

## PLANNING COMMITTEE - (15 August 2019)

19/1179/FUL - Comprehensive redevelopment to provide 2 no. single storey warehouse Class B1c/B2/B8 units comprising a total of 16,590 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works, at DEVELOPMENT SITE, MAPLE LODGE, MAPLE LODGE CLOSE, MAPLE CROSS, HERTFORDSHIRE (DCES)

### PRELIMINARY REPORT

Parish: Non-Parished

Ward: Chorleywood South & Maple Cross

Expiry of Statutory Period: 25.09.2019

Case Officer: Claire Westwood

**Recommendation: That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application. The application to then be returned to a future committee meeting for determination.**

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee.

#### 1 Relevant Planning History

- 1.1 No planning history for application site.

#### 2 Description of Application Site

- 2.1 The site comprises an undeveloped open grassed area of approximately 3.4 hectares. Mature trees and vegetation align the eastern, southern and western site boundaries, some of these are protected. The site is accessed via an existing access road leading from the A412 (Denham Way). There is informal pedestrian access to the site but no existing vehicular crossovers. The access road serves the Thames Water Treatment Works which lie to the south east beyond a further undeveloped site. Further south, there is a locally designated nature reserve and wildlife site, Maple Lodge Nature Reserve.
- 2.2 To the north of the site is an area of land which fronts the A412 (Denham Way) which benefits from an extant planning permission which has been implemented (but not built out) for the erection of a hotel. To the east are open fields while to the north east there are two hanger style buildings which are established commercial premises. There are residential and commercial properties to the west of the site.
- 2.3 To the north and west of the site is Maple Cross/Maple Lodge Employment Site, a designated employment area within the Site Allocations Local Development Document (adopted October 2014) (site ref. E(d)) and of which the application site forms part.
- 2.4 The A412 (Denham Way) runs north to south through Maple Cross connecting Rickmansworth to the north and West Hyde to the south. It also provides access to Junction 17 of the M25 (approximately 1.5km north of the application site).
- 2.5 Whilst the majority of the site is outside of the Metropolitan Green Belt, the Green Belt does overlap the eastern site boundary and two narrow strips which are outlined in red on the submitted site location plan, one linking to Maple Lodge Close to the south and the second adjoining Springwell Lake to the east. The Green Belt adjoins the southern and eastern site boundaries. The majority of the site is located within Flood Zone 1, however, a narrow strip to the eastern and southern boundaries lies within Flood Zone 2. The site lies within Groundwater Source Protection Zone 1. Maple Lodge Farm Ditch Main River runs along the west boundary of the site. The site is located within the Colne Valley Park. The AONB and Central River Valleys Landscape Area is located to the east.

### 3 Description of Proposed Development

3.1 Planning permission is sought for the redevelopment of the site to provide 2 no. single storey warehouse units. In summary, the proposed development comprises:

- Erection of 2 no. single storey warehouse Class B1c/B2/B8 units totalling 16,590 sqm including 1,986 sqm ancillary B1a office space;
- 156 car parking spaces;
- 40 HGV (lorry) parking spaces;
- 40 long-term cycle parking spaces;
- Integrated landscaping works; and
- Associated technical works including widening of the existing access road.

3.2 Unit 1 would be located to the north of the site. It would have a maximum width of approximately 96 metres (west to east) and a maximum depth of approximately 84 metres (north to south). The western elevation would be sited between 10 – 15 metres off the boundary.

3.3 Unit 1 would have a haunch height of 12.5 metres with a shallow pitched roof with an overall maximum height of 16 metres to the ridge. The northern (front) elevation would include 8 level access doors with rooflights in the shallow pitched roof. Glazing (over 3 floors) is proposed to the northern and eastern elevations, wrapping around the north-east corner (this would serve the office areas). Rooflights are also proposed to the southern elevation. Personnel access doors are proposed to all elevations.

3.4 Unit 1 would be accessed via a new vehicular crossover. This would provide access to a car park to the eastern flank of the building which would provide 94 car parking spaces (including 4 disabled) and a 20 space cycle shelter. The new vehicular crossover would also provide access to a car park to the north of Unit 1 which would accommodate 23 HGV parking spaces/loading bays. A refuse store is also proposed within this area.

3.5 Unit 1 – Area Schedule:

Core Area	52.41 m <sup>2</sup>
First Floor Office Area	502.04 m <sup>2</sup>
Second Floor Office Area	502.01 m <sup>2</sup>
Warehouse Area	7,786.64 m <sup>2</sup>
Total	8,843.10 m <sup>2</sup>

3.6 Unit 2 would be located to the south of the site. It would have a maximum width of approximately 97 metres (north to south) and a maximum depth of approximately 76 metres (east to west), reducing to 66 metres to the south due to the stepped rear elevation. The north west corner would be sited 18 metres from the western boundary and the south west corner would be sited 16 metres from this boundary. Unit 2 would be located 4 metres from the western boundary at the closest point.

3.7 Unit 2 would have a haunch height of 12.5 metres with a shallow pitched roof with an overall maximum height of 16 metres to the ridge. The eastern (front) elevation would include 8 level access doors with rooflights in the shallow pitched roof. Glazing (over 3 floors) is proposed to the eastern and southern elevations, wrapping around the south-east corner (this would serve the office areas). Rooflights are also proposed to the western elevation. Personnel access doors are proposed to all elevations.

3.8 Unit 2 would be accessed via two new vehicular crossovers. The first would provide access to a car park to the front (east) of the building which would provide 15 car parking spaces, 17 HGV parking spaces/loading bays and a refuse store. The second crossover would

provide access to a smaller car park to the south which would provide 47 car parking spaces (including 4 disabled) and a 20 space cycle shelter.

### 3.9 Unit 2 – Area Schedule:

Core Area	51.79 m <sup>2</sup>
First Floor Office Area	438.75 m <sup>2</sup>
Second Floor Office Area	438.88 m <sup>2</sup>
Warehouse Area	6,817.35 m <sup>2</sup>
Total	7,746.78 m <sup>2</sup>

3.10 Both Units are proposed to be finished in a mix of different insulated metal cladding, with a grey pallet with the main entrances emphasised by full height glazing systems. The roofs are to be finished with a profiled insulated metal cladding. Doors and windows will have a polyester powder coated finish.

3.11 30 trees are proposed to be removed to facilitate the proposed works, these are identified within the Tree Survey and Arboricultural Impact Assessment and are predominantly located to the west and east site boundaries. A number of trees are also proposed to be retained, and these will be supplemented by additional planting, with soft landscaping proposed around the Units and perimeter of the site. 5 new trees are proposed to the western boundary with 2 new trees to the eastern boundary to supplement the retained vegetation.

3.12 Highways works proposed include the widening of the existing access road to provide a new footpath and provision of three vehicular crossovers to access the site.

3.13 The application is accompanied by:

- Design and Access Statement;
- Energy and Sustainability Statement;
- Air Quality Assessment;
- Planning Statement;
- Tree Survey and Arboricultural Impact Assessment;
- Landscaping Proposals;
- Transport Assessment;
- Travel Plan;
- Biodiversity Assessment;
- Land Contamination Assessment;
- Noise Impact Assessment;
- Utilities Statement; and
- Flood Risk Assessment (including drainage proposals).

## 4 Consultation

### 4.1 Statutory Consultation

<u>Consultee</u>	<u>Summary</u>	<u>Paragraph</u>
HCC Highways	Additional information requested	4.1.1
Herts & Middlesex Wildlife Trust	Objection	4.1.2
Herts Ecology	Objection	4.1.3

Development Plans	No objection	4.1.4
Affinity Water	Objection	4.1.5
National Grid	No response to date	4.1.6
Landscape Officer	Objection	4.1.7
Thames Water	No objection (conditions/informatives)	4.1.8
Environmental Health (Commercial)	No objection (conditions)	4.1.9
Environmental Health (Residential)	Clarification sought	4.1.10
Environmental Protection	No response to date	4.1.11
HCC Lead Local Flood Authority	Objection	4.1.12
LB Hillingdon	No response to date	4.1.13
TRDC Traffic Engineer	No response to date	4.1.14
Environment Agency	No response to date	4.1.15
Colne Valley Partnership	Objection	4.1.16
Conservation	No response to date	4.1.17
HCC Property Services	No objection	4.1.18
HCC Waste & Minerals Team	No objection	4.1.19
Herts Constabulary	No response to date	4.1.20
Highways	No objection (conditions)	4.1.21

#### 4.1.1 Hertfordshire County Council – Highway Authority: [Additional information requested]

In order for Hertfordshire County Council (HCC) as Highway Authority to make a full assessment of the acceptability of the transport impacts and proposals, the following amended and additional information would need to be submitted including:

- The proposed trip generation (as outlined in the submitted *Transport Assessment*) would need to be updated using the actual gross floor area of the site (17,039 sqm rather than 15,000 sqm). Junction models would need to be amended accordingly with the results reviewed where appropriate.
- Confirmation of the detailed layout of each of the three vehicle accesses into the site as there appears to be some discrepancy between the *Site Plan as Proposed* (drawing no. 17019-C4P-AV-00-DR-A-0500 P4) and *Proposed Access Arrangements* plan (drawing no. MLC-BWB-GEN-XX-DR-TR-100 S2 P2). All access points would need to include a safe and convenient extension of the footway into the site.
- An appropriate level and design of electric vehicle charging points for the car parking areas (this may be included as part of a condition)
- A toucan crossing at the proposed signalised crossing point at the mouth of the private access road. At present this is only labelled as a “proposed signal controlled crossing point”, not specifically as a toucan crossing (specific details would be approved as part of the approval of detailed S278 drawings but an indication on the current outline plan would be required).

Please see the following comments / analysis for further information:

### Existing Access

The site is located approximately 220m from the highway on Denham Way and accessed via a priority T-junction with Denham Way (with a right turn lane provided for vehicles turning into the private road when travelling north along Denham Way) and then a private access road. Denham Way is a single-carriageway road and designated as a classified A main distributor road, subject to a speed limit of 40mph and is highway maintainable at public expense. There is a shared cycleway/footway on the eastern side of Denham Way; a pedestrian only footway on the western side and a signal controlled pedestrian crossing approximately 40m south of the T-junction. There is a pedestrian footway on the south side of the private access road leading to the site.

### Existing Trip Generation

As the site is currently undeveloped, the applicant has not provided any existing trip generation for the proposed development site, which is considered to be acceptable.

