigation hierarchy, the first consideration when proposing a development should be avoidance; considering other layouts and scales of development that would avoid impacts on biodiversity, ecosystem services, people and the landscape. Instead impacts have been offset with compensation planting that will take a minimum of 20-25 years, if managed correctly, to offer suitable screening and similar habitat opportunities as the existing trees and groups.

Since the application was submitted, the trees situated on this central belt, the woodland area to west of site boundary and the tree groups on the A41 boundary and within the sites have all had tree preservation orders placed on them (TPO 897). As stated by the LPA Landscape Officer, "the development should secure the retention of all of the individual trees categorised as A or B, so T1 through to T10 and as many of the Groups of trees as possible, but again particularly those of category A or B status (G3, G4, G6)." This would align with the requirements under Policy DM6.

## **Summary**

As it stands, we have significant concerns that the proposed development will have a detrimental impact on the landscape character, landscape features and visual amenity and therefore does not meet the requirements under Policies DM6, DM7 and CP9. The application fails to recognise the significant effect the development will have on landscape character and the setting of the Gade Valley. The proposed development is in a prominent position within an elevated site and subsequently will also have an adverse impact on many views within the valley. Furthermore, although tree/shrub planting is proposed as part of the proposal and mitigation, the loss of 13no. TPO trees (TPO 897) categorised as A or B within the existing historic field boundary running east to west through the site is concerning. For these reasons, we cannot be supportive of this application and would recommend refusal.

## **4.3 Public/Neighbour Consultation Responses**

- 4.3.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Nine site notices have been displayed in various locations on the A41, Bridge Road, Langleybury Lane and Watford Road. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 313 neighbouring properties considered closest to the site or with the most apparent views of the site.
- 4.3.2 A total of approximately 1625 responses have been received, comprising 1615 objections, 8 representations and 2 letter of support. The LPA is also aware of the existence of two online petitions against the MSA. However, these have not been submitted to the LPA for its formal consideration.

4.3.3 A further round of public consultation was commenced in February 2021 for 30 days, following the receipt of additional information but in particular an updated Transport Assessment and Transport Assessment Addendum. Consultation was publicised by site notices, press notice, and letters being sent to the 313 neighbouring properties closest to the site. A further 320 letters of objection were received, the content of which has been included in the summary below. These responses are included in the total number quoted in paragraph 4.3.2 above.

4.3.4 Site Notice: Original site notices displayed 11 April 2019 (expired 14 May 2019). Amended site notices displayed 24 May 2019 (expired 24 June 2019) as a result of a change to the applicant's name. Further site notices displayed 20 February 2021 following receipt of additional Transport Assessment (expired 22 March 2021).

4.3.5 Press Notice: Original notice published 19 April 2019 (expired 21 May 2019). Amended notice published 24 May 2019 (expired 24 June 2019) as a result of a change to the applicant's name. Further press notice published 26 February 2021.

4.3.6 Summary of letters of support:

- Will provide much needed resting area for tired drivers.
- Good source of new employment opportunities – largely for relatively unskilled jobs.
- Another area where drivers can charge electric vehicles.

4.3.7 Summary of Objections:

#### IMPACT ON GREEN BELT AND LOCALITY

- Will remove Kings Langley from being a village and will unite the area with Hunton Bridge.
- Unacceptable development in the Green Belt. Green belt should be protected.
- Proposal will harm openness of the Green Belt and result in urban sprawl.
- Adverse impact on the character of the area.
- Would be visually intrusive, built on a hillside and visible across the valley.
- Green belt land should not be built on.
- Proposal will ruin the countryside and the landscape.
- Should be built on brownfield land.
- Sight of vast car park and HGVs is not appropriate use of the Green Belt and would have huge visual impact.
- See no special circumstances why this should be approved.

#### HIGHWAYS IMPACTS

- As existing the roads are congested and this will add to the problem. Traffic is at a stand-still twice a day already, from 6:30 to 9:30 and from 15:30 to 18:30.
- Proposal will increase traffic flow past the conservation area, park, primary school, cricket ground and listed church.
- A41 serves the only local acute hospital and the traffic delays would place people at risk.
- Service Areas should be built to be accessed via the motorway, not via an already busy and congested A-road.
- There is no direct access from the M25 so all traffic will have to come off the M25 onto the A41. It should have direct access from the M25.
- Proposal would result in queues back onto the M25 which would be dangerous.
- Additional traffic will cause more accidents.
- Proposed roundabout will cause chaos for local residents.
- Will cause inconvenience for pedestrians and danger to cyclists.
- Proposal will exacerbate existing traffic problems in Kings Langley village.
- Congested roads impacts on people's mental health.

- Extra 10,000 vehicles would cause gridlock.
- Building works will cause traffic congestion and major disruption to a busy road.
- Government Circular states on-line service areas are more accessible and will be preference.
- Road closures on the M1 and A41 cause frequent additional queues.
- Traffic Assessment does not take into account the local plans for an additional 20,000 houses and impact on local traffic and feeder roads.
- Traffic mitigation measures cannot be provided and would not be effective.
- Potential improvements do nothing to alleviate issues for traffic attempting to enter the roundabout from the A4251 which is already a problematic junction. Widening the roundabout will only make this situation worse.
- Covid has taught us travel is not the be-all and end-all, people should get out of their cars.

#### NEED

- Not needed when there are other MSA at J23 (9 miles away) and M1 J11 and M25 J9/10. Facilities also available at London Colney.
- Proposal doesn't meet Highway Agency distance requirements due to proximity to South Mimms.
- South Mimms is less than 15 minutes away and there is a fuel station 500m along the A41 so proposal is not needed.
- Proposals for another service station between Junctions 16 and 17 is better suited with less impact on surrounding villages.
- There are plenty of towns and villages just off the motorway for road users to make a short diversion for refreshment, fuel or toilets.
- All of the proposed amenities can already be found in the local area.

#### ECONOMIC IMPACTS

- Proposal will do little for the local economy.
- Unemployment in the area is not too bad.
- Proposal would only provide low skilled zero hour contract work.
- Several minimum wage jobs will not help local employment issues.
- Local community is well employed and does not need the extra employment opportunities.
- There are numerous hotels and shops in the Hunton Bridge/Kings Langley area which will decline if the MSA is built.
- Will take trade away from nearby High Streets. People are being encouraged to support their local shops.

#### ENVIRONMENTAL IMPACTS

- Proposal will add to noise levels, poor quality of the air, and light pollution.
- There is no demand for the proposal.
- Additional air pollution will impact local school and school children.
- Wildlife and biodiversity are already stretched and this will further destroy what little habitat remains.
- Will be visible from neighbouring properties.
- Detritus from oil, petrol, sewage could affect nearby boreholes which provide drinking water.
- Lorry park will be close to the school.
- Will be too close to the Canal.
- Object to loss of farmland.
- Concern regarding loss of trees.
- Proposal will have a detrimental impact on listed buildings.
- There are no environmental benefits, only inadequate mitigations.

- Manufacturers are stopping combustion engine manufacture so long term use for the site will be over in 10-15 years.
- Proposal will have adverse impact on property prices.
- Should build a hospital, not a service station.
- There are other more suitable sites for this development which are further from villages and residential property.
- Should encourage more walking and less driving, and encourage healthy lifestyles.
- Proposal will increase risk of crime.
- Increased flood risk.
- Harm to wildlife.
- May impact drinking water borehole.
- Parts of Langleybury and Kings Langley are a conservation area and more should be done to protect the character and setting of these areas.
- Additional pressure on drainage infrastructure.
- Would be better to have a school or houses.
- Will result in increase in litter

4.3.8 Responses were also received from the following local organisations/groups (responses generally summarised):

4.3.8.1 Kings Langley and District Residents Association (original response):

Lack of well informed assessments of traffic make the proposal unviable. Traffic in the area is frequently at a standstill. Existing plans for new housing and jobs are not considered. Proposal will increase pollution – air pollution, light pollution and impact on the principal aquifer.

Proposal lacks detail of how wildlife habitats would be protected.

Proposal will be visually intrusive and have a greater impact on the openness of the Green Belt than the existing development.

4.3.8.2 Kings Langley and District Residents Association (second response, March 2021, summarised):

- Proposal is for an off-line MSA, whereas two neighbouring applications propose on-line MSA which indicates this is the poorer scheme and should not be allowed to progress.
- Moto's assessment of traffic impact is flawed, traffic counts are based on two days in 2016, effect of accidents and resulting gridlock is not included, speed survey does not look at effects on wider area, road safety audit doesn't have wide enough scope, traffic increase underestimated, assessment fails to take into account increase in local residents that will result from local plan growth.
- Changes at J20 are minor, do not increase capacity at the junction. No assessment on impacts at J19, no mention of impact on Kings Langley traffic, no consideration of A41 southbound queueing to north of J20, traffic impacts would not be mitigated against.
- As the MSA will be a 24/7 facility, its unlikely staff will make sure of limited bus/train services and it would be dangerous to cycle/walk to work – this leaves commuting by car as the only safe option.

4.3.8.3 The Rt Hon Sir Mike Penning MP has written to confirm that he supports residents, businesses, Parish Council, Borough Councillors and County Councillors in their objections of the scheme.

4.3.8.4 Dean Russell MP has written following receipt of comments from constituents about the potential impact this application would have in Kings Langley. The letter notes South Mimms service station adequately caters for the M25 and there are plenty of petrol stations off J21A and J18 with two hotels near the site. The development of Green Belt land is also a concern

for many residents, as is loss of character. There are concerns about traffic safety and air pollution close to St Pauls Primary School.

4.3.8.5 Mrs Anne Main has written setting out her constituents concerns in respect of the loss of Green Belt, the impact on traffic flow, and the additional pollution (Officer Note: at the time of receipt, Anne Main was MP for St Albans but ceased to represent St Albans in May 2019).

4.3.8.6 Richard Harrington has written setting out his constituent's concerns regarding the excess noise and pollution, that South Mimms sufficiently caters for the M25, that the A41 is already regularly gridlocked, and that development of the Green Belt is of concern. He comments that it is appreciated that the proposal will bring investment to the local economy and a significant number of employment opportunities, this should not be at the expense of local residents. (Officer Note: At the time of receipt, Richard Harrington was MP for Watford but ceased to represent Watford in May 2019).

4.3.8.7 David Gauke has forwarded copies of several objections letters to the LPA which had already been sent directly to the LPA. (Officer Note: At the time of receipt, David Gauke was MP for South West Herts but ceased to represent South West Herts in May 2019).

4.3.8.8 Campaign to Protect Rural England Hertfordshire [Original response] – objection due to inappropriate development with no strong and compelling case of very special circumstances.

Site will be elevated and clearly visible from Kings Langley and the surrounding countryside. It would adversely affect local businesses, have an impact on biodiversity and result in additional congestion.

4.3.8.9 Campaign to Protect Rural England Hertfordshire [second response, March 2021, summarised]

- Land is in the Green Belt and there are no very special circumstances.
- Proposal would have a detrimental impact on biodiversity.
- There would be significant traffic implications for existing road network and junctions.

4.3.8.10 St Paul's Church of England School – Chair of Board of Governors - object for the following reasons:

- Road is very congested already. Most vehicles will still have engines running and will be pumping fumes into the air. Easterly wind will blow this into playground.
- Children are often outside in the Forest School and levels of pollution are a concern.
- Traffic data appears to cover a two day period, outside of school hours and is not a true representation of the number of vehicles that use the road.
- TRDCs air quality monitoring station is not near the site.
- For the first 9 months of construction there will be no roundabout and traffic will have to travel along the A41 from J20 to J19 to use that roundabout – passing the school and increasing congestion.
- If people are put off using the school it could impact the future of the school.

4.3.8.11 Chandlers Cross and Bucks Hill Resident's Association [Object]

- The lanes leading to the A41 are narrow and not designed for vehicles larger than a cart. When there is an incident on the M25 the lanes get congested.
- Surrounding roads would become magnet for cars and lorries
- Concreting over Green Belt would cause irreversible damage.

4.3.8.12 Chipperfield Parish Council: [Object]

CPC agrees and fully supports the objections of Kings Langley Parish Council and Kings Langley & District Residents Association. Furthermore, CPC adds the following additional grounds for refusal.

1. 'Right need, wrong location' - It is generally acknowledged that MSA provision is lacking for the north-west quadrant of the M25. DoT Circular 02/2013 refers to the Highways Agency recommendation that the maximum distance between MSA's should be 28 miles and/or travel time of 30 mins. Neither of these are currently achieved on this quadrant of the M25 nor will these be achieved under the subject application.

*Examples:*

*M4 Eastbound onto M25 Clockwise: Reading MSA to South Mimms MSA = 54 miles*

*This reduces to 44 miles to M25 J20*

*M3 Eastbound onto M25 clockwise: Fleet MSA to South Mimms MSA = 50 miles*

*This reduces to 40 miles to M25 J20*

*M25 clockwise: Cobham MSA to South Mimms MSA = 44 miles*

*This reduces to 34 miles to M25 J20*

Based on typical average speeds on these 3 routes a travel time of 30 mins is unrealistic.

Conclusion – the proposed location is too close to the existing MSA at South Mimms therefore the logical location would be 22 to 27 miles counter clockwise from South Mimms and suggests that an 'on-line' (between junctions) location between M25 junctions 15 & 16 would be an appropriate location to the benefit of the strategic road network and the travelling public.

DoT Circular 02/2013 goes on to say, "In determining applications for new or improved sites, local authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons."

2. Interaction with the strategic road network - The same DoT circular discusses the responsibility for the Highways Agency and Planning Authorities to work together to ensure that proposals support a pattern of development that minimises trip generation at source thus reducing potential for creating congestion on the strategic road network. This proposal will have a significant negative impact on the A41 both southbound and northbound. Already, at morning peak time the A41 has queuing traffic reaching towards Hemel Hempstead and at the evening peak queuing traffic back to Hunton Bridge.

Conclusion – the proposed scheme will be contrary to the principles articulated in the circular.

3. On-line vs off-junction MSA's - The DOT circular states "On-line (between junctions) service areas 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 at existing junctions." An additional point to make is that off-junction MSA's are single sites for both carriageways whereas on-line MSA's have separate facilities for each carriageway which means that a single-entry point to an off-junction MSA is carrying double the traffic of an equivalent on-line junction MSA. Anecdotally, it is generally accepted that egress from a motorway to an off-junction MSA and subsequent re-joining is significantly slower than is the case with an on-lane MSA and is often two times longer causing an increase in local pollution from queuing and stationary traffic.

4. Unintended consequences

Any increase in A41 journey times will displace traffic onto rural and village roads to a greater extent than already seen recently. This will adversely affect not only Chipperfield but Sarratt, Bucks Hill, Chandlers Cross and probably Croxley Green and Rickmansworth as well.

5. Avoid joined-up towns and villages - It is a principle of national and local planning policy to avoid neighbouring communities in the Green Belt becoming joined-up. An application in the Green Belt must have outstanding merit to justify approval. No such justification has been made by the Applicant.

In conclusion, this proposed scheme has no benefit neither for the communities that TRDC serves nor those adjoining the TRDC area. The scheme benefits neither users of the strategic road network nor the communities surrounding M25 J20. We urge TRDC to refuse this Application robustly.

#### 4.3.8.13 The Chiltern Society:

Highways England recommend a maximum spacing of 28 miles. There is only space for one new service area between South Mimms and Cobham, and this site is only 10 miles from South Mimms, so Jct 16/17 would be preferable.

The site is at a major road junction which is already over congested.

The environment agency raised concerns about the site being in a source protection zone. It seems inevitable that some Green Belt land will be needed for a Motorway Service Area but efforts should be made to avoid having two new service areas.

- 4.3.9 The applicant has submitted a document (dated August 2019) responding to the representations made. That document has been considered by officers and is published online as part of the application record.

## **5 Reason for Delay**

- 5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who raised technical objections, to address their objections as far as they are able.

## **6 Relevant Planning Policy, Guidance and Legislation**

### 6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the National Planning Policy Framework (NPPF) was updated and is to be read along with the National Planning Practice Guidance (NPPG) as relevant government planning guidance. As is recognised in NPPF 47, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and NPPG are ‘material considerations’ relevant to planning decision making (NPPF 2). The NPPF is equally clear that “existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”. (NPPF Annex 1: 213)

### 6.2 The Three Rivers Statutory Development Plan

The planning merits of the application have been assessed against the policies of the development plan, namely, the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 (Overarching Policy on Sustainable Development), CP6 (Employment and Economic Development), CP7 (Town Centres and Shopping), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2 (Green Belt), DM3 (Historic Built Environment), DM4 (Carbon Dioxide Emissions and On Site Renewable Energy), DM6 (Biodiversity, Trees, Woodland and Landscaping), DM7 (Landscape Character), DM8 (Flood Risk and Water Resources), DM9 (Contamination and Pollution), DM10 (Waste Management), DM11 (Open Space, Sport and Recreation Facilities and Children's Play Space), DM13 (Parking) and Appendix 5 (Parking Standards).

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA4 is relevant, stating that applications for new retail development outside the identified centres will only be considered if the applicant has established that there is a need for the development.

### 6.3 Other Material Considerations

Department for Transport Circular 02/2013 (September 2013) – The strategic road network and the delivery of sustainable development.

Hertfordshire's Local Transport Plan 2018-2031.

Hunton Bridge Conservation Area Appraisal (July 2008)

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

## 7 **Planning Analysis**

### 7.1 Principle of Development – Impact on the Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt. Core Strategy Policy CP11 provides that the Council will maintain the general extent of the Green Belt in the District and will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. The policy maintains a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Development Management Policy DM2 notes that "as set out in the National Planning Policy Framework, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below." Relevant to this current application is 'a) New Buildings,' which states "Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance."

7.1.2 The NPPF at para 133 states "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Para 134 states that Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.1.3 Para 136 states that “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”. This application does not seek to alter Green Belt boundaries. It proposes new built development within the Metropolitan Green Belt.

7.1.4 Paragraph 143 states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Para 144 states “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”.

7.1.5 Para 145 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

7.1.6 Paragraph 146 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.7 This application, submitted in outline form, proposes the construction of a MSA necessarily involving the construction of a number of substantial new buildings, car parking, roadways, lighting and hard and soft landscaping works. The construction of MSA buildings are not considered to fall within any of the exceptions to inappropriate development listed at NPPF Para 145a-f. In respect of exception g) of paragraph 145, the application site is an historic

landfill site devoid of any built form or operational development. It has in the past been developed for waste disposal and restored so that it now can be seen to blend into the rural landscape. Further, even if the proposed development could be classified as the complete redevelopment of previously developed land, the proposed development by its very nature (comprising substantial built form and infrastructure) would have a greater adverse impact on the openness of the Green Belt than the existing field as restored contrary to the qualifications of NPPF145 (g).

7.1.8 In respect of paragraph 146, the proposed development does not fall into any of categories a, d, e or f. As regards category b, whilst the proposed development involves considerable engineering operations, these are primarily associated with and contingent upon the construction of buildings to form an MSA and not to be undertaken for any other purpose. In any event, the resultant land levels, and built form consequent upon the engineering works on the site would not preserve openness and would conflict with the purposes of including land within the Green Belt contrary to NPPF 146.

7.1.9 In respect of exception c) of NPPF146, the applicant's submitted Planning Statement suggests that the proposal should be considered as local transport infrastructure if it is accepted that there is a need for a MSA in this area and that it needs a Green Belt Location. The 'need' for a MSA is discussed later in this report. However, it is not considered that the proposal would comprise 'local transport infrastructure'. Whilst the development would be accessed via the A41 and not directly from the M25, it is in a location such that many journeys being undertaken which necessitated a stop at the MSA would be other than local in length. In this connection it is noted that in a dismissed appeal (APP/F4410/W/18/3197290) at Land North East of J37 of the A1(M) Motorway in Doncaster for a MSA, the Inspector commented:

*189. Whilst one element of the overall scheme would assist in addressing a shortage of HGV parking in the area, there is no other identified local need which would call for an operation of the size proposed to be built. There is no local need for a new MSA to be located on the appeal site; the need arises from the distance between existing MSAs on the motorway network which happens to suggest there may be a need in the area. That, in itself, is not sufficient to conclude that the proposal is local transport infrastructure.*

*190. I find that the proposal does not comprise local transport infrastructure and thus does not fall within paragraph 146 of the NPPF. In reaching that view I have had regard to the appeal decision relating to the Cobham MSA on the M25 drawn to my attention by the Appellant. However, that proposal was for additional HGV parking within an existing MSA. Whilst the inspector in the circumstances of that case found the proposal to constitute a local transport infrastructure facility, it was not a proposal for a new MSA, the need for which is dictated by the distance between services on the motorway network, that was being considered. I do not find it directly comparable such that it leads me to a different conclusion.*

7.1.10 The above appeal was recovered by the Secretary of State, who agreed with the Inspector that the proposal does not comprise local transport infrastructure. It is considered that the conclusions reached are similarly applicable to this MSA application. Further, even if the proposal was capable of classification as local transport infrastructure, having regard to the amount of development proposed on the site, it would not 'preserve' the openness of the Green Belt and would 'conflict with the purposes of including land within it.' (NPPF 146).

7.1.11 In R. (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3 the court held that the concept of openness referred to "the underlying aim of Green Belt policy... "to prevent urban sprawl by keeping land permanently open... and is also linked to the purposes to be served by the Green Belt... it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept." Having regard to paragraphs 7.1.5 – 7.1.10 above, it is considered that the proposed MSA development would not preserve the openness of the Metropolitan Green Belt; nor would it fall within any

of the exceptions in paragraph 145 or 146 of the NPPF. It would constitute inappropriate development contributing to urban sprawl in conflict with the purposes of Green Belt set out in NPPF 134. It would also harm the visual amenities of this part of the Green Belt for the reasons set out in paragraphs 7.2.1 – 7.2.18 below. The NPPF 143 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.12 As noted above, paragraph 144 of the NPPF states 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”. Accordingly, before establishing whether a case for very special circumstances exists or not, it is necessary to assess the planning merits of the proposed development to understand whether it would give rise to ‘any other harm’ to interests of acknowledged planning importance.

## 7.2 Impact on the character and appearance of the street scene, locality and wider landscape

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.2.2 As noted at section 2 above, the application site is on prominent sloping land which rises up from the A41 toward the M25 to the west. The hill crests prior to the M25 boundary, with land levels sloping down toward the M25 from this point. The site is set to grass, and therefore has the appearance of a green field. The land to the south (ie the adjoining fields) have a similar appearance, with trees and hedgerows demarcating the boundary between fields and enhancing the rural character of the area. The land to the east on the other side of the A41 comprises fields, and therefore has equally an open rural character. The nearest substantial built development is at Hunton Bridge to the south and south-east of the site. The land in the immediate vicinity of the application site is therefore considered to have a rural and open appearance with the absence of built form emphasising this appearance.

7.2.3 The site is within the Upper Gade Valley Landscape Character Area as identified in Hertfordshire County Council’s Landscape Character Assessment. Policy DM7 of the Three Rivers District Council’s Development Management Policies Local Development Document requires development proposals to make a positive contribution to the surrounding landscape. It notes that proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The policy also states that the council will support proposals that: contribute to the delivery of Green Infrastructure.

7.2.4 The application includes, as part of the EIA, a Landscape and Visual Impact Assessment (LVIA) which addresses the impacts and effects of the proposed development on the existing landscape and the visual amenity of those living and working in the area, those visiting and those passing through. In terms of the existing site, the LVIA notes that the M25 forms the west boundary of the site as it runs past in a cutting, and that there is more substantial tree cover on and adjacent to the cutting on the far side of the motorway which significantly blocks views of the site from the countryside to the west. It observes that the M25 junction 20 structures significantly screen the site from land to the north. It also notes that the M25 crosses the River Gade/Grand Union Canal on a viaduct which it considers dominates this section of the valley. To the east, it notes that the A41 would form the

boundary to the site and that the site has a direct relationship with the A41 at the northern end but a greater degree of separation to the south; and that to the south, the remaining part of the south field would be undeveloped. The LVIA contends that overall the landscape value of the application site and the immediate area is considered Medium – its most significant value is conferring rural character and openness as part of the Green Belt and as part of the setting to the Gade Valley. It says that the site has a high susceptibility to change (the ability of the landscape to accommodate the proposed development without undue consequences for the maintenance of the baseline situation); it comprises a hillside which visibly contributes to the green setting of the Gade Valley and in winter is part of the outlook from numerous properties in Abbots Langley. The LVIA confirms ‘it conveys a sense that Abbots Langley is the edge of the urban area with countryside beyond’.