### Proposed Trip Generation

#### Scoping Note - B8 Trip Generation

The applicant has previously developed a Scoping Note (Appendix 2 of the TA), prior to the development of the full TA, which outlines the anticipated trip generation of the proposed development site based on a GFA of 15,500 sqm and a B8 land use. The applicant has stated that to be robust in their approach, they applied the 85th percentile trip rate from the survey sites selected in TRICs to the GFA of the proposed development.

It is also noted that the TRICs reports are dated 2017 and are therefore 2 years old. An interrogation of TRICs shows that there are new surveys from September 2017 and May 2018 and on this basis the TRICs reports should be updated as there are new sites in TRICs to be considered and the search should exclude Greater London. It is noted, however, that the 85th percentile AM and PM peak hour trip rates are the same in HCC's interrogation as those presented in the TA and are as follows:

#### AM Peak

- Vehicle driver (per 100sqm): 0.634 arrivals, 0.083 departures resulting in 0.717 two-way trips
- Vehicle driver (15,500 sqm): 98 arrivals, 13 departures resulting in 111 two-way trips

#### PM Peak

- Vehicle driver (per 100sqm): 0.055 arrivals, 0.607 departures resulting in 0.662 two-way trips
- Vehicle driver (15,500 sqm): 9 arrivals, 94 departures resulting in 103 two-way trips

#### Transport Assessment - B1c/B2 Trip Generation

Following the development of the scoping note the site area has increased from 15,500 sqm to 17,039 sqm, which represents an uplift of 1,539 sqm. New trip rates were generated using the same methodology in TRICs for the B1c and B2 land uses on the development site by using an industrial estate and industrial unit to inform the land use parameter.

Following generation of new trip rates, the applicant has deemed that their use is not necessary. The applicant has used the original trip rates and generation from the *Scoping Note*, which is presented at the start of this section, to inform their assessment. The applicant has stated that the 85th percentile trip rates for the Warehouse land use are in line with the median and mean trip rates of the Industrial Estate or Unit land uses, which are typically used in a trip generation exercise. As previously stated, HCC have undertaken their own TRICs interrogation to corroborate the assumptions stated in the Transport Assessment. Whilst HCC disagree with the use of Greater London sites, it was found the the 85th percentile trip rates for both the AM and PM peak hours remained the same for the

Warehouse land use and as such the trip rates are considered acceptable. Further to this, the Industrial Estate and Unit land use interrogations demonstrated median and mean trip rates lower than the 85th percentile trip rates for the Warehouse and thus corroborates the applicant's assumptions. Therefore, the use of these trip rates for the purposes of the assessment is considered acceptable.

However, the applicant would need to amend the trip generation to take into consideration the additional GFA from 15,500 to 17,039 sqm. Whilst it is appreciated this is an uplift of 11 vehicles in the AM peak hour, this could impact on queuing at any junctions that are at or nearing capacity and thus should be considered in the overall assessment of the site.

#### Junction Modelling

Following a review of the junction models it is considered that each model is acceptable and they have considered the impact of surrounding committed developments. However, the models should be updated based on changes to the trip generation from the development site.

#### Proposed Access

The proposals include extending the existing private access road to run along the full front of the site in addition to a new footway adjacent to the carriageway. There are three proposed vehicle entrances / exits from the private road providing access to three separate car parks fronting the two warehouses. The general layout is shown on submitted drawing no. 17019-C4P-AV-00-DR-A-0500 P4.

The proposed access arrangements including kerb radii and widths are shown in further detail on submitted plan no. MLC-BWB-GEN-XX-DR-TR-100 S2 P2 and section 5.4 of the Transport Assessment, the general details of which are acceptable. However there appears to be some discrepancy between the Site Plan as Proposed (drawing no. 17019-C4P-AV-00-DR-A-0500 P4) and Proposed Access Arrangements plan (drawing no. MLC-BWB-GEN-XX-DR-TR-100 S2 P2) and therefore the applicant would need to confirm the correct site access arrangements. All three access points would need to include a safe and convenient extension of the footway from the private access into the site whilst maintaining the safe maneuverability of vehicles. For example the 6m kerb radii line for the Unit 2 car park appears to run through the pedestrian footway and therefore this would need clarification.

Vehicle tracking / swept path analysis has been included as part of the submitted TA (drawing number MLC-BWB-GEN-XX-DR-TR-110). The general details are considered to be sufficient to illustrate that an HGV can safely manoeuvre into and out of the site accesses, although this is subject to the confirmation and approval of the detailed proposed accesses as commented on above.

#### Highway Mitigation Works

The signalization of the junction of Denham Way (A412) and the junction of the private access road have been included as part of the application, the general details of which are shown on submitted drawing no. MLC-BWB-GEN-XX-DR-TR-0001 S2 P2. The proposed layout appears to work operationally although full approval of the details is subject to the submission of detailed plans.

#### Car Parking Level and Design

The proposals include the provision of 156 car parking spaces and 40 HGV parking spaces, the general layout of which is shown on submitted plan no. 17019-C4P-AV-00-DR-A-0500. The area directly to the north and east of the site is located in accessibility zone 3 as documented in Three Rivers District Council's (TRDC) *Development Management Policies: Local Development Document*, although the site itself is not within the zone 3 area and on the edge of an urban area. The levels of car parking have been based on guidance for

zone type 3, which states that the car parking levels may be adjusted to 50-75% of the indicative demand-based standard.

Following consideration of the use class, location and details submitted in Section 5.5 to 5.9 of the *Transport Assessment*, the levels and layout of the proposed parking are acceptable to HCC as Highway Authority. TRDC is the parking authority and would ultimately need to be satisfied with the level of proposed parking and HCC as Highway Authority would recommend the provision of an appropriate level and design of electric vehicle charging points.

#### Conclusion

HCC as Highway Authority would need to assess the requested amended and additional information prior to any formal recommendation of grant or refusal from a highways perspective being made.

#### 4.1.2 Herts and Middlesex Wildlife Trust: [Objection]

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

HMWT objects to the development because it is not consistent with national or local planning policy in achieving a measurable net gain to biodiversity. It is not ecologically accurate to suggest that the almost entire removal of 3.4 hectares of semi natural grassland without measured or meaningful compensation would result in a net gain to biodiversity. For any claim of net gain to be considered valid it must be based on a measurable assessment and not a subjective statement as is currently the case.

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 Three Rivers Local Plan Development Management Policies document states:

*Development should result in no net loss of biodiversity value across the District as a whole.... Development that would affect a site identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be*

*permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:*

*ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.*

*d) Development must conserve, enhance and, where appropriate, restore biodiversity through:*

*i) Protecting habitats and species identified for retention*

*ii) Providing compensation for the loss of any habitats*

*iii) Providing for the management of habitats and species*

*iv) Maintaining the integrity of important networks of natural habitats, and*

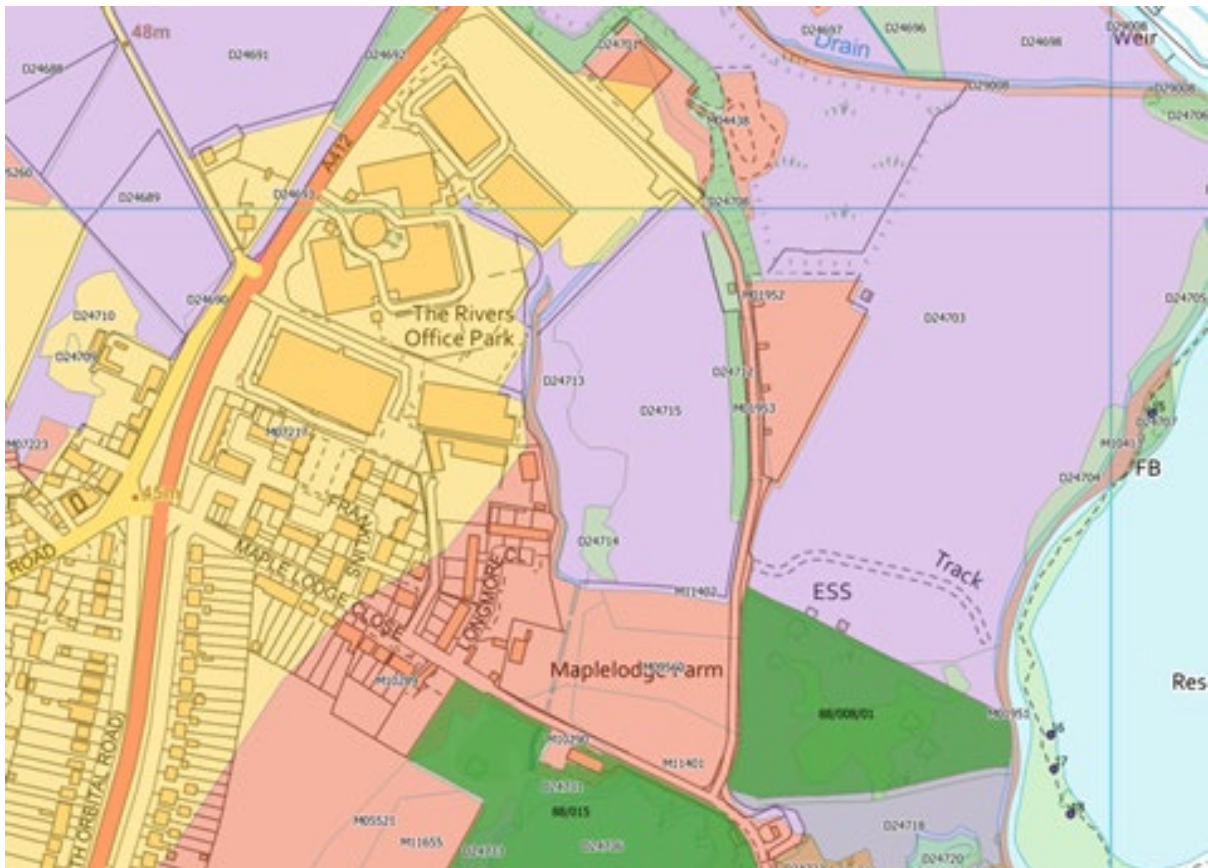
*v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.*

*e) Linked habitats are important in allowing species to adapt and respond to circumstances. Development must not result in fragmentation or isolation of wildlife habitats and should seek opportunities for habitat connectivity with the wider landscape.*

#### Herts Ecological Networks Mapping

The Hertfordshire Ecological Networks Mapping project is a guidance document produced by the Hertfordshire Local Nature Partnership (LNP) to put plan making and development management decisions into the context of the National Planning Policy Framework (NPPF). The dataset, in conjunction with the guidance, allows Hertfordshire's local planning authorities to effectively use the ecological networks mapping outputs to inform their forward planning and development management roles. The development site is identified as a category 2 habitat (see below). This is defined as an area of significant importance to the ecological network and should be avoided, or in the terms of the development management policy, 'habitats identified for retention'. If the need for development outweighs their protection, then the habitats to be affected must be compensated in a proportionate and measurable way.