- 7.2.5 The LVIA confirms that the field is prominent when viewed from the east, and there are several sensitive receptors within the landscape to the east including users of the canal corridor and some residents within Abbots Langley.
- 7.2.6 The LVIA considers the impact on the landscape both during construction and during operation. The construction related activities, whilst having the potential to have a substantial impact on the landscape, are by their nature temporary and would ultimately be replaced by the completed and operational development in the event planning permission is granted and implemented.
- 7.2.7 The LVIA assesses the impact of the operational MSA on the landscape character and confirms that construction will result in the conversion of agricultural fields to the singular character of an MSA and without mitigation ‘this will result in a negative effect on the landscape character of the application site of major significance’. In respect of the impact on the Upper Gade Valley, the site is noted as contributing to the character and setting of a short section of the Gade Valley and the residential area of Abbots Langley, and without mitigation the visible urban elements of the MSA will have a major negative impact on the landscape character of this section of the valley. In relation to how the proposed development would interact with the five purposes of the Green Belt (as set out at NPPF Para 134), the LVIA comments as follows:
- 7.2.7.1 Objective a: To check the unrestricted sprawl of large built up areas – the proposed MSA will increase the extent of urban development inside the M25.
- 7.2.7.2 Objective b: To prevent neighbouring towns merging - the proposal will not result in or contribute to the merging of Kings Langley or Hunton Bridge to Sarratt, or to the merging of Kings Langley or Hunton Bridge to Croxley Green. The proposal would reduce the gap between Kings Langley, Abbots Langley and Hunton Bridge.
- 7.2.7.3 Objective c: To assist in safeguarding the countryside from encroachment – the proposal would encroach upon countryside
- 7.2.7.4 Objective d: To preserve the setting and special character of historic towns – the adjacent settlements, whilst having some historic assets, are not considered historic towns in the same way as Bath, Oxford and Canterbury might be, however the proposal will have a minor negative impact on the historic landscape of this section of the Upper Gade Valley.
- 7.2.7.5 Objective e: To assist in urban regeneration – the proposal needs to be located where it is readily accessible from the M25 at an appropriate distance between other MSAs, and since there is no alternative suitable derelict urban land to accommodate an MSA refusal of consent will not encourage the recycling of derelict or other urban land.
- 7.2.8 The LVIA assesses the impact of the proposed development on openness, and notes that the existing site confers a sense of openness to this section of the Upper Gade Valley and that since the hillside is one of the few areas of farmland left in this valley, the proposal will

reduce the sense of openness and have a moderate to major negative impact on Green Belt objectives.

- 7.2.9 The LVIA reviews the impact on visual amenity of the operational MSA through its impact on 19 viewpoints, and for each discusses the description of the existing view, the predicted changes to the view and the proposed mitigation. Much of the proposed mitigation arises from the use of terracing within the site, which means only those vehicles toward the eastern edges of the parking platforms would be visible, along with substantial soft landscaping including evergreen trees and hedges.
- 7.2.10 The LVIA acknowledges that the proposed development will substantially change the landscape character of the site, and this cannot be mitigated. However it notes that it is desirable to minimise negative impacts on the remaining areas of the Gade Valley close to the site, and to do this the design seeks to preserve the green character of the hill as far as possible, through tree planting. It notes that tree planting will be fairly effective when in leaf, and less so in winter, and that a high proportion of evergreens will be used which are less characteristic of the natural tree cover but will provide an effective screen. The objective of the mitigation is to reduce the visibility of the buildings, infrastructure and vehicles from views to the east.
- 7.2.11 The LVIA concludes that the proposal will initially have some negative landscape and visual impacts, but these will be confined to a short section of the Gade Valley and can be mitigated by extensive tree planting. It suggests that the functional benefit to a large number of motorway users of providing a MSA in this location will need to be balanced with the negative local residual landscape and visual impacts which it is suggested will be of moderate significance or less.
- 7.2.12 The applicant's LVIA has been reviewed by Place Services, landscape consultants appointed by the LPA. Their full comments are included at paragraph 4.2.24 above. The consultants advise that the submitted LVIA underestimates the likely effects of the proposed development on landscape character and visual amenity. It is considered that the most distinctive feature of this landscape is the strongly contained valley with steep slopes. The review considers that whilst the EIA says that the development would have a minor-moderate negative impact at year 15 in the summer due to increased tree cover, in fact the elevated nature of the site means the tree cover would have limited effect by year 15. Furthermore, it is noted that much of the proposed planting is evergreen which is uncharacteristic of the existing tree cover in the area and would contribute to the urbanising influence of the development, removing the sense of Abbots Langley being the edge of the urban area. Overall the consultants advise that this is considered likely to cause significant harm to the existing landscape character of the application site and surrounding rural area amounting to a negative moderate-major level of significance.
- 7.2.13 The consultants' review has also considered the impact of the proposed development on the visual amenity of the area, and notes that the site is situated on a man-made landform which currently blends in seamlessly with the remaining natural landforms and features in the local rural area. It considers that the proposed MSA buildings will be clearly visible from the east, and will have an adverse impact on this existing visual amenity. And that the significance of the likely harmful impact of the proposal on visual amenity will not be sufficiently reduced by the proposed planting due to the noticeable degradation of the existing view. The submitted verified views show the tree growth after 15 years and it is seen that the proposed buildings remain visible. Given the prominence of the proposed buildings on the hillside, it is considered unfeasible to predict that mitigation planting could reduce the harmful visual impact sufficiently so that it only had a minor-moderate negative impact by year 15. Accordingly, it is considered that the MSA, given its scale and substantial built form, would in the location of the application site have a detrimental impact on the visual amenity of the area from multiple visual receptors.

- 7.2.14 It is evident from the content of the LVIA and the summary of the Council consultants' advice set out above, that the proposed MSA would be visible within the wider area, in views from the A41, the canal, and from parts of Abbots Langley to the east. The character of the area of the application would be changed significantly and adversely from an existing prominent open field in elevated countryside with a rural appearance becoming engineered and urbanised in its landform and appearance with the addition of buildings and road infrastructure, as well as lighting and the comings and goings and parking of cars, coaches, caravans and HGVs. Screening over time would be provided by trees but not characteristic of the existing tree cover which would further exacerbate the incongruity of the proposed development in the landscape. The surrounding area of the application site is characterised generally by limited, low density development removed from the site. By contrast, the MSA would constitute an uncompromising urbanising development which, whilst adjacent to the motorway, a prominent component of road transport infrastructure, would not visually or characteristically relate to any existing built development or settlement pattern. Rather, it would result in the introduction of an intrusive urbanising development into an open rural landscape setting in the Green Belt, which would constitute urban sprawl and an encroachment on countryside.
- 7.2.15 In respect of the impact of lighting on the amenities of the locality, it is noted and acknowledged that the A41 contains street lights which are illuminated through the night. The M25 also contains lighting and it is understood that the lighting to the main line of the M25 is switched off between midnight and 5am, with the slip road lighting always on. This part of the A41 contains no other built form and as a result its surroundings are, at night time, fairly dark with no requirement for illumination. The proposed development would operate 24 hours a day, and would require to be well lit throughout the circulation roads, car parking areas and fuel filling station. Lighting would also be present on and in buildings on the application site. The submitted lighting layout drawings demonstrate how light spillage outside the site may be minimised. Nevertheless, the light sources and illuminated features and built facades would be visible from outside the site at night and this additional necessary illumination would exacerbate the urbanising visual impact of the development on what is otherwise a dark elevated rural site; and its harmful intrusion would be viewed and experienced by passers-by and residents of the neighbouring residential areas to the east-north-east.
- 7.2.16 It is acknowledged that significant tree planting is proposed as part of this application (that would be presented and assessed in full when a landscaping reserved matters application was submitted) and that this tree planting could over time screen in part the proposed development. However, the MSA would not be hidden from view; nor would the use of soft landscaping be likely to integrate its presence into the landscape. Its intrusive visual impacts would be experienced in short-distance views from the entrance and the A41 as well as in wider area views. It is also noted that much of the proposed tree planting would be evergreen species, which are not characteristic of the wider landscape.
- 7.2.17 For these reasons, the proposed MSA development is assessed as an incongruous development in its rural context that would have an adverse impact not only on its openness but also on the visual amenities of the Green Belt, and cause harm to the rural character and appearance of this part of the Upper Gade Valley Landscape Character Area. It would be intrusively prominent when viewed from public viewpoints along the A41, the Grand Union Canal and Abbots Langley and would result in harm caused to the character and appearance of this part of the Green Belt, the valley, the street scene and the locality.
- 7.2.18 The Environmental Statement notes the proposal would substantially change the character of the hillside on which it will sit, and would result in an erosion of the rural outlook and setting to the town of Abbots Langley. It also states that the establishment of tree planting would mitigate the negative effects. It states that the objectives of the Green Belt designation to preserve openness need to be balanced with the functional benefit of the MSA. It notes that the proposal will lie in an area which is already well lit at night time, and concludes that the proposal would have some negative landscape and visual impacts which

can be adequately mitigated by tree planting. Having regard to the EIA and the consultation responses and assessments noted above, however, it is concluded that the proposed MSA would result in significant harmful visual impacts on the application site and its locality by reason of its design, layout, built form, appearance and siting on what is a prominent hillside location in countryside in the Upper Gade Valley Landscape Character Area. The intended mitigation in the form of planting and landscaping is not considered to outweigh the significant adverse visual and environmental harm that would be caused by the proposed development.

### 7.3 Impact of proposal on heritage assets

7.3.1 Strategic Objective S10 of the Core Strategy is “To conserve and enhance the historic environment by resisting the loss of, or damage to, heritage assets including important buildings”. Core Strategy Policy CP12 states that “in seeking a high standard of design, the Council will expect all development proposals to conserve and enhance natural and heritage assets”.

7.3.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

7.3.3 Paragraph 190 of the NPPF advises that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

7.3.4 Paragraphs 193 and 194 of the NPPF state that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

“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.”

7.3.5 Paragraph 196 of the NPPF 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...”

7.3.6 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be

genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

- 7.3.7 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
- 7.3.8 The Environmental Statement includes a chapter in respect of Archaeology and Cultural Heritage which assesses the potential effects of the proposed development on the historic environment.
- 7.3.9 Impact on the setting of the Hunton Bridge Conservation Area
- 7.3.10 The Hunton Bridge Conservation Area was designated in 1984, and the relevant conservation area appraisal was published in 2008. The original settlement is thought to have originated from early coaching routes and the crossing of the River Gade. The appraisal notes that the conservation area is effectively split by the A41 dual carriageway and the canal, which separate the main core of the settlement from the church and vicarage which are sited in more open rural landscape. The appraisal notes that the spire of the church is visible from many parts of the core of the settlement and provides a landmark to views from the east to the west. The conservation area boundary is approximately 120m from the closest part of the application site. That south-eastern part of the application site is proposed to comprise woodland.
- 7.3.11 DM Policy DM3 states that “permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area”.
- 7.3.12 The submitted Heritage Statement confirms that the southern part of the site can be seen from the church yard of the church of St Paul which is a key part of the conservation area. During construction, associated activities would be visible for a number of months and whilst this would not materially affect the character or appearance of the conservation area itself, the wider rural setting as experienced from the church yard would be changed.
- 7.3.13 The statement notes that the approach to the conservation area from the north would not materially change with a clear visual gap between the proposed development and the conservation area. It concludes that the effect of construction activity on the setting of the conservation area would be less than substantial, with a minor adverse magnitude of effect.
- 7.3.14 During operation of the MSA, the statement notes that the development would be well screened from the church yard, and the approach to the conservation area from the north would not materially change, and therefore with the proposed landscaping the proposed MSA would result in no material harm to the significance of the conservation area.
- 7.3.15 In reviewing the application, the conservation officer has confirmed that the setting and significance of the Church of St Paul and Hunton Bridge Conservation Area are most relevant heritage assets relating to the application site. The conservation officer notes that extensive tree cover largely shields the conservation area from the incongruous appearance of the A41 Watford Road to the west and West Coast Railway Line to the east of the conservation area. A large part of the significance of the area derives from the buildings within it. The conservation officer considers the impact upon the conservation area will be minimal due to the distance between the development and the conservation area boundary. They consider that a large contributor to the significance of the conservation area is found within its boundary and is based upon Hunton Bridge’s building stock and relationship with the canal. The surrounding landscape provides an important contrast to the more urbanised appearance of the village. Any harm will derive from the loss of incidental views into/out of

the conservation area when travelling along the A41, upon which existing trees and hedgerows already largely screen the site. Proposed landscaping will further mitigate potential harm. On this basis, the conservation officer considers the proposal would have no further impact on the conservation area.

- 7.3.16 It is therefore concluded that, given the distance between the application site and the conservation area, and the differences between the characteristics of the conservation area and the surrounding land, the proposed development would preserve (not harm) the character and appearance of the conservation area. The potential for additional soft landscaping would further enhance incidental views into and out of the conservation area from the A41.
- 7.3.17 Impact on the setting of the adjacent Listed Buildings
- 7.3.18 There are a number of listed buildings in the vicinity of the application site. To the south of the site, at the junction of the A41 with Langleybury Lane, is the Grade II\* listed Church of St Paul, and the Grade II Listed Lych Gate, Loyd Memorial Cross, and Langleybury War Memorial. On the opposite side of the A41 from the Church of St Paul is the Grade II Listed Old School House. To the east of the application site, adjacent to the Grand Union Canal, are the Grade II Listed North Grove Lock House and North Grove Lock. DM Policy DM3 states that the Council will preserve the District's Listed Buildings.
- 7.3.19 The submitted Heritage Statement explains that during construction the rural backdrop to North Grove Lock and Lock House would change, with construction activity visible over several months, albeit separated by rural fields and screening in the intervening landscape. It explains that the setting of the Lock and Lock House is focussed on the canal tow path and the group value of the heritage assets would be unaffected. It concludes that whilst the proposed development would result in a modest degree in loss of the wider setting of some of the rural landscape, overall the harm would be less than substantial.
- 7.3.20 In respect of the impact of the Church of St Paul, the statement explains that construction activity would be visible in incidental long views of the church spire from the canal tow path, but the proposed development would not block any existing views of the spire and the immediate setting and all other key elements of the church's significance would be unaffected. Following construction, the proposed development would be screened from views from St Paul's Churchyard due to the proposed soft landscaping. There would be a small change to the wider setting of the church but the Statement concludes this would result in no harm and therefore neutral impacts.
- 7.3.21 The Statement notes that the proposed soft landscape screening would be consistent with the existing views of the site from the Lych Gate, Memorial Cross and War Memorial such that the operational development would not harm the setting or significance of these assets.
- 7.3.22 The conservation officer has reviewed the Heritage Statement in respect of its assessment of likely impacts of the proposed development on the listed buildings. The Officer acknowledges that the spire of the Grade II\* listed Church of St Paul can be seen across Hunton Bridge and the surrounding landscape. However, it is also acknowledged that the intersection of the A41 and Langleybury Lane has divorced the church slightly from the rest of the village. This isolation places the church within a distinct island of land which dominates the approach into the conservation area and links the church's setting more closely to the open landscape. The conservation officer considers that any impact on the church would be upon its wider setting which is considered to be minor less than substantial harm as, despite the reduction in undeveloped open space surrounding the church, a significant buffer will be retained, as well as the prominence of the church within the landscape.
- 7.3.23 Having regard to this assessment, it is considered that the proposed development would be likely to cause minor less than substantial harm to the setting of the Grade II\* Church of St

Paul. The NPPF is clear that such harm should be weighed against the public benefits of the proposal. An assessment of the potential public benefits of the proposed development is set out in the conclusion section below.

#### 7.3.24 Impact on Archaeology

7.3.25 In respect of Archaeology the submitted Heritage Statement notes that whilst there is a known potential for some Bronze Age pits, much of the site was subject to considerable disturbance in the late 20<sup>th</sup> and early 21<sup>st</sup> century during which the northern two thirds of the site were used as landfill. Given this history, the statement concludes that any remains which may have been present would be at least truncated if not entirely removed.

7.3.26 The statement has been reviewed by the Hertfordshire County Council archaeology advisors. They concur with the Heritage Statement that Bronze Age pitting may survive in the southern field, but the northern field retains little to no archaeological potential. These conclusions match the geophysical survey results. However, they do not agree that there is evidence to suggest remains in the southern field lie beneath an average of 0.5m made ground and may be truncated. However, they are largely in agreement with the recommendations that the next stage of archaeological works can take place post-consent if granted. This next stage would comprise an archaeological trial trenching evaluation of the southern field and mitigation measures as necessary.

7.3.27 The HCC archaeological advisor concludes that the proposed development should be regarded as likely to have an impact on heritage assets with archaeological interest, and that planning conditions could be used to secure the necessary level of further investigation the proposal, if granted planning permission, would warrant. It is, accordingly, considered reasonable to secure the next stage of archaeological investigations by planning condition in the event planning permission is granted, and considered necessary in the interests in protecting the heritage asset. No grounds are therefore considered to arise in opposition to the MSA in respect of its likely impacts on any archaeological resource.

7.3.28 The Environmental Statement concludes that the proposal would have a negligible impact on archaeology and would not result in a loss of any significant archaeological remains. It concludes the proposal would have minor adverse effects on adjacent heritage assets during construction, but during operation the planned planting would provide screening to eliminate effects to the conservation area. A minor adverse residual impact on the significance of the North Grove Lock and Lock House would remain which is stated as being a low level of less than substantial harm. Having regard to the consultation response from the conservation officer, which identifies minor less than substantial harm caused to The Church of St Paul only, it is not considered that the proposal would result in a significant effect on the historic environment.

#### 7.4 Highways Impacts

7.4.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. It is questionable whether the proposed MSA, in so far as it may attract additional traffic on to the District's roads, would accord with this policy.

7.4.2 CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. Consistent with NPPF111, the policy requires

the impact of the proposed development on traffic and transport to be fully assessed through 'a comprehensive Transport Assessment.'

7.4.3 Paragraph 104 of the NPPF makes reference to MSAs in the context of planning policies. It states that planning policies should

*e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.*

7.4.4 Footnote 42 explains:

*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. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).*

7.4.5 The NPPF at para 108 sets out that in assessing specific applications for development it should be ensured that:

*a) appropriate opportunities to promote sustainable transport modes 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.*

7.4.6 Paragraph 109 states that:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

7.4.7 It should be noted that this guidance relates to the impact of proposed development on the local and strategic road network, and not to the need for the proposed development of an MSA which is addressed later in this report.

7.4.8 This MSA application includes extensive highways works and, as noted above, whilst the application is submitted in outline form, detailed matters of access are for full consideration as part of the application. The impacts of the proposed highway works and their use have been assessed by Hertfordshire County Council (HCC) as the Local Highway Authority, and Highways England as the Highway Authority for the M25.

7.4.9 As shown on the 'Proposed Site Access Arrangement' drawing No.1803-F01 (KLP41) the application proposes the construction of a new roundabout on the A41 to provide access to the MSA site. This would be constructed approximately 300m south of the existing M25 J20 roundabout, and approximately 100m south of the pair of metal gates giving access to the fields opposite the application site (i.e. to the east of the A41). The proposed roundabout would have two approach lanes and two exit lanes, enabling traffic to continue straight along or turn into the proposed MSA. Vehicular circulation within the MSA would be via a one-way system that would direct drivers south, before turning west and driving into the site to access the various parking areas. The internal loop road continues north past the main amenity building before looping round the northern end of the site and passing the drive-thru coffee kiosk and fuel filling station.

- 7.4.10 The application also proposes works to the M25 J20 / A41 roundabout. These works would involve amendments to the physical kerb line to provide additional lanes on both approaches to this junction from the M25 and both approaches from the A41. An additional lane would also be created on the northern circulatory carriageway to the J20 roundabout.
- 7.4.11 The applicant has submitted a Transport Assessment (TA) which details the highways impacts of the proposed development. This states that MSAs do not generally generate new traffic, rather they provide services for traffic already travelling on the motorway network. The statement confirms the proposals would result in an increase in turning movements at J20 of the M25, an increase in merge/diverge movements on the M25, and increases in flows on the A41.
- 7.4.12 The TA explains how the design of the highways works has been reached, and also explains how the number of 'turn-ins' to the MSA has been predicted, based on traffic flows and data from Cobham MSA. The mainline flow of traffic on the M25 in the vicinity of Cobham is higher than at the application site. It is estimated that 6% of passing traffic may turn into the MSA during week day peak period, and 8% on the Saturday peak. The assessment takes into account local trips to the MSA as well as those directly from the M25. This equates to approximately 519 arrivals and departures in the morning peak 0800 – 0900hrs, 487 arrivals and departures in the afternoon peak 1700-1800hrs, and 872 arrivals and departures in the Saturday peak 1000-1100hrs. The applicant estimates that 5% of journeys will be local.
- 7.4.13 Having established the estimated number of trips to the facility, the TA then assesses the capacity of the highway now, and in future years. It is important to note that it is necessary for this development to mitigate against only its own impacts on the highway. The proposed development cannot be expected to provide mitigation against any pre-existing problems on the highway network but only to ensure these are not exacerbated.
- 7.4.14 Modelling has been undertaken in respect of the impact of the proposed development on traffic flows on the M25 in both directions, the A41 at all approaches to the site, and the A4251 at the M25 J20 roundabout. That modelling has been reviewed by HCC, and Highways England and their consultation responses are outlined above.
- 7.4.15 HCC have recommended that the planning application should be refused for six reasons. The first of these is that the proposed development would increase traffic volumes by a level that will make worse existing congestion on the A41 approaching J20 of the M25, adversely impacting on the existing traffic congestion and on the safety of highway users. The proposal would add a considerable number of vehicles to the morning, afternoon and weekend peaks which would increase queueing in all directions approaching the J20 roundabout. The vehicles travelling southbound along the A41 from J20 and turning right at the proposed access roundabout to enter the site would block those vehicles travelling northbound toward J20 from the Langleybury Lane/A41 junction. Existing traffic congestion and delays would be exacerbated, contrary to HCC's Local Transport Plan 4 (Policy 5, 14, 19 and 21) and, as a result, would be contrary to Three Rivers Core Strategy Policy CP10 which requires development to minimise the impact of travel by motor vehicle on the District, and provide a safe and adequate means of access.
- 7.4.16 The second reason is that the submitted junction modelling does not satisfactorily demonstrate the impacts of the additional traffic volumes and the new site access junction on the A41 and does not adequately consider the impacts on the A41 and A4251. HCC state that the queueing of northbound A41 traffic heading toward the M25 J20 roundabout would be expected to extend beyond the site access roundabout, meaning that vehicles travelling northbound through the new roundabout would be at a standstill in queues. HCC has also concluded that the modelling does not accurately represent the traffic flows and that the queueing would be unacceptable even with the introduction of improvements to address the proposed development's adverse traffic impact on the operation of M25 J20. The queues would extend beyond the site access roundabout and beyond the junction at Langleybury Lane, and this is without factoring in the impact of traffic travelling southbound

on the A41 turning into the application site, obstructing northbound traffic from being able to progress onto and through the proposed access roundabout. The impacts of the additional traffic are also considered to be likely to adversely impact on the free flow of traffic on the approach from the A4251 to the J20 roundabout, and the approach to J20 along the A41 from the north with queue lengths and degrees of saturation increased in a way that would adversely affect the operation of the approaches, with fewer opportunities for vehicles to enter the J20 roundabout due to increased vehicle numbers on the roundabout itself causing increased queues. HCC highlight that the DfT circular 02/2013 states “it is important to avoid adverse impacts upon the effective operation of the strategic road network” and consider that this part of the A41 is part of Hertfordshire’s strategic road network, which the proposed development would adversely impact upon.