*Guidance accompanying the Ecological Networks Map.  
Purple areas on the map (values of 2 in the first column of the data table)*

*These patches contain habitats not currently qualifying under S41 of the NERC Act but with high potential to do so. Whilst not receiving the same level of statutory and policy-based protection as the green areas, they should nonetheless be avoided by development and protected by the development management system where reasonable to do so. This is because they are important components of ecological networks and it is much quicker, less risky and more cost-effective to restore these habitats than to create new ones elsewhere.*

Taking all these policies and guidance into consideration there is an imperative to conserve and enhance biodiversity through the planning system. This should be done in a measurable way for it to have any legitimacy.

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. The submitted report does not assess impacts in a measurable way, but instead dismisses all habitats that are not section 41 habitats and offers no compensation for them. They are not devoid of biodiversity. This is not acceptable or consistent with policy or guidance.

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 in the report 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.

Without measured mitigation, compensation or enhancements, to suggest that the scheme would have a permanent positive impact on local biodiversity is subjective and not supported by any measureable 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 the statements of mitigation, compensation or enhancement 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.

#### 4.1.3 Herts Ecology: [Objection]

Hertfordshire Environmental Records Centre (HERC) has no species or habitat information specific to the location of the development. The southern site boundary of the proposed development is located close to Maple Lodge Nature Reserve and connected to it by a drain, which feeds the Lake within the Local Wildlife Site (LWS). The LWS is important for

birds and plant species of grassland, fen and swamp habitats and is composed of a mosaic of open water, marshy grassland, scrub and woodland. The application site is presently an area of undeveloped open semi improved grassland with mature trees and vegetation along the eastern, southern and western site boundaries. There is a wet ditch along the western and northern boundaries, and a patch of relatively species-poor marshy grassland in the south-west corner. There are two small buildings within the site.

### Bats

The two buildings were surveyed, one was found to have negligible potential for bats whilst the second had moderate potential. Emergence and re-entry surveys were subsequently carried out on this building and no evidence of its use by bats was found. Four emergence/re-entry surveys were also undertaken focusing on trees identified as having moderate potential to support roosting bats. The surveys confirmed the likely absence of roosting bats from the site. However this report and comments submitted as objections to the application, suggest that the existing site is used by bats for foraging and commuting. Given its location and current nature, I have no reason to doubt this assessment. This includes bats species that are particularly sensitive to lighting effects such as daubenton's, which are using the site and most likely the nature reserve and nearby waterbodies to forage. An Insensitive lighting plan would prevent the effective use by some species of bats of the proposed retained and enhanced vegetative site border, and could affect the ability of bats to utilise the resources of the LWS. Lighting can also have an indirect impact, by drawing insects away from these feeding grounds, into an illuminated area inaccessible to certain bat species. I advise that a biodiversity lighting plan should be submitted for approval to the LPA by **Condition**. This should demonstrate how the adjoining commuting corridors of vegetation, will be maintained as a dark space for bats. It should also show how the LWS, nearby lakes and water courses and sites of importance to wildlife will be protected from the negative impact of lighting from the development.

### Reptiles

No reptiles were found during surveys in 2018 and 19 but suitable habitat along the boundary of the sites was identified. There are also historic records of grass snakes from 2014. Suitable measures to safe guard reptiles and prevent an offence under wildlife law, are recommended with in the ecological report.

### Badgers

A confidential badger report by Greengage, dated June 2019 contains appropriate measures and mitigation relating to this species, all aspects should be followed in full.

### Otters and water voles

Two surveys were undertaken on 26th April 2019 and 4th July 2019. No evidence of use of the site by water vole or otter was identified on either survey visit.

### Maple Lodge Nature Reserve

The Local Wildlife Site will not be directly affected by the proposal. It will be buffered from the immediate effects of the development by the existing cricket pitch to the south. There is however, a concern relating to the proposed drainage from the development that may affect the lake within the wildlife site and is essential for the continued ecological function of the reserve, which is already affected by low water levels at times. If the water supply via the drainage channel is reduced in any way it would have a detrimental effect on the habitats and species for which the reserve is important. It is noted that surface water from the site is to be stored on site and discharged into Springwell lake. There is no information within the application as to whether this will reduce the flow of water into the drainage channel or whether compaction and drainage of the site to facilitate the development will reduce any groundwater flows into the drain and thus modify its current natural function.

Consequently, the application should **not be approved** unless it has been demonstrated to the satisfaction of the LPA, that the quantity and quality (In terms of pollution) of water

supplied to the channel feeding the LWS is not compromised by the development. In any event, the LPA should consider the ecological implications of the discharge any water into Springwell lake about which there is presently insufficient information. Furthermore, given the lake is to the east of the River Colne, this would presumably have to be piped under the existing river; no information on this aspect has been provided.

#### Habitats

The value of the grasslands on site, although assessed in the ecological report as being of little value, is semi-natural with a reasonable diversity of species including a number of plants associated with the marshy areas such as meadow sweet. Consequently, it will have value to the local ecology at least at the site level. However, I **do not** consider that it is enough to form a **fundamental constraint** to the determination of the application.

Notwithstanding this, the majority of this grassland will be lost to the development, this represents a **substantial local loss to ecology locally** that should be compensated for. This extensive loss of open ground and the limited open space remaining will not enable any form of meaningful ecology to be maintained on the site other than around the edges, which will also be severely degraded in places in order to accommodate the proposals. Whilst I welcome the ecological enhancements suggested within the ecological report, I do not consider that they adequately compensate for removal of 3.4 hectares of semi-improved grassland within the broader river valley or achieve net gains in biodiversity for the site. This claim of net gain is not based on any measurable assessment is a subjective statement.

Given the scale and type of development proposed, I do not believe it is possible to deliver these ecological requirements on site. Consequently, the LPA should consider Biodiversity offsetting as a means of achieving the expected biodiversity gain. A suitable project should be identified which can be supported locally to maintain or enhance a local habitat resource, sufficient to compensate for the loss of this site. Such a project could involve management to restore and maintain the species rich marsh habitat of Maple Lodge Marsh South LWS that is adjacent to the application site. This should be secured through a **S106 agreement**. The proposals should not be approved unless genuine biodiversity net gain can be demonstrated.

For the above reasons, I do not consider the application should be approved until sufficient further information has been provided to demonstrate that the development will not have any adverse impacts on the Nature Reserve and that it will result in net gain for biodiversity.

#### 4.1.4 Development Plans: [No objection]

This application seeks approval for the construction of two warehouses, comprising of B1c, B2 and B8 floorspace, as well as ancillary B1a floorspace. The application site is located in the Maple Cross/Maple Lodge site, an allocated employment area in the Site Allocations LDD (adopted 2014) (site E(d)). Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The provision of a B1a, B1c, B2 and B8 floorspace in this area of the employment site would increase the amount of employment floorspace on the site, thus safeguarding business, industrial, storage and distribution uses. Subsequently, the application complies with Policy SA2. Policy CP6(j) of the Core Strategy (adopted 2011) states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use in the key employment areas of the District, including the Maple Cross/Maple Lodge site. The proposal also complies with Policy CP6(j).

#### 4.1.5 Affinity Water: [Objection]

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

Affinity Water Limited (“Affinity Water”) is the UK’s largest water-only company, supplying a population of more than 3.6 million people with more than 900 million litres of the highest quality water every day of the year. Our supply area covers parts of Bedfordshire, Berkshire, Buckinghamshire, Essex, Hertfordshire, Surrey, the London Boroughs of Harrow and Hillingdon and parts of the London Boroughs of Barnet, Brent, Ealing and Enfield. We also supply water to the Tendring peninsula in Essex and the Folkestone and Dover areas of Kent.

We have a statutory duty to supply water and are under legal obligations to ensure that the water is of a certain quality. As a result of this, any risk of contamination to a borehole will mean that we must stop using it until the risk has been eliminated and we must find an alternative source of supply in the meantime. Any potential contamination to the water supply as a result of development is therefore a significant concern for us.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Springwell 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 because we are concerned, for the reasons set out below, that it has the potential to impact adversely the public water supply. If you are minded to approve the Application, it is essential these concerns are addressed.

Piling within this area poses a risk with regards to the following:

- Creating pathways between shallow gravel groundwater and deep chalk groundwater potentially allowing naturally occurring manganese present in the gravel aquifer to migrate to the chalk.
- As above, but this also applies to other contaminants present due to the site being a former landfill.
- Turbidity during piling causing our sources to reach above 1NTU and shut down.
- Piling potentially blocking significant fissures hence creating a “curtain” effect. This could cause the flow paths to change around our sources, potentially causing greater drawdown for the same output.

4.1.6 National Grid: [No response to date]

4.1.7 Landscape Officer: [Objection]

The application is accompanied by a tree report and tree constraints plan. The site contains a number of trees, predominantly located around the edges of the site, a number of which are formally protected. The most visually important trees are located along the eastern boundary.

I do not agree with many of the categories given to trees along the eastern boundary, and do not believe that the cascade method detailed within BS5837 has been correctly applied. Although some of the older alders along the eastern boundary do have decay cavities at their base, which is not unexpected for trees of this age, most are small or isolated pockets, and have not compromised the structural integrity of the trees. Another issue with the categorisation of eastern boundary trees is that their collective value has not been considered. I understand why they have been recorded individually, but their value is not as isolated trees, but as integral trees within a visually important landscape feature, i.e. B2, and not C or U.

Although the report states that the tree survey has informed the layout, I suspect that the layout has dictated tree retention, for example T10 is a category B tree and is proposed for removal due to the fact that the footpath runs through it, it would not take much design to route the path around this tree. There are some suitable areas along the eastern boundary where access could be gained through the tree line, but these have not been fully utilised, and sadly are not apparent from the tree constraints plan.

There are some notes on the constraints plan, and mention in the report, in regard to new hard standing being no dig. However, it appears from the service drawings that proposed services may make this obsolete, particularly in respect to the new footpath adjacent to the road.