- 7.4.17 The third recommended reason for refusal by HCC relates to a direct conflict with the Hertfordshire County Council Local Transport Plan (LTP4). Policy 5 of LTP4 states “The county council will to (sic) work with development promoters and the district and borough councils to: (f) Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.” HCC have considered the applicant’s case in support of this application, but do not consider that sufficient special circumstances have been shown to exist to approve a new access onto the A41. As such, the proposed new roundabout access from the A41 is objectionable in principle to HCC as being in conflict with relevant transport policy.
- 7.4.18 The fourth reason for refusal recommended by HCC relates to the lack of an adequate road safety audit for the proposed mitigation measures, specifically for the changes proposed to the road layout at J20 of the M25, and the changes to the A41 including the new access roundabout. In the absence of a road safety audit the highway authority cannot be satisfied that the proposed mitigation measures are safe and suitable. This is contrary to the requirements of LTP4 Policy 5b and 17, and contrary to the requirements of DfT circular 02/2013 which notes “proposals for new roadside facilities will be subject to road safety audit procedures”. On this basis, it has not been demonstrated that the proposed highway improvements, including new access to the site from the A41, would be safe and suitable contrary to Core Strategy Policy CP10.
- 7.4.19 The fifth reason for refusal recommended by HCC relates to the proposed development interfering with the ambitions of HCC’s South West Herts Growth and Transport Plan (GTP). That plan includes a scheme for bus priority along the A41, with improvements to the M25 J20 roundabout to facilitate this. HCC state that the addition of a new roundabout on the A41 would impact on the deliverability of a bus corridor on the A41, creating additional barriers to the provision of sustainable transport. The applicant has produced a drawing to demonstrate a potential bus priority scheme on the approach to J20 along the A41, however unresolved concerns have been raised that this scheme would introduce possible weaving manoeuvres which would adversely impact highway safety.
- 7.4.20 In respect of accessibility by non-car modes, the TA does not consider that a development of this type will offer significant local customer demand to warrant a dedicated public transport service, but does go on to consider connectivity by other methods. It acknowledges that pedestrian infrastructure in the vicinity is limited to a footway on the eastern side of the A41. It confirms that pedestrian improvements in the form of a dropped-kerb crossing point with tactile paving and pedestrian refuge are proposed on the northern arm of the site access roundabout. Cycling to the site is also addressed and it is confirmed that secure cycle parking can be provided to further encourage travel by bicycle. Finally, it is proposed to provide two new dedicated bus stops in addition to the pedestrian crossing facilities, to ensure that employees are within an approximate 400m walk of the nearest bus stop. It is acknowledged that the non-car accessibility of the site is limited, however this is in part due to the nature of the development, which serves motor traffic. Nevertheless, HCC oppose the development on the basis that the site is not in a sustainable location, particularly with reference to employees accessing the site. The site is not within a reasonable walking distance for the majority of the neighbouring towns and villages and the

potential to promote and encourage sustainable modes of travel to and from the site for employees is limited. Whilst a small community of residents are within 800m (desirable) walking distance of the site, local residential areas generally exceed the maximum walking distance of 2km away. Whilst a greater number of residents live within a reasonable cycling distance, connectivity is poor and particularly when traveling to the site from the north, negotiating crossing at a major motorway roundabout junction by bicycle would not be an appealing trip to the site. It is concluded, accordingly, that the application site is not a sustainable location for access by means of transport other than the car and the proposed development would be unlikely, therefore, to contribute to the minimisation of the impacts of travel by motor vehicle in the District. Core Strategy Policy CP10 requires major developments to be located in areas highly accessible by the most sustainable modes of transport and to people of all abilities in a socially inclusive and safe manner. The application site is not such a location.

- 7.4.21 Highways England have also reviewed the latest submitted information. They state that there is insufficient information presently available to them to ensure that the M25 motorway, and in particular M25 junction 20 continues to serve its purpose as part of the national system of routes for through traffic in accordance with S10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. Highways England have set out the work the applicant would need to do to satisfy the requirements of Highways England, and to date those requirements have not been met. Furthermore, Highways England confirm the list provided is not exhaustive and will depend on the result of assessments and the identification of an appropriate package of mitigation. Until Highways England have reviewed and approved, they are not able to confirm whether the impacts from the proposals can be accommodated on the Strategic Road Network. On this basis, they have requested that the authority does not determine the application, other than a refusal, ahead of them receiving and responding to the required information. Whilst Highways England have confirmed they will continue to work with the applicant, the LPA considers that on the basis of the amount of outstanding information required by Highways England to undertake their full assessment, despite the volume of additional work undertaken to date, and on the basis of the objections raised above relating to the principle of the development both in Green Belt, landscape and highways access terms, that a determination (refusal) is appropriate on the basis that insufficient information has been provided to demonstrate the M25 would continue to service its purpose as part of the national system of routes for through traffic.
- 7.4.22 A construction traffic management plan has been submitted which seeks to outline the management of traffic during the construction period and provide a strategy that aims to minimise disruption to local residents. This would be reviewed by the Highway Authority as part of future detailed considerations of the proposal.
- 7.4.23 The submitted Environmental Statement concludes that the construction phase would result in moderate adverse effects on traffic and transport, which are temporary, and that the operation phase would result in minor adverse effects, or minor beneficial effects in circumstances where the proposed highway mitigation measures would have a wider benefit. The LPA, having had regard to the consultation responses from HCC and Highways England, considers that the proposal in the operation phase would have significant adverse impacts on the operation of the adjacent road network which the proposed mitigation would fail to address.

## 7.5 Vehicle Parking

- 7.5.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions set out in Appendix 5. Appendix 5 sets out parking standards for retail and foodstores, non-food retail, restaurants and cafes, and hot food takeaways. These set parking standards based on the gross floor area of the building, or the floorspace of the dining area. These standards do not relate to MSA development.

- 7.5.2 The on-site parking provision is 750 car parking spaces with, in addition, 94 HGV parking spaces, 21 caravan parking spaces, 19 coach parking spaces, 24 motorcycle parking spaces, 16 car parking spaces at the fuel filling station and 1 abnormal load parking area.
- 7.5.3 In respect of car parking, the applicant's Transport Assessment makes reference to 'Parking requirements at motorway service areas' contained within the DfT Circular. Whilst not part of the statutory development plan, the circular is considered a material consideration. The circular suggests that parking requirements should be based on the number of vehicles flowing through the area per day. The circular uses this number to calculate the number of parking spaces required for cars, HGVs, abnormal loads, coaches, caravans, motorcycles, spaces for lodges and disabled spaces. The Transport Assessment shows that the proposed parking provision exceeds the minimum parking requirements required by the Circular and states that this has been agreed with Highways England. Highways England's consultation response is referenced at paragraph 4.2.13.1 above where additional information is noted as being requested regarding the impacts of the proposal on the M25. The LPA considers based on the current information that the proposed parking provision on site is adequate to serve the development.
- 7.6 Impact on amenity of neighbouring occupiers
- 7.6.1 Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.6.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.6.3 The application site is approximately 130 metres from the nearest neighbouring properties to the north (North Grove Cottages) and over 100 metres from the nearest neighbouring property to the south (The Old Vicarage).
- 7.6.4 The site is also elevated above the A41 and is clearly visible from the opposite side of the Gade Valley. It is relevant to consider whether the proposed development would have any adverse impacts on the amenities of neighbours, either in terms of the visual impacts of the development or the impacts from any air, noise or light pollution.
- 7.6.5 Having regard to the distance between North Grove Cottages and the application site, that North Grove Cottages are set at a lower level to the application site and are screened from the site by vegetation on both sides of the A41, it is not considered that any part of the proposed development would have materially adverse impact on the amenities of the occupants of these residential properties.
- 7.6.6 The nearest residential property to the south is The Old Vicarage. That property is screened from the application site by its own site boundary screening, which includes soft landscaping in the form of a number of trees. The buildings within the application site would be located in excess of 300 metres from this neighbouring dwelling and as such would not appear overbearing when viewed from this neighbouring property. It is noted in this connection that the circulation road and car parking areas would be closer to this property, albeit with a separation distance of some 130 metres. The visual impact of these would be softened by the proposed soft landscaping within the site which is shown on the submitted indicative Landscape Masterplan and would be secured as part of a future reserved matters submission.
- 7.6.7 The Cottage at North Grove Lock is some 200m from the application site, and whilst the application site would be visible from this neighbouring property due to the topographical

difference between the sites, given the intervening distance it is not considered that the proposed buildings on the site would have an overbearing impact when viewed from this neighbouring property.

7.6.8 Having regard to the nature of the proposed development, and the distance from neighbouring properties, along with the soft landscape screen, whilst the presence of the proposed development including built form and road infrastructure would be visible from neighbouring houses, it is not considered that the proposal would have any adverse impact on the privacy of occupants of neighbouring properties or appear overbearing to the extent that it would result in demonstrable harm to the amenities of neighbours.

## 7.7 Pollution – Air Quality

7.7.1 Paragraph 170 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.7.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.
- Introduce new point sources of air pollution e.g. furnaces.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.

7.7.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.7.4 The application site is not within an Air Quality Management Area. The Environmental Statement includes an Air Quality chapter (Chapter 5). This confirms that the proposed development has the potential to introduce air quality impacts on local air quality both during the construction and operation phases of the development. The report has regard to three specific receptors (North Grove Cottages, The Old Vicarage and St Pauls C of E School) as these are the closest to the site and therefore likely, if at all, to experience an air quality impact. Given the likely increase in vehicles using the A41, in particular between M25 J20 and the application site, the LPA agrees that the proposal does have the potential to impact local air quality. It is necessary, nevertheless, to understand the nature and quantify the extent of such impacts, as well as whether any mitigation measures can be adopted used to reduce or nullify those impacts.

7.7.5 The Environmental Statement includes an assessment of construction phase impacts of dust and particulate matter and how it might affect human health due to there being residential properties within 350m of the site. During the construction phase, there is potential for impacts from dust and other particle emissions. The majority of dust would be generated from the areas for the siting of buildings, due to the earthworks required. Given

the distance between the site and the closest receptors the sensitivity of the area to dust and particulates from track-out is assessed as low. The report acknowledges that the precise behaviour of the dust will depend on a number of factors, with rainfall naturally suppressing dust.

- 7.7.6 In relation to the construction phase, the Environmental Statement acknowledges that whilst the sensitivity of the area to dust is low (due to the distance between the site and the nearest residential properties), the potential magnitude for dust emission is considered to be large (due to the extent of earthworks). The report confirms that the control of dust emissions relies upon management provision and mitigation techniques and sets out a number of measures that can be used, including the use of wheel washing, avoiding dry sweeping of large areas, avoiding the use of generators, ensuring vehicles do not idle, and the use of solid barriers. Full details of the mitigation measures to be used can be secured by a planning condition.
- 7.7.7 During the operation of the development, there is potential for impacts on local air quality as a result of emissions from the road vehicle trips generated. Due to the predicted number of vehicle movements, an assessment of air quality impacts arising from vehicle emissions using the local roads has been included in the Environmental Statement. In relation to impacts on the closest receptors, the report notes that the operation of the development is predicted to increase mean NO<sub>2</sub> concentrations by a maximum of 2.5% of the objective (2.5% at The Old Vicarage, 1.8% at North Grove Cottages and 0.3% at St Pauls school), with concentrations less than 75% of the Air Quality Strategy objective levels, resulting in a negligible impact.
- 7.7.8 In relation to the operation of the completed development, accordingly, the magnitude of impact of the additional NO<sub>2</sub> concentrations is considered by the applicant to be negligible and below Air Quality Strategy objective levels. The development is predicted to result in a slight increase in other particulate concentrations but less than 0.5% of the objective such that the impact would be negligible. For example, PM<sub>10</sub> concentrations are predicted to increase by 0.1% of the objective at St Paul's School and PM<sub>2.5</sub> concentrations increase 0% at the school. It is on this basis that the increases are predicted to be negligible.
- 7.7.9 The Environmental Health Officer (EHO) has been consulted and has reviewed the submitted air quality report. The Officer has confirmed that the evidence indicates that employing good site management practice and by the implementation of mitigation measures, the effect of dust and particulate matter releases may be effectively mitigated such that any impacts would be negligible. The EHO also confirms that during its operational phase the development is considered likely to generate an increase in travel demand at Junction 20 and that, to minimise the air quality effects of this, highways improvements are proposed and a Travel Plan implemented. Dispersion modelling has been carried out to assess the impact of the operation of the proposed development on local air quality. This modelling predicts that there will be a slight increase in concentrations of atmospheric pollutants associated with road vehicles during the operational phase, but indicates that the impact of the operation of the proposed development on existing sensitive receptors will be negligible. Therefore, no mitigation measures are required during the operation phase. The EHO has recommended that a number of conditions be attached to planning permission if granted, requiring the submission of a detailed Construction Environment Management Plan and Traffic Management Plan, to ensure construction traffic is routed away from sensitive receptors. In addition, conditions can secure the submission of a Dust Management Plan, Wheel Washing, and the provision of electric vehicle charging points.
- 7.7.10 In summary, it is considered that while the operation of the development would increase NO<sub>2</sub> concentrations, objective levels are not predicted to be breached such that the increase would have a negligible impact on air quality. This is primarily because pollutants generated would disperse before reaching the nearest receptors, and would as a result have very low concentrations. The construction phase has the potential for adverse air quality impacts, but with appropriate mitigation would be of a negligible order. Therefore,

overall it is considered that the proposal would not conflict with Policy DM9 and the air quality impacts of the proposed development are considered to be negligible.

## 7.8 Pollution – Noise and vibration

7.8.1 Paragraph 170 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.8.2 Policy DM9 sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.8.3 The Environmental Statement includes a report (chapter 6) on Noise and Vibration. This assesses the potential impacts from noise during construction and during operation of the development.

7.8.4 In respect of construction noise, the report acknowledges that construction activities have the potential to impact upon nearby noise-sensitive receptors, but the significance of the potential impact will depend upon a number of variables including the amount of noise generated by plant and equipment being used, the periods of operation, the distance between noise sources and the receptor, and the attenuation due to ground absorption. The report has reviewed construction noise predictions for the noisiest construction phases at the nearest noise sensitive receptors, and the highest noise levels are from plant associated with earthworks, piling, concreting, and road and pavement construction activities. The construction noise impacts have been estimated at the closest receptors at North Grove Cottages, The Old School House and St Pauls School.

7.8.5 Construction noise impacts have also been assessed in terms of the noise impacts from moving materials to and from the site by road. The construction traffic is predicted to provide a temporary change in noise level in the day time of less than 0.4dB(A) at the nearest noise sensitive properties due to the high existing traffic flows which provides a negligible effect.

7.8.6 In respect of vibration from construction activities, the submission explains that vibrations from a large rotary piling rig may be perceptible at 30m from the source, and on this basis, given the distance to the nearest receptors and the equipment to be used nearby residential properties are unlikely to be affected. It is noted that Affinity Water have requested that in the event outline planning permission is granted, no piling should take place without the submission and approval of a ground investigation, risk assessment and method statement. Therefore, it is not apparent at this stage whether the use of piling rigs may be appropriate. Nevertheless, the impact of such equipment on neighbouring properties is likely to be limited.

7.8.7 In order to mitigate against the impact of construction activities, the submitted report confirms that noise mitigation measures will form part of a detailed construction environmental management plan for the development, which would include the use of silenced plant and equipment where possible, engines being switched off where vehicles are standing for significant time, the use of acoustic enclosure and low speeds on site. Consideration would also be given to the use of temporary screening or enclosures for some plant.

- 7.8.8 During operation, the proposed development may generate noise from fixed plant and associated equipment, as well as by traffic movements and parking. The noise sensitive receptors considered by the assessment are the nearest residential properties, and the proposed lodge building. In respect of traffic movements, the report concludes that the overall road traffic noise increase due to the completed development at the nearest residential properties will be less than 2dB which is considered to amount to a minor adverse noise impact in the short term and a negligible impact in the long term. Noise from vehicles parking is assessed as being below the existing daytime and night-time ambient noise level which is dominated by traffic on the M25.
- 7.8.9 The report assesses noise from mechanical plant on the amenity building and confirms the plant is designed to a level 10dB below background noise levels at a point 1m from the façade of the nearest existing noise sensitive receptors, such that the noise effect is considered to be negligible.
- 7.8.10 The report acknowledges that the maximum noise level from the operational development would be from HGV movements in the HGV parking area. The report predicts the maximum façade noise level from the HGV parking area is 51dB, well below the target established by the WHO of 60dB.
- 7.8.11 In terms of noise impacts on the proposed lodge by the MSA, the use of sound insulation and an appropriately specified window glazing is canvassed by the report, as well as acoustically treated ventilation. On the basis that these measures are incorporated into the design and secured by condition, it is concluded that any noise impact generated by the operation of the MSA on the lodge would be minor adverse.
- 7.8.12 In respect of the impact of noise on St Paul's Primary School, the noise report notes that construction noise would, due to the high sensitivity of this receptor, have a minor impact prior to any mitigation. The noise from proposed development traffic and vehicle parking is assessed as being negligible at the school. The same conclusion is reached for the impact on St Pauls Church.
- 7.8.13 In respect of noise mitigation from the development during operation, no mitigation is considered to be necessary for traffic noise. Noise from mechanical services would be designed to a level 10dB below external background noise. Acoustic glazing with acoustically treated ventilation would be required for hotel bedrooms.
- 7.8.14 The noise report and its conclusions has been reviewed by the Environmental Health Officer. The EHO has no comments on the assessment or how it has been undertaken. He confirms that during construction it should be secured by condition that the site to not be accessed before 7am, with work commencing at 8am. The EHO has also confirmed that it would be expected that a robust noise monitoring programme be secured by condition before any works commence to ensure that all works that take place comply with the submitted noise assessment. It is considered reasonable to secure this by condition.
- 7.8.15 For these reasons, it is not considered that the MSA proposal would result in significant adverse noise and vibration effects on relevant receptors or the local environment.

## 7.9 Pollution – Light

- 7.9.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.
- 7.9.2 Chapter 13 of the Environmental Statement reviews the lighting impact of the proposed development and concludes that the lighting methods suggested would reduce light spill over the site boundary into neighbouring areas, and minimise sky glow. The impact of

lighting is also considered within the Landscape and Visual Impact Assessment at Chapter 11 of the Environmental Statement.

- 7.9.3 The Environmental Health Officer has reviewed the submission and raises no objections to the proposed lighting. Given the distance from the nearest neighbouring properties, it is not considered that the proposed lighting would cause harm to the amenities of occupants of neighbouring properties. The full details of proposed lighting, including intensity, positioning, direction and spillage, could be secured by planning condition.
- 7.9.4 Notwithstanding this, whilst it is noted that the A41 is lit in this location, and the M25 is similarly lit, the application site and the immediate surroundings are generally dark at night time with no artificial illumination. The presence of built form, road and other infrastructure, and the illumination of these to enable their use and operation, would have an adverse impact on the character and appearance of the site and adjoining countryside emphasising the prominence of the proposed development within the area. These effects are addressed in section 7.2 above.
- 7.10 Pollution – Land Contamination
- 7.10.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.
- 7.10.2 Chapter 9 of the Environmental Statement discusses Ground Conditions, Contamination and Geotechnical. The summary confirms that whilst the land is presently used for grazing, it has formerly been utilised for chalk mining in the south and landfill in the north. It is thought that the application site received predominantly non-hazardous, inert, asbestos cement and excavation/demolition material.
- 7.10.3 The Environmental Health Officer has advised that a condition would be required to be attached to any planning permission to secure that further investigatory works to be undertaken, and that a remediation strategy and verification plan be produced and submitted to the LPA for approval.
- 7.10.4 Affinity Water originally raised objections to the application, in relation to the potential impact of the proposed construction work and operational development on ground water. The applicant has since worked with Affinity Water to provide further information and clarification about the operation of the completed development. This information includes a risk assessment detailing how any potential risks to the water resource arising from the fuel filling station can be mitigated against, and how maintenance and groundwater monitoring would take place to facilitate annual monitoring to Affinity Water. Affinity Water have reviewed the latest submitted information and have concluded that, subject to planning conditions which secure requisite monitoring, prior approval of any methods of deep excavation and details of a remediation strategy to be followed in the event contamination is discovered at the site, their objections are removed. The LPA consider that the conditions suggested by Affinity Water would meet the tests at paragraph 55 of the NPPF and would, in the event of a recommendation to approve, be appropriately attached to a planning permission.
- 7.10.5 The Environment Agency's (EA) comments are recorded in the Consultee responses section 4 above. In their first response, the EA raised two objections. The first related to the lack of information to determine risks to ground water, and the second related to the need for an Environmental Permit to be obtained for the proposed landfill/deposit for recovery and the application not containing sufficient information to demonstrate whether the proposal could meet the EAs requirements to prevent, minimise or control pollution. The applicant subsequently submitted amended information to the EA, but the EA's response

received by the LPA on 4 September 2019 (second response) confirmed the additional information failed to address the EAs concerns.

- 7.10.6 Since those initial responses, the applicant has continued to work with the EA to provide further information and clarification. In August 2020 the EA confirmed that they are now able to remove their objections. This is because the application demonstrates that it will be possible to manage any risk posed to controlled waters by the development, but further detail would be required before the development takes place. On this basis, the EA have recommended a number of planning conditions which must be satisfied. These include the need to provide a remediation strategy to deal with risks of contamination at each phase of the development, the need to provide a verification report demonstrating the completion of the works set out in the remediation strategy, a plan for the monitoring and maintenance in respect of contamination, a methodology to deal with the discovery of any unexpected contamination, the use of SUDS, restrictions on piling and boreholes, and the submission of further details regarding the installation of underground tanks. The LPA considers that each condition would meet the tests at Paragraph 55 of the NPPF and on this basis confirms that no objection is raised in respect of the potential for land contamination, subject to these conditions.
- 7.10.7 The Environmental Statement identified elevated levels of some contaminants in the groundwater, and that the development would involve a number of potential receptors to contamination including site workers, the Chalk Principal Aquifer, local landfills and site users. It is accepted by the LPA on the advice of the EA and Affinity Water that these potential impacts could be managed by the use of planning conditions and subject to these it is not considered that a significant effect may occur.
- 7.11 Impact on Wildlife, Biodiversity and Agricultural Land
- 7.11.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species as required by the EC Habitats Directive.
- 7.11.2 Paragraph 170 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by: *d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.11.3 Paragraph 174 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should: *b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.11.4 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”. Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.11.5 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole. The application site is not within a Site of Special Scientific Interest or Nature Reserve. There is a Local Wildlife Site to the south of the site at St Pauls Church, and a site at North Grove Wood to the north of the site on the other side of the M25.

- 7.11.6 Chapter 8 of the submitted Environmental Statement assesses the impact of the proposed MSA on Ecology. The chapter is informed by a Preliminary Ecological Appraisal, a reptile survey and a bird survey. Chapter 8 assesses the likely significant ecological effects of the construction and operational phases of the proposal.
- 7.11.7 In 2016 bat surveys found bat activity in the southern part of the site, with low levels of use to the north. Most activity to the south was recorded south of the internal tree/hedge line and was largely associated with the offsite woodland south west of the site. On-site habitats were found to form part of an important resource for local bat populations. A number of trees were found to be capable of providing opportunities for roosting bats. The survey notes that no current use of the trees within the boundary itself by roosting bats was recorded. The bat survey concludes that given the bat activity recorded associated with the offsite woodland and south western corner of the site, mitigation measures including detailed lighting design will need to be in place. Herts Ecology have advised that any lighting scheme should not illuminate boundary vegetation and it is considered that the relevant mitigation measures could be secured by condition in the event planning permission is granted.
- 7.11.8 A reptile survey in October 2018 found that the off-site balancing pond is unsuitable for Great Crested Newt due to the lack of standing water. Seven survey visits were undertaken, and no reptile were recorded on site at any time. Herts Ecology have confirmed that reptiles should not be regarded a constraint to the development proposals, and a precautionary approach to vegetation clearance is recommended.
- 7.11.9 A bird walkover survey recorded 19 species, and noted that habitats on the site are common so only of local value. The survey recorded most birds in close proximity to the wooded areas and hedgerows, with only groups of wood pigeon, feral pigeon and one woodpecker using the fields for foraging. The survey results found that most species found on site are widespread, common and of little conservation concern. The submitted survey explains that whilst the proposed works may result in some loss of habitat, this would be compensated for by planting of significant areas of trees and shrubs across the site to provide foraging and nesting opportunities. Herts Ecology have confirmed that none of the species recorded are of conservation concern/considered to be a constraint to the proposal.
- 7.11.10 The submission makes reference to ecological mitigation measures being proposed which include replacement soft landscaping to include native trees and scrub, including fruit-bearing trees, the installation of bird and bat boxes on trees and buildings, and lighting being directed away from site boundary vegetation.
- 7.11.11 Herts and Middlesex Wildlife Trust have objected to the proposal, in part due to a lack of detail but also because they consider the measureable net gain to biodiversity is not proven and the ecological report is insufficient. They comment that the submission provides examples of conceptual mitigation or compensation but nothing definitive. However this is an outline application. The LPA considers that, given the level of detail provided to date and bearing in mind that the application is submitted in outline form, sufficient ecological information has been provided to enable an assessment to be made as to the appropriateness of planning conditions to address relevant biodiversity issues. Herts Ecology have raised no objections, subject to conditions requiring the submission of details of how the loss of farmland ecology will be mitigated against, requiring full details of ecological mitigation measures, and requiring a Landscape Ecological Management Plan to be submitted to the LPA. It is considered that it would be reasonable to attach conditions addressing these issues to a planning permission.
- 7.11.12 In respect of the potential impact of the proposal on Agricultural Land, the applicant has submitted an Agricultural Land Assessment. This demonstrates that the majority of the application site comprises Grade 4 Agricultural Land (defined as being poor quality with severe limitations which significantly restrict the range of crops), with the southern part Grade 3B (defined as being moderate quality, capable of producing moderate yields of a narrow range of crops). The assessment involved a survey being undertaken, with a total

of 14 observations taken from pits. The assessment concludes that the site is limited considerably by its elevation profile and stoniness. The majority of the site is considered to be Made Ground, following considerable historic earthworks.