I would also expect a tree report for a full planning application to include a detailed tree protection plan, and draft arboricultural method statement, demonstrating the feasibility of the proposal. It is not typical for proposed drainage details to be available at this stage of the planning process, but they are in this case. I would therefore expect the tree report to have considered the impact/implication of these as well, as clearly, they are likely to have impact upon retained trees.

In light of the above I do not consider that existing trees have been given sufficient consideration within the design process, and that this would lead to unnecessary tree loss and damage to higher quality trees and a visually important landscape feature on site. I therefore wish to raise objections to the application at the present time.

#### 4.1.8 Thames Water: [No objection subject to conditions/informatives]

Waste Water Comments:

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

The application indicates that all surface water will be discharged to Springwell Lake to the south east of the site. Affinity Water abstract water from this area so their comments will need to be taken in to consideration. If technically feasible there may be environmental benefits in discharging surface waters to the watercourse north east of the development. These do however, drain to the Maple Lodge Nature Reserve and therefore the water quality would need to be of an appropriate standard.

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. You'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission.

No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

Please read our guide working near our assets to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Odour Comments:

The proposed development is located near to Thames Waters' Maple Lodge Sewage Treatment Works. Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from odour and other operational activities.

Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Biodiversity Comments:

With regard to wildlife and biodiversity this development should take into account the adjacent land uses of Maple Lodge Nature Reserve <https://www.maplelodgenaturereserve.org/> which is fed by the stream at this development's northern boundary. Maple Lodge Nature Reserve is a site of Importance to Nature Conservation (SINC) and is located 50m south-east of the proposed development. It is a nesting site for Tawney Owl (Amber listed status and protected under Countryside and Wildlife Act 1981), as well as hosting a range of notable aquatic insects and amphibians.

Wayleaves & Easements:

There are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that they will not be affected by the proposed development.

#### 4.1.9 Environmental Health (Residential): [Clarification sought]

I have looked at the noise impact assessment and although it is more theoretical and set out very differently to the majority of noise assessments we receive, I believe that they have made a valid assessment in terms of the impact on the nearby residential properties.

The assessment location is not the nearest receptor however if it is likely to be the most



impacted then I am willing to agree with this. If any further assessments are undertaken I would recommend that the nearest residential property is also considered as a comparison to demonstrate what has been stated.

My concern with the assessment is the wider impact on the environment due to the locality, what impact would the proposed activities have on the wider impact beyond the residential receptors identified?

With regards to paragraph 3.3.3, what would the justification be for having a limit of 15dB(A) above the night time limit? – If a limit is set I would recommend that it is 10 dB(A) unless it can be demonstrated otherwise.

Also in the conclusion there is repeated reference to the nearest residential dwelling when the assessment location is different.

#### 4.1.10 Environmental Health (Commercial): [No objection subject to conditions]

Air Quality:

I have reviewed the Air Quality Assessment prepared by BWB Consulting Ltd (Report ref. LNT2082).

The residual impacts of from the construction phase are considered to be 'not significant'. The greatest increase in traffic on roads where existing sensitive receptors are present (on the A412 Denham Way, south of the site access road) is below the assessment criteria set out in the IAQM and EPUK guidance. The impact on local air quality is considered to be insignificant. Detailed dispersion modelling of development generated road traffic is not required.

I would recommend that a condition requiring a dust management plan be applied to any permission granted.

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 the Supplementary Site Investigation prepared by Tier Environmental Ltd (Report ref. TL117755511.1).

The investigation has identified unacceptable risks to human health due to the presence of asbestos fibres and fragments in the underlying soils. No exceedances of relevant screening criteria for metals, metalloids, PAHs, TPHs and PCBs were identified.

Some outline remedial measures have been discussed in the report, however, a formal remediation strategy is required.

I would recommend the following conditions:

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



i) An options appraisal and remediation strategy, based on the Supplementary Site Investigation prepared by Tier Environmental Ltd (Report ref. TL117755511.1), giving full details of the remediation measures required and how they are to be undertaken.

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

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

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

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

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

4.1.11 Environmental Protection: [No response to date]

4.1.12 HCC Lead Local Flood Authority: [Objection]

Thank you for consulting us on the above application for comprehensive redevelopment to provide 2 no. single storey warehouse Class B1c/B2/B8 units comprising a total of 16,590 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works at Development Site, Maple Lodge, Maple Lodge Close.

The applicant has provided the following information in support of the application:

- A Flood Risk Assessment and Drainage Strategy for Maple Cross, Rickmansworth, prepared by Tier Consult Ltd., Ref: T/17/1999/FRA, Issue No. 1.3, dated 18/06/2019
- General arrangement showing proposed foul and surface water drainage layout. Sheet 1, Project No. T\_17\_1999, Drawing No. 55-01, Rev P6, dated 13.06.2019
- General arrangement showing proposed foul and surface water drainage layout. Sheet 2, Project No. T\_17\_1999, Drawing No. 55-02, Rev P3, dated 13.06.2019
- Proposed standard drainage construction details. Sheet 1, Project No. T\_17\_1999, Drawing No. 55-06, Rev P1, dated 13.06.2019
- Proposed standard drainage construction details. Sheet 2, Project No. T\_17\_1999, Drawing No. 55-07, Rev P1, dated 13.06.2019
- Proposed surface water manhole schedule, Project No. T\_17\_1999, Drawing No. 55-05, Rev P1, dated 13.06.2019

We are pleased the applicant has provided Flood Risk Assessment in support of this application. However, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. Therefore we object to the grant of planning permission. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the surface water drainage assessment:

#### 1. Appropriate drainage strategy

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

The applicant is proposing that the surface water runoff from the site will be attenuated and restricted to 6.50l/s for all events up to and including the 1 in 100 year (+30%) before discharge via a pump to a Springwell Lake, which is ~250m to the east of the site.

We have concerns regarding why a pumped solution for surface water is suggested, especially considering the fact that there is a main river (Maplelodge Ditch) bounding the western edge of the site. In addition there is a second main river (the River Colne) which is required to be crossed in order to pump the surface water into the proposed Springwell Lake. The applicant needs to explain why this surface water management option has been chosen in favour of closer discharge options. We would consider a pumped solution is not appropriate or sustainable given that there are closer watercourses. The applicant needs to explore if gravity discharge can be achieved. Furthermore, regarding the pumped solution, permission would need to be sought from the relevant landowner that they are happy to accept surface water to cross the site. Permission would also need to be sought to discharge into Springwell Lake.

No surface water management and treatment has been provided for the site. Treatment of surface water is required for the entire site. We would require additional treatment considering that there are loading bays for large vehicle/lorry parking on the site.

The current use of the site is undeveloped green space that comprises a grass covered field surrounded by trees around the boundary of the site. There is no impermeable hardstanding within the extent of the current site. Considering that this is a greenfield site, the applicant should provide above ground storage for surface water. The applicant has stated how it is anticipated that the attenuation storage will be provided in the form of surface storage, cellular storage and underground tanks before discharge to the Springwell Lake. However, only underground tanks have been suggested.

The applicant has stated that they are discharging at the QBAR rate, however no calculations have been provided to support this. Drainage calculations are needed to support

and understand the volumes of water needed to be attenuated and managed on site. The applicant should also provide all greenfield run-off rates for the site.

The applicant has stated how there is an existing 600mm diameter foul public sewer which crosses the site and that this is to be abandoned and grouted. From a review of the Thames Water maps, there is also an additional foul sewer. The applicant will need to obtain a build over agreement from Thames Water for this asset, as well as any other sewer assets. We would not recommend or approve building over a surface water sewer.

From a review of the Environment Agency's Risk of Flooding from Surface Water map, there is some surface water ponding across the site, which needs to be accounted for and managed within the surface water drainage strategy.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance, please refer to our surface water drainage webpage: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/>

### **Informative to the LPA**

We would recommend the LPA consults the Environment Agency considering part of the site is within Flood Zone 2 and the surrounding main rivers to the site, including a main river running along the western edge of the red line boundary. The site is also within the reservoir flood extent.

The applicant can overcome our objection by submitting an adequate surface water drainage strategy. We ask to be re-consulted with the results of the surface water drainage strategy. We will provide you with bespoke comments within 21 days of receiving formal re-consultation.

Officer comment: Following receipt of the above comments additional information has been provided by the applicant which has been forwarded to the LLFA for review.

4.1.13 London Borough of Hillingdon: [No response to date]

4.1.14 TRDC Traffic Engineer: [No response to date]

4.1.15 Environment Agency: [No response to date]

4.1.16 Colne Valley Partnership: [Objection]

The Colne Valley Park CIC exists to maintain and enhance the Colne Valley as the first taste of countryside to the west of London for the benefit of more than three million people who live within 10 miles of the Park. The Park covers an area from Rickmansworth to Staines, across parts of Herts, London, Bucks, Berks and Surrey.

The six objectives of the Park are:

1. To maintain and enhance the landscape, historic environment and waterscape of the Park in terms of their scenic and conservation value and their overall amenity.
2. To safeguard the countryside of the Park from inappropriate development. Where development is permissible it will encourage the highest possible standard of design.
3. To conserve and enhance biodiversity within the Park through the protection and management of its species, habitats and geological features.
4. To provide opportunities for countryside recreation and ensure that facilities are accessible to all.
5. To achieve a vibrant and sustainable rural economy, including farming and forestry, underpinning the value of the countryside.

6. To encourage community participation including volunteering and environmental education. To promote the health and social well-being benefits that access to high quality green space brings.

The whole of application site 19/1179/FUL is located within the Colne Valley Regional Park. We note that this site, although previously undeveloped green space, is not Green Belt and is in the local plan as an employment site.

The designation of the majority of the site as flood zone 1 may not have taken local circumstances into account: The area just the other side (east) of the loop road that serves the Sewerage works from the A412 used to belong to Thames Water and housed the sewerage drying beds before they were dug out along with the underlying gravel. In that process two large surface water mains that fed into the Thames pumping station were broken through. Regular flooding in the area during heavy rain events since that time suggests that adequate repair or re-routing has never been undertaken thus allowing storm water to simply flow from the mains that are not terminated. The outcome is that for much of the time that loop road and the proposed development site are severely impacted.

Maple Lodge Nature Reserve is referenced and quoted quite extensively in the planning application documentation, but we are disappointed to hear from the Maple Lodge Conservation Society that the applicants have not contacted it. In our view this is a serious omission, and we hope the MLCS's views on the application will be sought and given proper consideration. The impact on Maple Lodge Nature Reserve from reduced flow into watercourse that feeds their lakes is severe. We are also deeply concerned about the implications of pumping water across the Colne into Springwell Lake.