- 7.11.13 The NPPF states at paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by '*recognising the intrinsic character of and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land*'. Footnote 53 to paragraph 171 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*". The glossary to the NPPF states that Best and most versatile agricultural land is "*Land in grades 1, 2 and 3a of the Agricultural Land Classification*".
- 7.11.14 Having regard to the historic uses of the land, and in particular that it has been demonstrated that much of the site is made ground following considerable historic earthworks and landfill, and having regard to the classification of the site as being primarily Grade 4 agricultural land, it is not considered that the proposed development would result in a loss of significant high quality agricultural land.
- 7.11.15 To summarise in respect of the impact on wildlife, biodiversity and agricultural land, it is not considered that the proposed development would result in any demonstrable harm to protected species at or adjacent to the site, subject to the imposition of planning conditions to secure protection measures during the course of any construction works, and mitigation and enhancement measures which could include the use of living green roofs, habitat boxes and the planting of native shrubs and trees, and the use of specific lighting.
- 7.11.16 The Environmental Statement concludes that if the recommended ecological enhancement measures are incorporated into the scheme, the overall development is likely to have a permanent positive impact on local biodiversity. Having regard to the comments above, and the potential to incorporate mitigation and enhancement measures into the site, the LPA considers this to be a fair assessment and therefore in respect of these matters it is not considered that the proposal would result in a significant adverse effect on ecology or biodiversity.
- 7.12 Impact on trees and landscaping
- 7.12.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with illustrative landscaping and layout details, which requires consideration to be given to the impact on existing trees and hedgerows.
- 7.12.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.
- 7.12.3 The NPPF sets out at para 175c 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".

- 7.12.4 As existing, the application site is split into two fields, with the split delineated by a row of trees and hedgerow. This central band contains 16 individual trees, running west to east, and contains mature species of varying quality. There are also hedgerows and trees around the boundary of the site with the A41. A Tree Preservation Order (TPO) was made in August 2019 and confirmed in January 2020 on land forming part of and land adjacent to the application site. This TPO applies to 12 individual trees within the central belt referred to above, to three groups of trees to the south of the application site in the adjacent field, and to an area of trees along the boundary between the application site and the A41 (extending south from the location of the proposed roundabout down to the existing layby on the northbound carriageway of the A41). The existing woodland at Crabtree dell (to the west of the application site and adjacent to the M25) is protected by a Woodland TPO.
- 7.12.5 The application includes the removal of 13 trees and hedgerow from the central belt and much of the existing vegetation within the eastern boundary with the A41. The submitted tree report confirms the removals would involve one category A tree, three category B trees, four category C trees and five category U trees. Of the 13 trees to be removed from the central belt, eight are covered by the TPO and three are confirmed to be dead. These are now subject of the abovementioned TPO. The woodland to the west of the site and groups of trees to the south are not part of the application site.
- 7.12.6 The application illustrates the potential for substantial replacement planting, including trees being incorporated into the development and car parking areas, and woodland and hedgerow areas around the site's perimeter being widened. This would be considered as part of a landscaping reserved matter (a formal application which would be submitted following any grant of outline planning permission and prior to any development taking place). The applicant's agent has suggested some 1100 trees could be planted on site.
- 7.12.7 In reviewing the submitted LVIA, the council's landscape consultant has considered the impact of the proposal on landscape features which include the hedgerow and mature trees. It is noted that the submitted LVIA states there are 'no landscape features of significance within the application site apart from some mature trees, remnants of a former hedgerow...'. The significance of those features is considered to have been underestimated, with the hedgerow forming part of a historic field boundary dating back to 1885. Its loss would therefore still have a negative effect. It is clear that part of the existing hedgerow is in decline, but no consideration appears to have been given to preservation and enhancement, and avoiding impacts on the hedgerow. It is considered that the compensatory planting will take a minimum of 20-25 years, if managed correctly, to offer suitable screening and similar habitat opportunities.
- 7.12.8 The loss of existing trees would not comply with the requirements of Development Management Policy DM6 which requires development proposals to retain trees and other important landscape and nature conservation features. The fact that the quality of the trees is such that they are now protected by a Tree Preservation Order means that weight should be given to the conflict with Policy DM6. However, it is necessary to have regard to Policy DM6(ii) which states that Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. The applicant has explained that as a result of the site's topography, it has not been possible to ensure the retention of all existing trees and hedgerows but that replacement planting is proposed. The consideration of whether the justification for the loss of the trees and proposed replacement planting overcomes the conflict with DM6 is set out in section 7.19 of this report.

## 7.13 Energy Use

- 7.13.1 Paragraph 148 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure".

- 7.13.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.13.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.13.4 The application is accompanied by an Energy and Sustainability Statement. This sets out how the proposed development will be designed using the Energy Hierarchy and will deliver low carbon dioxide emissions. Passive energy efficient design measures could be supplemented by air source heat pumps. As this application does not seek approval for the appearance of the proposed building, it is anticipated that any future Reserved Matters submission would secure full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.
- 7.14 Flood Risk and Drainage
- 7.14.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.
- 7.14.2 The application has been accompanied by a Drainage Strategy Report. In addition, Chapter 12 of the Environmental Assessment assesses Water Resource, Flood Risk and Drainage implications of the proposal.
- 7.14.3 The application site is located within Flood Risk Zone 1 (i.e. lowest risk of fluvial flooding). The application details that water from the site will be drained via soakaways. Sub-base storage will be provided within the car park, along with bioretention planters, swales and attenuation ponds to store storm water in the 1 in 100 year (plus 25% climate change) storm event. The SuDS features would also treat contaminants in the stored water.
- 7.14.4 Foul drainage will be routed into the existing main trunk sewer to the south of the site and Thames Water have confirmed the network has sufficient capacity to accommodate the site's foul drainage.
- 7.14.5 The Lead Local Flood Authority (LLFA) note that the proposed drainage strategy is based on a mixture of Sustainable Drainage measures, including sub-base storage, bioretention planters, swales and attenuation ponds to store surface water in the 1 in 100 years plus 25% climate change storm event. No objections are raised by the LLFA subject to conditions requiring the development to be carried out in accordance with the submitted drainage strategy report, requiring additional infiltration and ground condition tests to be carried out, and a maintenance plan to be submitted.
- 7.15 Refuse and Recycling

- 7.15.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
  - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.15.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.
- 7.15.3 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. As a minimum the waste types should be defined as inert, non-hazardous and hazardous. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste during construction, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.
- 7.15.4 In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls partly within the sand and gravel Mineral Safeguarding Area within HCC's Proposed Submission Minerals Local Plan, January 2019.
- 7.15.5 Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.
- 7.15.6 The county council, as the Minerals Planning Authority, encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.
- 7.15.7 Space for the storage of refuse and re-cycling containers is included within the illustrative layout to the amenity building in the lower ground floor area. It is considered that further details regarding the management of waste from the remaining uses on site could be secured by condition, and it is considered that storage facilities could be reasonably provided within or directly adjacent to the proposed buildings such that they would not result in any additional sprawl of development within the site.

## 7.16 Infrastructure Contributions

- 7.16.1 At the time of writing, there are no financial contributions sought by consultees for works to infrastructure. A S278 Agreement would need to be entered into pertaining to the works to the Highway, and in the event of a recommendation to approve, a negatively worded condition would be attached which requires the highways works to be undertaken prior to the first use of the development.

## 7.17 Referral to Secretary of State

- 7.17.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

## 7.18 Relevance of two planning applications for Motorway Service Areas in two locations within the administrative area of Buckinghamshire Council.

- 7.18.1 The LPA is aware of two planning applications relating to proposed Motorway Service Areas in Buckinghamshire, one relating to land at Warren Farm, between Junctions 16 and 17 of the M25 and one relating to land at Iver Heath, between Junctions 15 and 16 of the M25. It is noted that an appeal has been lodged following Buckinghamshire Council's failure to determine the Warren Farm MSA application within the prescribed period and that application now falls to The Planning Inspectorate to determine on its merits. The Iver Heath application, at the time of writing, remains with Buckinghamshire Council to determine having regard to their Development Plan.

- 7.18.2 All three applications have been submitted on the basis (put forward by their respective applicants) that there is a need for a MSA in this general area. Notwithstanding any conclusions reached in this report, each planning application falls to be assessed on its own individual merits, against the requirements of the relevant local and national planning policies. It is acknowledged that, in the event of one or both LPAs resolving to grant planning permission, under the current Consultation Direction each LPA would be required to consult the Secretary of State, and that in such a circumstance this would provide an opportunity for a holistic assessment to be made as to whether any or all of the applications should be called in for consideration by the Secretary of State and whether any of them should be granted planning permission.

## 7.19 Very Special Circumstances

- 7.19.1 As concluded at section 7.1 above, the proposed MSA development constitutes inappropriate development in the Green Belt. It is therefore necessary to ascertain whether there are any very special circumstances which clearly outweigh the harm that would be caused to the Green Belt by inappropriateness and the other harm resulting from the proposed development. 'Other harm' resulting from the proposed development that has been identified in this report is summarised below:

- Harm to the openness and visual amenities of the Green Belt.

- Harm to the character and appearance of the rural area including the Upper Gade Valley Landscape Character Area.
- The loss of protected trees.
- Minor less than substantial harm to the setting of Grade II\* listed Church of St Paul.
- Adverse impact on the free flow of traffic and highway safety on the A41, both as a result of the additional vehicles using this part of the road network, and the new roundabout junction, which would worsen the existing situation and is considered unacceptable in principle.
- Unsustainable location of the application site.
- Insufficient information to demonstrate that the proposal would have an acceptable impact on the operation of the M25.

7.19.2 The applicant has submitted a case for very special circumstances within their Planning Statement which is broken down as follows;

7.19.3 The need for and road safety benefits of a MSA

7.19.3.1 In May 2018 the then Transport Minister Jesse Norman confirmed that he had written, with the then Planning Minister, to Local Planning Authorities to draw their attention to survey results which show a strategic national need for more lorry parking. A Department for Transport report in 2017 found that parking availability for HGVs in the South-East region is critical, with an excess of spaces needed over availability. That document shows a shortage of parking spaces in the M25 periphery, and this proposal could therefore assist in meeting the need for HGV parking in the area. Officers, however, would highlight that this proposal does not seek exclusively to meet the needs of HGV drivers.

7.19.3.2 The applicant also identifies the Department for Transport Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” as relevant to need for an MSA. This states that ‘*A well-functioning strategic road network enables growth by providing for safe and reliable journeys*’. Annex B ‘Roadside facilities for road users on motorways and all-purpose trunk roads in England’ quotes from the NPPF that “*B2...the primary function of roadside services should be to support the safety and welfare of the road user*”. This matter is reiterated at Paragraph B29 of the Annex.

7.19.3.3 The circular notes that ‘*B4...Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks*’. The circular notes that ‘*B5 The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However the timing is not prescriptive as at peak hours, on congested parts of the network, travel between service areas may take longer*’.

7.19.3.4 Paragraph B6 explains ‘*The Highways Agency therefore recommends that the maximum distance between motorway service areas should be no more than 28 miles. The distance between services can be shorter...*’. Paragraph B7 notes ‘*Speed limits on the strategic road network vary and therefore, applying the same principles, the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time*’. This paragraph also confirms that the distances can be shorter. It therefore should be noted that the distances are recommended, not mandatory.

7.19.3.5 The driving times originate from previous DfT circular 01/2008 which set the recommended distance to 28 miles on the basis that HGVs fitted with 56mph speed limiters have a maximum range over 30 minutes of 28 miles. This was set as a recommended distance, but it should be noted that there is no longer a recommended minimum separation distance, only a maximum.

7.19.3.6 The closest services along the M25 are at Cobham and South Mimms, and the distances between these two sets of services is 45 minutes, therefore in excess of the suggested

maximum distances set out above. This implies that there is a need for a MSA in the north western part of the M25. The submitted Transport Assessment explains that the existing distance from Toddington services (M1) to South Mimms (M25) is 25.6 miles and to Cobham is 68 miles. The distance from Beaconsfield Services (M40) to South Mimms (M25) is 27.7 miles. The distance from Fleet (M3) to Toddington (M1) is 60 miles and to South Mimms (M25) is 51 miles. Whilst the distance to South Mimms is generally within the guidance set out in the abovementioned circular, the distance for traffic travelling southbound on the M1 to then use M25 anti-clockwise is in excess of the recommended maximum and the distance for traffic travelling to/from the M40 and the M25 is very close to the recommended distance. The proposal would reduce the distance between services for drivers between Toddington and Cobham to 20.7 miles. The applicant's case is that the circular provides clear guidance that there is a need for an MSA in this part of M25, i.e. at a location between Cobham and South Mimms. It is acknowledged that the application site is in close proximity to the existing service area at South Mimms. However, that close proximity would only potentially detract from part of the rationale for the need for this facility. For example, it would not be reasonable to expect drivers travelling south on the M1 from Toddington to travel in the wrong direction to obtain rest and refreshment at South Mimms, as this would only increase the length of journeys and the associated air pollution when compared to those vehicles being able to stop along their intended route. Otherwise the proposed services would meet the need of that particular journey and would improve the distances for other journeys.