We are deeply concerned about the cumulative impacts of the developments within the Colne Valley Regional Park. In this instance, the particular contributions of this development are:

- The unresolved issues of localised flooding due to the broken pipes.
- Impact on Maple Lodge Nature Reserve and Springwell Lake.
- Loss of openness that detracts from adjacent Green Belt sites.
- Loss of green space and biodiversity with measurable net gain for biodiversity not demonstrated.
- Little information on mitigation.

The Colne Valley Park CIC therefore objects to this application.

If the Council is minded to approve this or any subsequent applications on the site, we strongly urge that conditions should be imposed to ensure mitigation through S106, or other appropriate means, to deliver the objectives of the Colne Valley Regional Park for the benefit of local residents and wildlife in the area around the site including Maple Lodge Nature Reserve, Maple Lodge Marsh, Rickmansworth Lakes Circular Walk (around Springwell Lane) and the River Colne.

4.1.17 Conservation Officer: [No response to date]

4.1.18 HCC Property Services: [No objection]

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Three Rivers' CIL Area and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

4.1.19 HCC Waste & Minerals Team: [No objection]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. 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 entirely 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.

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.

### **County of opportunity**

The proposed development site is located north of the Safeguarded Area SA143 STW Maple Lodge. It should be noted that Maple Lodge Sewage Treatment Works is a permanent existing operational waste site which is safeguarded under Waste Policy 5: Safeguarding of Sites, in the county council's Waste Core Strategy and Development Management Policies document, adopted November 2012 as they contribute to a strategic network of waste management provision within the county. Whilst the county council does not object to this proposed development, any further proposals should not prejudice the site's use as a sewage treatment works.

The relationship between any proposed development alongside a safeguarded waste facility needs to be considered carefully to ensure that the operation of the existing waste facility is not jeopardised by a conflict between differing land uses.

4.1.20 Herts. Constabulary: [No response to date]

4.1.21 Highways England: [No objection subject to conditions]

Referring to the notification of a planning application dated 28<sup>th</sup> June 2019 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions).

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 143

4.2.2 No of responses received: 181 objections (including from the Chiltern Society, see 4.2.5; Maple Lodge Conservation Society, see 4.2.6; Colne Valley Fisheries Consultative, see 4.2.7; and North Harrow Waltonians Angling Society, see 4.2.8)

4.2.3 Site Notice: Expired 22.07.2019                      Press notice: Expired 26.07.2019

4.2.4 Summary of Responses:

- Site is part of Three Rivers Biodiversity Corridor, the Local Plan acknowledges the importance of biodiversity corridors
  - Site constitutes NPPF Category 2 habitat
  - Site is important for wildlife
  - Proximity to Maple Lodge Nature Reserve (40 acre site) and Maple Lodge Marsh
  - Nature Reserve is much valued by hundreds of people and provides safe and secure place for members to enjoy nature, including wheelchair access
  - Detrimental impact on Maple Lodge Nature Reserve/Wildlife Site
  - Catastrophic and irreversible effects
  - Destroy foraging habitat for bats and loss of roosting sites
  - Maple Lodge Nature Reserve is a major conservation area providing habitat for birds, small mammals, reptiles, fish, insects and plant life
  - Negative impact on nationally important flora and fauna including 'at risk' rare/endangered species
  - Removal of grassland may reduce Maple Lodge Nature Reserve to an isolated area, reducing its effectiveness
  - Connectivity would be lost
  - Tree Report indicates that number of trees are in poor condition, however, this is often ideal for ecology
  - Negative impact on Colne Valley Park
  - Diverting water to Springwell Lake will devastate Nature Reserve
  - Adverse effect on water level in the lakes
  - Reserve depends upon local groundwater
  - Proposal to 'de-water' site would have devastating effect on water levels of lakes forming part of Nature Reserve
  - Water levels already critically low during summer months
  - Loss of wildlife habitat
  - Impact of noise and light pollution on wildlife
  - A dark sky area to be cherished
  - Pollution of stream would seep into the Reserve
  - Negative impacts from both construction and operation
  - Development does not demonstrate any measurable net gain
- 
- TRDC have declared a Climate Emergency
  
  - Building on a flood plain should not be allowed
  - Will increase and exacerbate localised flooding

- Harm from asbestos within the ground
  - Risk to health due to asbestos
  - Site is within DEFRA Nitrate vulnerable zone
  - Query Councils evacuation/temporary housing policy
- Visual impact
  - Overdevelopment
  - Greenfield site
  - Green Belt land
  - Units would be twice the height of 2 storey dwellings
  - Inappropriate location for 24 hour distribution
  - Blight on landscape
- Inappropriate development in residential area
  - 24 hour operation would result in significant noise and air pollution
  - Reduction in air quality
  - Noise, air and light pollution causing harm to wellbeing
  - Asbestos and diesel pollution
  - Air pollution is already high because of existing development including M25 and Heathrow flight path
  - Concerns with noise report, measurements not taken from closest neighbours
  - High level of risk to human and animal health (acute and chronic)
  - Negative impact on mental and physical health
  - Impact on pupils at nearby school
  - Noise and disturbance for residents during construction and operation (24 hours)
  - Overbearing impact on neighbouring properties in Longmore Close
  - Loss of light and overshadowing
  - Loss of privacy during construction
  - Trees will not provide screening
  - Disturbance to amenity from floodlighting
  - Proximity to neighbouring dwellings
  - Loss of outlook
  - No sunlight/daylight impact assessment submitted
- Loss of trees
  - Lack of landscaping or mitigation
- Roads are already congested
  - Additional traffic will exacerbate existing problems
  - 1,000 vehicle movements a day
  - Heavy vehicle traffic will cause congestion
  - Where will vehicles wait/park before entering the site?
  - Vehicles will use Maple Lodge Close, obstructing access for residents
  - Would not be able to stop staff using Maple Lodge Close
  - Narrow road with limited footpaths not suitable for large vehicles or volume of traffic
  - Significant highways safety concerns, particularly given proximity to schools
  - Cumulative impact of developments including HS2, quarry and hotel
  - Reports do not consider traffic associated with Woodoaks Farm
  - Roads already gridlocked if any problems on M25
  - Insufficient infrastructure to accommodate development of this scale
  - How many cars are expected?
  - Impact of overflow parking onto surrounding residential roads



- A third set of traffic lights in this small area would introduce major incremental congestion
- Would not be able to stop traffic using Maple Lodge Close
- Number of objections speak for themselves
- Contrary to Human Rights Act
- Contrary to Policy
- Financial gain being put above wellbeing and the environment
- Must be more suitable brownfield sites; No evidence to demonstrate that alternatives have been explored
- There are sufficient empty buildings that can be used
- Submitted reports are inadequate
- No Environmental Impact Assessment was submitted
- Insufficient consultation
- Maple Lodge Nature Reserve not notified
- Will Council Tax payers be expected to pay for flood defences?
- Has a fire risk assessment of buildings been undertaken? How would access be gained to rear of buildings in event of fire?

#### 4.2.5 The Chiltern Society: [Objection]

The Chiltern Society has two comments to make about this planning application.

##### Site Drainage Plans:

We are concerned about the plan to pump surface water drainage to Springwell Lake. This could have very serious consequences for the Maple Lodge Nature Reserve. The Maple Lodge Ditch is the main natural drainage channel which at present takes water from the site drainage into the lake on the reserve. If any surface water or ground water is diverted to a channel not flowing into the Nature Reserve this will have a devastating effect on the reserve and its wild life.

The reserve lakes already suffer from low water in dry summers without any interference with the natural drainage.

We are also concerned that there should be no pollution from the proposed industrial site into the drainage system.

##### Traffic Management:

There is a wide access road to the site for traffic approaching from the Rickmansworth end of the A412 but access is also possible via Maple Lodge Close. This is cause for concern. Maple Lodge Close is narrow and bordered by residential property and further down by the Maple Lodge Nature reserve.

At present there is little indication at the A412 end of Maple Lodge Close that it is unsuitable for heavy goods vehicles although this is flagged up in the opposite direction with a notice and a 10mph speed limit in addition. Obviously this needs addressing as drivers may well slavishly follow their satnavs when approaching from the Uxbridge direction. Heavy goods traffic is a serious concern for residents as it causes noise, air pollution, vibration and possible accidents. The noise, pollution and vibration would have serious consequences for wild life both in the reserve and on adjacent land.

We urge Three Rivers Planning Department to address these points very seriously when they consider this application.

#### 4.2.6 Maple Lodge Conservation Society: [Objection]

We are writing to register our objections to the application for Comprehensive redevelopment to provide 2 no. single storey warehouse Class B1c/B2/B8 units comprising a total of 16,590 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works at Development Site, Maple Lodge, Maple Lodge Close, Maple Cross.

## **1. Preliminary Remarks**

**1.1** Although listed on the “Original List Of Neighbours That Were Consulted”, we did not receive any formal notification from Three Rivers District Council (TRDC) about this application.

**1.2** Although listed as consultees, 2 organisations we contacted were unaware of this planning application and thanked us for bringing it to their attention. These were Affinity Water and Herts & Middlesex Wildlife Trust (H&MWT).

**1.3** We are not on the list of consultees, even though we have comprehensive historical records and knowledge of the ecology of the area and will be severely impacted by the development were it to go ahead. We believe this is a major oversight.

We note that consultants have completed a number of ecological surveys of the area which include references to Maple Lodge Nature Reserve. The species and numbers quoted have not been obtained with our permission or confirmed by us. We therefore presume they have been obtained from public record.

There are a number of places where the records quoted are incomplete or out-of-date. This is particularly relevant because the proposed development site is adjacent to the reserve. The surveys they have completed are partial and missing a number of important components which could have a bearing on the assessment of biodiversity in the area.

## **2. Objection Criteria**

We strongly object to the granting of planning permission to this application based on the following material considerations:

- 2.1 Impact upon adjacent land use
- 2.2 Impact on nature and conservation
- 2.3 Impact on the character of the area
- 2.4 Presence of hazardous materials
- 2.5 Non-compliance with National Planning Policy Framework (NPPF)
- 2.6 Non-compliance with local planning policy

Our detailed objections are grouped under each of these material considerations. Supporting information is included in appendices.

### **2.1 Objection - Impact upon adjacent land use**

The proposed development would have a seriously adverse impact on Maple Lodge Nature Reserve. The reserve does not exist in isolation but is interdependent on the surrounding landscape and ecology. The development would result in loss of water, loss of habitat and loss of species, thereby degrading the nature reserve. It also poses the threat of polluting the reserve’s water supply.

The consultants employed by the applicant appear to have failed to identify these potential effects.

#### **2.1.1 Loss of water**

The reserve has two lakes which are very sensitive to any changes in the water supply. The lakes are not fed by natural springs. The water comes from rainfall, the input stream and

groundwater. The input stream itself, which runs alongside the development site, is fed from rainfall, groundwater and surface water run-off; it is not fed by natural springs.

The activities to “de-water” the development site to reduce groundwater levels and channel away surface water will have an immediate and detrimental impact on the water levels in the lakes.

The reserve depends on the high groundwater levels and surface water run-off during the winter months to maintain the water levels in the lakes. This is essential to compensate for the natural fall in water levels during the summer months. In recent years, with climate change, we are already noticing lower water levels and at times the lakes have dried out completely. Any further depletion in the water supply and the reserve will lose its lakes completely.

It is also noted that, because of the instability of the ground, it is proposed to use concrete piling into a chalk aquifer. This could have unpredictable consequences as far as the water supply is concerned.

(More details about the water supply to the reserve are included in *Appendix A*).

### **2.1.2 Loss of habitats**

The reserve has a rich and varied mix of habitats, making it a precious local resource. However, were it to lose its water supply, then it would lose its lakes, its marshland, its reed bed and its plantation of alders. The very essence of the reserve would be destroyed.

### **2.1.3 Loss of species**

With habitat loss comes the inevitable consequence of loss of species. The reserve is home to a multitude of water dependent species, many of them locally or nationally rare and endangered. All of these would be lost.

(Lists of the reserve’s water dependent species, including local and national rarities are included in *Appendix B*).

### **2.1.4 Pollution of water supply**

There is a risk of pollution in the surface run-off from the proposed development site, which would contaminate the input stream and hence the reserve. This has been confirmed by the response submitted by Hertfordshire County Council, the Lead Local Flood Authority, who object to the granting of planning permission. Their response states:

*No surface water management and treatment has been provided for the site. Treatment of surface water is required for the entire site.*

### **2.1.5 Impact of construction**

The consultants’ report states:

*Maple Lodge ... could be impacted by the development. ... Due to the proximity to the development site, mitigation measures to minimise the impacts of dust, pollutants, noise and vibrations arising from the construction activity will need to be implemented. These will be set out within a CEMP (Construction Environmental Management Plan) for the site.*

This raises the question once again – why was Maple Lodge Conservation Society not included on the list of consultees?

As far as this statement is concerned, there are no measurements of the impacts or any explanation of how they can be minimised. These cannot be left until the production of a CEMP and should have been submitted as part of the planning application process.

## **2.2 Objection - Impact on nature and conservation**

Maple Lodge Nature Reserve is located in the Colne Valley Regional Park and forms part of the green infrastructure corridor through the valley, linking the reserve with other sites

such as Maple Lodge Marsh, Springwell Lake, Springwell Reed Beds and Stockers Lake. The proposed development site is also part of this green infrastructure corridor.

Furthermore, the proposed development site is classified as a NPPF (National Policy Framework) Category 2 habitat. This has been highlighted in the response from the Herts & Middlesex Wildlife Trust which states:

*This is defined as an area of significant importance to the ecological network and should be avoided, or in the terms of the development management policy, 'habitats identified for retention'. If the need for development outweighs their protection, then the habitats to be affected must be compensated in a proportionate and measurable way.*

There is no mention in the consultants' reports about how Maple Lodge Nature Reserve would be compensated for the loss of its lakes, reed bed and marsh areas. It is a wetland reserve and the proposed development would destroy this. It is difficult to see how the developer could compensate for this.

### **2.2.1 Effects of proposed site development**

Wildlife does not recognise artificial boundaries and travels from site to site in search of food and shelter. Maple Lodge Nature Reserve has a rich and varied list of species which are dependent not only the reserve but also the surrounding landscape. Currently there is a free and unhindered flow of species between the reserve and the proposed development site.

Connectivity between habitats is an important factor in sustaining healthy populations of animal species. Conversely, fragmentation of habitats inevitably leads to declines and eventually non-sustainability.

Any changes to this undeveloped and essentially wild area will ultimately impact the site itself, Maple Lodge Nature Reserve and the wider ecological environment in the valley. These detrimental effects will be caused by the loss of the existing environment as well as by the construction and operations of the proposed new development.

Both the construction and operation of the site would turn an area of natural grassland into a totally man-made, ecologically sterile environment. This would have seriously adverse effects on the wildlife of the reserve and surrounding areas.

Species would also be lost from the site because of light, noise and traffic pollution. The proposed site operations, with the accompanying light, noise and traffic pollution will have direct and detrimental effects not only on the wildlife of the site, but also on the wildlife of Maple Lodge Nature Reserve.

(Details about the wildlife that uses the proposed development site and which would be affected adversely are included in *Appendix C*).

#### **2.2.1.1 Effects on bats (European protected species)**

The site is especially important for the local population of bats, all of which are European protected species. On 12th and 14th July 2019 members of Maple Lodge Conservation Society (MLCS) carried out bat surveys in the area.

(The findings of these bat surveys are included in *Appendix D*).

The MLCS surveys were carried out in the residential area as well as along the service road adjacent to the proposed site. The consultants did not carry out any surveys in the residential area, where we detected a significant bat population.

There is also a significant bat population at Maple Lodge Nature Reserve, where 10 out of the 12 species found in Hertfordshire have been recorded.

The consultants' bat survey report states:

*As there were no roosts identified, roosting bats can be considered likely absent from the site. Therefore, there are no formal mitigation measures required as no impacts are predicted to arise as a consequence of the development proposals.*

We disagree with this conclusion as on-site conditions made it difficult to ascertain whether or not bats were roosting in the mature trees.

The consultants' bat survey report has little to say about the importance of the site as a foraging area for bats (see *Appendix C.1.3*). It states:

*Wildlife friendly landscaping should be provided to mitigate for the loss of bat foraging habitat associated with the proposals.*

The "wildlife friendly landscaping" proposed will be at the margins of the site and will not compensate for the loss of such a large area; an area known to be used not only by bats (European protected species), but also badgers (UK BAP species), Tawny Owls (BoCC amber listed) and Mistle Thrushes (BoCC red listed).

Replacing the current habitat with two warehouses and parking areas would destroy the bats' foraging habitat. Also, removal of the trees next to the service road would not only destroy feeding habitat but also remove the most probable roosting sites. In our experience replacing such sites with bat boxes is rarely successful and the boxes are seldom used.

The UK is party to the Agreement on the Conservation of Populations of European Bats, set up under the Bonn Convention. Article III of the agreement requires protection of all bats and their habitats, including the identification and protection from damage or disturbance of important feeding areas for bats.

There is no mention of this agreement in the consultants' report.

The consultants' report has also not mentioned H&MWT's Wetland Bat Enhancement Project, even though this was announced before they undertook their survey.

#### **2.2.1.1.i Wetland Bats Habitat Enhancement Project**

H&MWT has recently received a substantial amount of money from the HS2 mitigation fund to off-set the damage caused by the HS2 project elsewhere in the Colne Valley. This money is being used to improve the habitat for wetland bats, in particular the rare Nathusius Pipistrelle of which there are only 1200 in Great Britain & Ireland. This has been recorded on the proposed site, both by the applicant's consultants and, more recently, by MLCS members (see *Appendix D*).

Several thousand pounds has been allocated from the H&MWT fund to Maple Lodge Nature Reserve to extend the reed bed and to provide roosting sites for these bats.

This development would interfere with the bats' flight lines, reduce their incidence on the reserve and frustrate or negate the efforts of the H&MWT and MLCS— effort that is being funded from a mitigation fund because of intrusive development elsewhere!

#### **2.2.1.2 Effects of artificial lighting**

Artificial lighting is known to have a detrimental effect on a variety of species.

The planning application is for a 24-hour warehouse operation, which will involve lighting of the site as well as vehicle lights.

(A summary of the wildlife that uses the site and the impact any development would have upon it is included in *Appendix C*).

(The Bat Conservation Trust guidance notes on the effects of artificial lighting are included in *Appendix E*).

The consultants' report states:

A bat-sensitive lighting strategy should be designed to minimise the impacts of artificial lighting on **retained habitats** ... This should include directional lighting, appropriate luminescence and protection from light spill will be minimised. This will enable the continued use of the site as a commuting and foraging resource.

The key words here are "retained habitats", which will be far less than the habitats available to the bats at present. The proposed development will undoubtedly disrupt the bats' flight paths and foraging behaviour. We are surprised that the consultants have not noted this.

Also, given the known effects of artificial lighting on wildlife and the fact that this development would be in a residential area, we would have expected the consultants to have produced a lighting assessment report. No such report has been produced.

### **2.2.1.3 Effects of loss of trees and invertebrates**

The site is bordered by trees, many of them covered by Tree Protection Orders (TPOs). The consultants' report notes that several of the trees are in a poor state or in general disrepair.

The International Union for Conservation of Nature Report (IUCN) 2018 highlights the removal of dead and decaying wood as being a major contributory factor in the decline of insects. Many species depend upon dead or rotten wood.

It is surprising that the consultants have not mentioned this. The proposal to replace old trees with new ones is not justifiable from an ecological perspective.

On the subject of invertebrates the consultants' report states:

*The mature trees, stands of dead wood, watercourse and mosaic of rough grassland / scrub habitats all provide potential value for invertebrates. No specific survey for invertebrates was deemed necessary due to the dominance of semi-improved mown grassland and the scale of the site. Overall, the site is considered to have low potential for invertebrate species of ecological importance and the majority of habitats at **the site's peripheries** can be retained and enhanced through site proposals.*

The key words here are "the site's peripheries", because that is all that will be left if this development goes ahead.

It is surprising that the decision was taken not to carry out an invertebrate survey on the site, especially as there are a large and diverse number of invertebrates at Maple Lodge Nature Reserve, some of them local, regional and national rarities (see *Appendix B*). As the proposed development site has been undisturbed for some time, it is likely to be disproportionately important in terms of biodiversity.