- 7.19.3.7 In relation to alternative sites for such a facility, the applicant has submitted an 'Alternative Sites Assessment' (ASA) which purports to establish that the site subject of this application is the optimum site for a MSA to meet the need in the west quadrant of the M25. The ASA states that it has found sites potentially suitable for an MSA to serve the M25 in both directions but that the application site is to be preferred. This planning application falls to be determined on its own individual merits, and the potential alternative locations for such a facility are therefore afforded very limited weight as their merits are not for detailed consideration. It is noted and acknowledged however that other potential sites for MSAs to serve this part of the M25 would be located within the Green Belt.
- 7.19.3.8 In respect of the road safety benefits of MSAs, the applicant's submission emphasises that MSA's have a primary function to support the safety and wellbeing on the road user. Fuel filling stations operating 24/7/365 are a mandatory requirement, as is the provision of hot food, toilets and showers. The submitted Planning Statement notes that the Department for Transport's *Think!* Road Safety Campaign identified that almost 20% of accidents on major roads were sleep related, and that sleep related accidents are more likely than others to result in a fatal or serious injury. Peak times for accidents are in the early hours and after lunch, and about 40% of sleep-related accidents involve commercial vehicles. These statistics are used by numerous road safety charities including Brake, ROSPA and the RAC Foundation. The Department for Transport recommends that journeys should be planned to include a 15 minute break every two hours, to avoid long trips between midnight and 6am, and that you shouldn't start trips if already tired. The applicant quotes other research including that undertaken by ROSPA, the AA Charitable Trust, which also found that 20% of accidents on motorways and monotonous roads in Britain occur as a result of sleep and driver fatigue. The AA's research found that 1 in 8 drivers admit falling asleep at the wheel.
- 7.19.3.9 On the basis of the above, it is acknowledged that driving tired is a proven reason for a number of serious or fatal accidents on Britain's road, and that therefore the provision of facilities to enable drivers to rest in accordance with the DfT's advice has an important road safety benefit. A facility such as the proposed MSA could provide the opportunity for drivers to rest, in an area where the need for rest facilities has been proven, which should reduce the probability of them driving tired. The primary function of a MSA is for the safety and wellbeing of drivers and the applicant considers that the proposed facility would meet this function. The LPA accepts the primary function of MSAs and that there is a need for an MSA in the north western part of the M25 to serve drivers, in particular those travelling

between Toddington/South Mimms and Cobham. Furthermore, the LPA accepts the road safety benefits of MSAs in providing a safe place for drivers to break their trips and rest.

#### 7.19.4 The appropriateness of the scale of the proposed MSA

- 7.19.4.1 It is acknowledged that the scale of the development is a reserved matter, however this refers principally to the height, width and length of each building in accordance with Article 2 of the DMPO 2015. This section addresses the scale of the development in the context of the number and type of facilities proposed. The applicant has sought to justify the scale of the proposal by reference to each proposed built element. In respect of the amenity building, this is designed to provide a number of the mandatory facilities including showers, toilets, and hot food and drink which can be consumed on the premises.
- 7.19.4.2 The applicant has identified that the proposed retail floor space proposed is not excessive, on the basis that five of 21 Moto sites within the Green Belt have a greater retail floor area than the current site. The applicant also suggests that MSAs do not compete with adjacent town centre developments or become destinations in their own right – they exist to serve those travelling on the motorway network. The LPA acknowledge that MSAs are generally only accessible to the driving public, however the proposal is accessed via the local road network rather than directly from the M25 and this does enable opportunities for non-motorway traffic to visit the MSA. Nevertheless having regard to the facilities on offer, and the existing local facilities in the area, the LPA does not judge that this site is likely to become a destination in its own right. The range of facilities appear appropriate but not excessive for the purposes of the facility. The applicant quotes a survey undertaken in 2018 by Transport Focus which concludes ‘probably the most important function of the MSA is that it offers the right equipment for people to rest and recharge before continuing to drive’. The summary also comments ‘we know that a visit to the MSA is mainly about fulfilling basic, functional needs. People stop because they want to use the toilet, get something to eat and drink, and take a break from driving’. The LPA judges that that facilities proposed in the amenity building are appropriate and not excessive in area or offering.
- 7.19.4.3 In relation to the proposed overnight accommodation, the applicant suggests that lodges are part of the expected provision for MSAs and this is evidenced by the inclusion of a parking standard for lodges within the DfT circular. The circular states that the matter of hotels is for the LPA’s consideration, but that the Highways Agency will not object to the provision of hotels. The applicant notes that lodges provide for the overnight rest of road users who usually travel a long distance. The applicant reports the outcome of surveys undertaken at other MSAs where it was found that the average distance travelled was 144 miles before stopping. They also noted that the lodges at those MSAs were fully booked on the days of the survey. The proposed lodge would have 80 bedrooms which is considered by the applicant to be necessary to accommodate the likely need. The applicant notes that the average size of other lodges in the Green Belt is 81 rooms, and that providing a smaller lodge would not materially reduce the land take as a result of this MSA as the area of the lodge building is limited. The LPA judges that the proposed lodge is acceptable in terms of its need, notwithstanding its cumulative adverse impact alongside the other proposed built form on the openness of the Green Belt and the character and amenities of the locality. It is acknowledged that there are other hotels in the vicinity. However, it is not known that any of these have adequate HGV parking facilities on-site, or are in locations where HGVs could safely access and therefore the lodge at this site, close to the strategic road network, would meet a particular need.
- 7.19.4.4 In respect of fuel filling stations, these are a mandatory part of MSAs as set out in the DfT circular, with the number of pumps determined by the amount of passing traffic. The LPA considers the provision of a filling station is a necessary and acceptable part of the proposed development.
- 7.19.4.5 In respect of the drive thru coffee unit, the applicant advises that there are a growing component of MSA provision, and are designed to ensure that drivers stopping at MSAs

can benefit from a drink if they choose not to leave their car. The applicant suggests these have evolved in the same way lodges have done to serve road users with the services they require. The LPA accepts that drive thru coffee units are an appropriate component part of the overall offering of MSAs.

7.19.4.6 In respect of car parking and other facilities, these are discussed as part of the planning assessment in the appraisal above.

7.19.4.7 Overall, the LPA considers that notwithstanding the in-principle objection raised to the proposed development as set out in the appraisal above, the various individual components of the proposal are appropriate parts of the provision of a MSA.

#### 7.19.5 The economic benefits

7.19.5.1 The submitted application form suggests the proposal would provide around 200 new permanent jobs and this would provide economic benefits to the surrounding population. The proposal would be a significant construction project which would provide short term benefits to local construction firms and suppliers during this process.

7.19.5.2 During operation, the proposal would provide permanent jobs which would increase local spending by employees, having a further positive benefit on the local economy.

7.19.6 In summary, the suggested Very Special Circumstances put forward by the applicant relate to the need for a MSA, and the road safety benefits the MSA would bring, that the proposed MSA is of an appropriate scale, and that the MSA would bring economic benefits. In addition to these, it is clear to the LPA that the proposed replacement planting of some 1100 trees would provide some biodiversity enhancements to the site which is currently of low biodiversity value given its former use as landfill and current use for grazing. It is acknowledged that the public benefits of the proposed development in terms of the highway safety benefits and economic benefits may be sufficient to outweigh the minor less than substantial harm to the adjacent heritage assets and the replacement planting and need for the proposal may be sufficient benefits to outweigh the harm caused by the loss of TPO trees. However, the very special circumstances identified are not considered sufficient to clearly outweigh the spatial and visual harm to the Green Belt and the character and appearance of the wider rural area, the perceived likely adverse impact on the safety of users of the M25 and A41 caused by increased congestion and the new vehicular access, the siting of the development in a relatively inaccessible location with regard to its employment generation, and the in-principle objection raised by HCC to the new access roundabout.

#### 7.20 Planning Balance and Conclusions

7.20.1 In relation to the three components of sustainable development, whilst the proposed economic benefits of the proposal are noted, along with the social benefits of providing a safe place for motorists to rest and the environmental benefits of additional tree planting and ecological enhancement, the adverse environmental and social impacts in respect of the harm caused to the purposes of the Green Belt and the character and appearance of the rural area and the adverse impact on highway safety on the approaches to the MSA plus the lack of evidence that any impacts would be less than severe, result in the LPA concluding that the proposed MSA would not comprise sustainable development.

7.20.2 At paragraph 11, the NPPF sets out the presumption in favour of sustainable development, explaining that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.20.3 In this instance, there are no specific development plan policies which relate to the provision of Motorway Service Areas. The development plan policies relevant to the determination of the application are, nevertheless, considered to be consistent with the NPPF (Core Strategy Policies CP10 and CP11, and Development Management Policies DM2 and DM7). They protect an area of 'particular importance' (NPPF 11: footnote 6), namely, the Metropolitan Green Belt in the District. The proposed development constitutes inappropriate development in the Green Belt and there are no very special circumstances that would clearly outweigh that harm caused by inappropriateness and other harm that would be caused to interests of acknowledged planning importance. It is concluded, therefore, that the application of policies in the development plan and in the NPPF that protect an area of particular importance (Green Belt) provides, in accordance with the guidance in NPPF 47, clear reasons for refusal of the development proposed.

## **8 Recommendation**

8.1 That OUTLINE PLANNING PERMISSION be REFUSED for the following reasons:

- R1 The proposed development is considered to constitute inappropriate development within the Green Belt. No Very Special Circumstances exist to clearly outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and other harm it would cause to interests of acknowledged planning importance. The proposed development would therefore be contrary to Policies CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2 and DM7 of the Development Management Policies LDD (adopted July 2013) and the NPPF.
- R2 The proposed development, by reason of its indicative size, scale, built form, siting and layout would appear as a dominant, urbanising and incongruous feature, resulting in actual harm to the openness and visual amenities of the Green Belt and to the character and appearance of this part of the Gade Valley in the Upper Gade Valley Landscape Character Area. The proposed development would therefore be contrary to Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2 and DM7 of the Development Management Policies LDD (adopted July 2013) and the NPPF.
- R3 The application and accompanying documentation fails to demonstrate that the adverse impacts of the additional traffic volumes that would be attracted to the MSA on the A41 and using the M25 J20 roundabout, including the likely exacerbation of existing traffic queues and congestion on the approaches to the application site from the A41 and from the A4251, can be satisfactorily mitigated. It fails to demonstrate that the adverse impacts on the A41 would be less than severe. The proposed development would fail to minimise the impact of travel by motor vehicle, would fail to provide a safe and adequate means of access and would be detrimental to the free flow of traffic and highway safety contrary to Policy CP10 of the Core Strategy (adopted October 2011) and the NPPF paragraph 109.
- R4 The proposed development, by reason of the proposed construction of a new roundabout junction from the A41 to provide access to the application site, would fail to comply with the requirements of Hertfordshire's Local Transport Plan 2018-2031 (May 2018) Policy 5(f) by reason of the absence of there being sufficient special circumstances to justify the introduction of the new access.

- R5 The proposed highways works are not accompanied by an adequate Road Safety Audit and the application and accompanying documentation therefore fails to demonstrate that the proposed highways works and their use would be safe and suitable. The proposal, accordingly, fails to demonstrate that a safe and adequate means of access can be provided to the application site, contrary to Policy CP10 of the Core Strategy (adopted October 2011).
- R6 The proposed development, by reason of its unsustainable location with limited accessibility by foot, bicycle or other non-car transportation modes would fail to minimise the adverse impacts of travel by motor vehicle in the District, fail to integrate adequately with the wider network of transport routes, fail to take into account the need to tackle climate change by reducing carbon emissions, and fail to protect the natural environment from inappropriate development in conflict with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).
- R7 The application and accompanying documentation fails to demonstrate that the proposed development would have an acceptable impact on the highway safety of the M25 Motorway or that its adverse impacts on the operation of the M25 Motorway (as part of the national system of routes for through traffic designated under Section 10 of the Highways Act 1980), in particular the operation of M25 Junction 20, would be less than severe contrary to NPPF paragraph 109.

## 8.2 Informatives:

- I1 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and would not maintain/improve the economic, social and environmental conditions of the District in conflict with the presumption in favour of sustainable development.