Also, there are no comments about the importance of insects on the site for the bats that use it when foraging for food. The statement from the consultants referring to "*the continued use of the site as a commuting and foraging resource*" for bats is being economical with the truth at best.

A large area such as this with trees, decaying wood, scrub and long grass will be home to a very large number of insects and bats consume an enormous quantity. The removal of this large foraging site could seriously affect the local bat populations.

Also, it is well known that the loss of insect habitat has an immediate impact on other creatures. Invertebrates are at the bottom of the food chain so their removal disrupts the whole ecosystem. Once you remove the food, the food chain will collapse.

### **2.2.1.4 Impact on other sites**

In addition to the devastating impact on Maple Lodge Nature Reserve, other sites could be affected by the planned construction and operations, in particular:

- Maple Lodge Marsh
- Springwell Lakes and Springwell Reed Beds
- River Colne

#### **2.2.1.4.i Maple Lodge Marsh**

Maple Lodge Marsh is closer to the proposed site than Maple Lodge Nature Reserve. This contains marshy woodland and pond areas, so will also be severely affected by the diminution of water supply caused by the proposed development. And any impact on Maple Lodge Marsh will have a knock-on effect for Maple Lodge Nature Reserve, which is adjacent to it.

There is no mention of the likely impact on this smaller reserve in any of the supporting documentation to the application.

There is also no mention in any of the documentation of the Colne Valley Landscape Partnership Scheme.

#### **2.2.1.4.i.a Colne Valley Landscape Partnership Scheme**

The Colne Valley Partnership has recently been awarded £1.6 million from the Heritage Lottery Fund, augmented by a further £900,000 from local funding. This will be used to enhance the landscape within the Colne Valley and features a diverse range of projects, including conserving wildlife habitats. Some of this funding is being spent to develop Maple Lodge Marsh as a Site of Importance for Nature Conservation (SINC).

These improvements will be hindered and in some cases negated by the proposed development.

#### **2.2.1.4.ii Springwell Lake and Springwell Reed Beds**

The plans propose channelling excess surface and groundwater to Springwell Lake. There appears to have been no assessment made on what effects this would have on Springwell Lake, Springwell Reed Beds and the hydrology of surrounding areas.

#### **2.2.1.4.iii River Colne**

The site is within the River Colne Catchment. The River Colne Catchment Network state on their website:

*Although lack of water is a key issue affecting many of the catchment's rivers, flooding can also be a problem particularly in the lower Colne. The Colne catchment has experienced a great deal of development, with many parts of the catchment now densely populated. Periods of heavy rain such as those experienced in 2007, 2012 and 2014 add to the risk of flooding but this can be better managed by slowing down the speed at which rain run-off enters the river, using sustainable urban drainage and by increasing connectivity with the floodplain.*

Any plans to divert water off-site, and which eventually ends up in the River Colne, could cause flooding downstream without appropriate management of the flow.

Another factor to take into consideration is that the HS2 project is also planning to channel excess water as a result of their tunnelling activities into the River Colne, even though the River Colne already floods after heavy rains.

### **2.2.2 Lack of environmental impact assessment**

Given the scale of the development and the potential damaging effects on the proposed site, other sites and the Colne Valley in general, we would have expected there to have been an environmental impact assessment report. This appears not to be the case.

Also, none of the organisations with responsibility for any of the other sites or the environment within the Colne Valley were consulted as part of the planning application process. This calls into question the sincerity of any expressions of concern for the environment made within the documentation, and also cast doubts on the validity of statements about any suggested mitigation measures.

### **2.3 Objection - Impact on the character of the area**

We have been told that a decision was taken in 2014 to re-classify this land from green belt to one suitable for development. That decision was taken even though it is a NPPF Category 2 habitat, within the Colne Valley green infrastructure corridor and adjacent to important wildlife sites – Maple Lodge Nature Reserve, Maple Lodge Marsh, Springwell Lake and Springwell Reed Beds.

Because of that decision we are now facing a proposal that is completely inappropriate for the area. It is an area which is a mixture of residential housing, leisure facilities (cricket ground and social club) and the wildlife-friendly areas listed above plus the proposed development site. It is an area where people feel safe to enjoy their leisure time away from the main road through Maple Cross.

As part of TRDC's Local Plan, Core Strategy Policy CP12 - Design of Development states: *In seeking a high standard of design, the Council will expect all development proposals to:*

- a) Have regard to the local context and conserve or enhance the character, amenities and quality of an area*
- b) Conserve and enhance natural and heritage asset*
- c) Protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.*

The proposed development meets none of these objectives.

It will completely change the character of the area, making it less safe, destroying an oasis of peace and calm, whilst having a detrimental effect on the area's fragile eco-system and biodiversity.

It will change relatively quiet residential and leisure areas into a busy, industrial location with light, noise and traffic pollution.

### **2.4 Objection – Presence of hazardous materials**

#### **2.4.1 Asbestos risks**

There are clear and present risks from buried asbestos on the site – a site which has also been identified as unstable - with the chalk bedrock susceptible to fractures and dissolution. At risk are not only those who will be working on the site, but also people on adjacent sites. The Environmental Health Assessment states:

*The investigation has identified unacceptable risks to human health due to the presence of asbestos fibres and fragments in the underlying soils.*

The consultants' report states:

*...it is considered that the site presents a potentially unacceptable risk from asbestos to human health for commercial / industrial land use...*

It also states that:

*...the critical exposure pathway is via inhalation of asbestos fibres and the critical receptors are made up of future site users, adjacent site users and the site investigation, construction and underground service maintenance staff.*

This is a matter of serious concern for the local residents, the employees of Thames Water and the hundreds of people who visit Maple Lodge Nature Reserve each year.

#### **2.4.1.1 Potential for cross-contamination**

Because of the nature of the ground conditions there is a potential for cross-contamination.

The consultants' report states:

*Under certain conditions the chalk which forms the bedrock in the area is soluble and has the potential to undergo dissolution and thus form sub-surface voids ... the chalk bedrock is classified as a principal aquifer within a Source Protection Zone 1 – Inner Catchment and therefore is fully saturated with a high permeability*

The Environment Agency classification for the geology of the site is as follows:



*a) Major Aquifer / High Leaching Potential*

*b) Soil Vulnerability Category H1*

*Soils which readily transmit liquid discharges because they are shallow or susceptible to rapid flow directly to rock, gravel or groundwater*

*c) Soil Vulnerability Category H2*

*Deep, permeable, coarse textured soils which readily transmit a range of pollutants because of their rapid drainage and low attenuation potential*

The consultants' report states:

*The site is considered to be at moderate to high risk of dissolution features*

and:

*All excavations into existing made ground and the underlying natural soils should be assumed to be unstable*

and:

*Given the encountered ground conditions and the nature of the proposed development, the most likely foundation solution will be a piled solution....it is considered that the piles should be driven down and socketed into the structured chalk.*

This would suggest that there is a high risk of cross-contamination into the water courses, and a high risk of exposure around the site especially during the construction phase.

The connectivity that exists between the site, Maple Lodge Nature Reserve, Maple Lodge Marsh, Thames Water and the residential area means that this is a very real cause for concern.

## **2.5 Objection – Non-compliance with National Planning Policy Framework (NPPF)**

This objection has been raised by H&MWT and we endorse it.

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.*

Not only do the proposed plans show no measurable net gains for biodiversity, we believe the evidence we have presented shows a potential net loss for biodiversity.

Furthermore, the development site is identified as a NPPF Category 2 habitat, which is defined as an area of significant importance to the ecological network and should be avoided as a "habitat identified for retention".

## **2.6 Objection – Non-compliance with local planning policy**

This is another objection that has been raised by H&MWT and again we agree.

### **2.6.1 TRDC Development Management Policies Local Development Document**

DM6 Biodiversity, Trees, Woodlands, Watercourses and Landscaping states:

*a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:*

*i) The need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and*

*ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area*

The development would affect a protected species (bats), alternative wildlife habitat provision will not be made (almost complete loss of a foraging site) and the level of biodiversity in the area will not be maintained but degraded.

DM6 also states:

*d) Development must conserve, enhance and, where appropriate, restore biodiversity through:*

*i) Protecting habitats and species identified for retention*

*ii) Providing compensation for the loss of any habitats*

*iii) Providing for the management of habitats and species*

*iv) Maintaining the integrity of important networks of natural habitats, and*

*v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.*

*e) Linked habitats are important in allowing species to adapt and respond to circumstances.*

*Development must not result in fragmentation or isolation of wildlife*

*habitats and should seek opportunities for habitat connectivity with the wider landscape.*

This proposed development would not “maintain the integrity of important networks of natural habitats” and would “result in fragmentation or isolation of wildlife habitats”.

Section 10 of the local plan, Flood Risks and Water Resources includes the following paragraph:

*10.6 This document details the following five flood risk objectives:*

*- Achieve flood risk reduction through spatial planning and site design*

*- Enhance and restore the river corridor*

*- Reduce surface water run-off from new developments*

*- Safeguard functional floodplain and areas for future flood alleviation schemes*

*- Improve flood awareness and emergency planning.*

The applicant proposes channelling surface water off-site in contravention of the third objective.

The applicant proposes to “de-water” the functional floodplain in contravention of the fourth objective.

Section 10 of the local plan also includes the following paragraph:

*10.8 The District is entirely underlain by a pervious aquifer (high quality water-table) which is the main drinking water resource for the area. It is important to protect these resources from pollution and to safeguard them, taking into account future climate change.*

The construction methods suggested for the proposed development carry with them the risk of polluting a major aquifer in contravention of this objective (see also 2.4.1.1.)

DM9 Contamination and Pollution Control states:

*b) Contaminated Land*

*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:*

*i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and*

*ii) There will be no adverse impact on the quality of local groundwater or surface water quality.*

In this case there is clearly a threat to future users or occupiers of the site and neighbouring land (see 2.4.1) and there is a risk of contamination of the local groundwater and surface water (see 2.4.1.1)

In order to comply with its own local plan, TRDC must refuse this planning application.

## **2.6.2 TRDC Sustainability and Climate Change Strategy**

We would also like to refer to TRDC's Sustainability and Climate Change Strategy.

On Biodiversity it states:

***Aim: To maintain our natural habitats, greenspaces and wildlife***

*As a public body we have a duty to conserve biodiversity. Three Rivers has a rich diversity of habitats and species and we are keen to continue to manage these sustainably and use our powers to protect them if they are under threat, for example from light, noise, or water pollution as set out in our Local Plan, so that wildlife can flourish and everyone can enjoy them and gain health benefits from doing so. Encouraging people to visit local nature reserves and experience local habitats can help raise awareness of biodiversity. This in turn can help people make a positive link to the impact that can be made by managing homes and gardens in a more environmentally friendly way.*

***Objective 4:*** *Sustainably manage woodland sites, local nature reserves, and parks and open spaces owned by the Council for wildlife and people*

***Objective 5:*** *Continue to use our powers to understand, maintain and improve biodiversity in the District*

***Objective 6:*** *Encourage residents to help enhance biodiversity and also to interact more with the natural environment in conjunction with the Countryside Management Service, the Local Nature Partnership and other relevant organisations.*

In this instance habitats and species are under threat from light, noise, water and traffic pollution.

In order to comply with its own Sustainability and Climate Change Strategy, TRDC must refuse this planning application.

### **2.6.3 TRDC Declaration of a Climate Emergency**

It is only two months ago that TRDC declared a climate emergency.

We refer to the Annual Council Meeting held on 21st May 2019 where TRDC agreed the following motion to declare a climate emergency:

***30. Motions Under Procedure Rule 11***

*Council notes:*

- 1. The overwhelming weight of scientific evidence pointing to man-made climate change.*
- 2. The harmful effect that such climate change is having on our lives, natural habitats and eco-systems.*
- 3. The proud record of Three Rivers District Council on environmental issues.*

*Council therefore agrees to:*

- 1. Declare a Climate Emergency.*
- 2. Produce a strategy and action plan to make Three Rivers carbon neutral by 2030.*
- 3. Use all practical means to reduce the impact of Council services on the environment.*
- 4. Use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment.*
- 5. Work with partners in the public and private sector and implement best practice.*
- 6. Engage with local residents and businesses to gain their support.*
- 7. Request Central Government to provide the support and resources needed to progress the action plan.*

The proposed development will add to any problems caused by climate change.

It will further damage the natural habitats and the local eco-system. The increased traffic and lighting will add to carbon emissions and have a detrimental impact on the environment. If TRDC is serious about its declaration of a climate emergency, then this planning application must be refused.

### **3. Closing Remarks**

As long-standing members of the TRDC Environmental Forum, we are horrified that this proposal is even being considered, and object to it in the strongest possible terms.

On behalf of the trustees of Maple Lodge Conservation Society, which represents 625+ members, and the hundreds of people who visit Maple Lodge Nature Reserve each year, we request that this planning application is refused.

#### 4.2.7 Colne Valley Fisheries Consultative (CVFC): [Objection]

On behalf of the Colne Valley Fisheries Consultative (CVFC) I wish to object to the proposed development for employment land to the North of Maple Cross, Rickmansworth, Herts, WD3 9SN. TRDC Planning Application Reference No. 19/1179/FUL

The Colne Valley Fisheries Consultative represents over 30 angling clubs and fisheries and works with various partners to improve and enhance the habitats of the Colne Valley especially for fish in rivers and lakes and for the benefit of the wildlife and the public that visit the area.

We support the position taken on this and letters of objection by The Colne Valley Regional Park, Maple Lodge Conservation Society and the Herts and Middx Wildlife Trust among other organisations and individuals who have presented justified reasons why this proposal should be rejected.

Maple Lodge Nature Reserve is referenced and quoted quite extensively in the planning application documentation, but we understand that the Maple Lodge Conservation Society have not been contacted by the applicants or indeed engaged properly through the neighbours to be consulted process. They, like us only hearing of this proposal by chance. In our view this is a serious omission, and we hope the MLCS's views on the application will be sought and given proper consideration.

In addition to inadequate environmental impact assessment and consideration there appears to be lack of understanding by the developer of the history of this site and the immediately surrounding land. The majority of the site is designated as flood zone 1.

It must therefore be questioned why there is a perceived need to discharge surface water. The access road to this site has become so regularly flooded that it now has official signage to that effect warning drivers of the likely conditions. The flooding issue has blighted the area in fact since the 1990's during which time the old Thames Water sewage drying beds and underlying gravel were removed and, in that process, surface water mains that were broken through were buried and never capped or diverted.

The area was then landfilled without any real control and it is known to contain hazardous material because outline planning applications were aborted shortly after that time as remediation of the land was too difficult.

The reason for this background is to illustrate that surface water found in that area may already be contaminated with road run off, interaction with foul sewers etc but could also have been exposed to buried hazardous materials. It is proposed this water be pumped across at least one other water course to Springwell Lake which is not only a very important local wildlife site but is owned by Affinity Water who house two pumping stations at the location to abstract potable water from the underlying aquifer.

It has also been a successful fishing lake since 1934 and remains a well-managed site by one of our member clubs that provides family and junior facilities.

Whilst it may be feasible that pumping 'clean' water to the watercourse that serves Maple Lodge Reserve would be beneficial there is no robust evidence that any attenuation proposed would achieve the level of decontamination required.

None of the foregoing gives the necessary depth of consideration to the possibility of aquifer cross contamination and pollution during the construction process but that appears to be ignored in the application as well. I respectfully suggest it should not in determining the decision on this proposal.

The concept of biodiversity net gain appears to have been effectively ignored and yet the Three Rivers Local Plan Development Management Policies document states:

Development should result in no net loss of biodiversity value across the District as a whole...Development that would affect a site identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:

ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

d) Development must conserve, enhance and, where appropriate, restore biodiversity through:

i) Protecting habitats and species identified for retention

ii) Providing compensation for the loss of any habitats

iii) Providing for the management of habitats and species

The policy is more comprehensive but those deciding on this application will know that and do not need it repeated here.

It should however, given the vagueness of the application, be reason enough without all the other compelling evidence to reject this application given that there is also evidence of:

Non-compliance with the National Planning Policy Framework (NPPF) of July 2018 and Non-compliance with local planning policy and the TRDC Development Management Policies Local Development Document

We request and expect an outcome that comprehensively rejects this application.

#### 4.2.8 North Harrow Waltonians Angling Society: [Objection]

NHWAS has approximately 300 members. Membership of the Society give access to fishing on Springwell Lake, the River Colne and back stream, as well as the Grand Union Canal. In addition to the angling, Springwell Lake hosts an abundance of wildlife and, through the permissive foot path, is of enormous recreational value to the public.

Under the proposal, there appears to be no meaningful protection of the habitat or consideration of the risks to the fishery. Through NHWAS's ongoing management of the fishery including a long term stocking program, Springwell Lake is a nationally recognised angling venue with very valuable stock of specimen size fish. The proposed plans include the pumping of waste water into Springwell Lake which puts the future of the fishery at risk. At no point have the developers, planners, contractors or land owners contacted us to discuss the implications of the proposed drainage plans on Springwell Lake. We were not notified by TRDC or asked for our input despite the very clear and direct impact it would have.

Springwell Lake, and potentially the river and the canal, will be adversely impacted by any waste water being pumped into it especially given the planned use of the development site and the increased risk of pollutants.

We object to the proposal because:

1. Risk of damage to Springwell Lake: There are already recognised drainage issues on the proposed development site, this and any excess additional water is proposed to be pumped

into Springwell Lake with no meaningful consideration given to the impact on the fish stocks or biodiversity. The proposals create significant risks to the fishing and fish stocks on Springwell Lake. It would take a fishery many decades to recover from a pollution incident.

2. Risk of damage to the Springwell Reedbed and the wider area including the back stream and GUC. Connected to Springwell Lake and the back stream this important wildlife site would be at risk.

3. Impact on Maple Lodge Nature Reserve  
No consideration is given to this important site.

4. Impact on bio diversity

The developers are not demonstrating any measurable net gain to bio diversity which should be required to support a planning application. Indeed the proposal includes documents that fail to recognise the importance of the areas impacted by the proposals and fail to document accurately the level of existing wildlife already known to thrive in the surrounding area.

5. Flood risk

The underlying problem of drainage on the site is not addressed by simply pumping the waste water somewhere else. The problems on the site should be addressed and the developers should not be permitted to pass the problem to others by pumping it into Springwell Lake, the back stream or the River Colne. While it may pass a desk top review, the flooding of the area in 2014 should be ample evidence that this area does suffer from flooding and moving water a few hundred metres is not a viable solution.

We trust that TRDC will reject the proposal and ensure adequate protection is in place to avoid any damage to the area in any future proposal submitted.

## **5 Reason for Delay**

5.1 No delay.

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

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

6.2 In February 2019 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2019 NPPF is clear that “existing 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.

### **6.3 The Three Rivers Local Plan**

The application has been considered against the policies of 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 PSP3, CP1, CP6, CP8, CP9, CP10, CP11 and CP12.

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, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5.

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 SA2 Site E(d) is relevant.

#### 6.4 Other

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

7.1.1 The application site is an undeveloped greenfield site located within an allocated employment area as set out in the Site Allocations LDD (adopted November 2014). This allocation removed the site from the Green Belt.

7.1.2 Place Shaping Policy (PSP) 3 of the Core Strategy (adopted October 2011) requires that development in Secondary Centres, such as Maple Cross, will;

*c) Maintain and enhance employment opportunities in Secondary Centres but redistribute some employment floorspace through mixed use development in Kings Langley employment area and an extension in floorspace at Maple Cross/Maple Lodge.*

7.1.3 Policy CP6 of the Core Strategy advises that the Council will support development proposals that sustains parts of the District as attractive areas for business location. It also comments that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within key employment areas.

7.1.4 Development Plans raise no objection to the principle of the development which is within an allocated employment area.

#### 7.2 Green Belt

7.2.1 Whilst the majority of the site is outside of the Metropolitan Green Belt, the Green Belt does adjoin the eastern site boundary and two narrow strips which are outlined in red, one linking to Maple Lodge Close to the south and the second adjoining Springwell Lake to the east. Only the existing access road sits within the Green Belt with the proposed development designed to sit outside the Green Belt area.

#### 7.3 Heritage Assets

7.3.1 There are two Listed Buildings to the south west of the site on Maple Lodge Close. Maple Lodge Barn is a Grade II Listed Building located on the corner of Longmore Close. Maplodge Farm to the east includes a Grade II Listed detached brick built dwelling dating from the early nineteenth century.

7.3.2 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.*

7.3.3 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 (paragraphs 193 and 194 of the NPPF).

7.3.4 Policy DM3 of the Development Management Policies LDD advises that the Council will preserve the District's Listed Buildings.

#### 7.4 Design & Street Scene

7.4.1 In accordance with the requirements of Policy CP12 of the Core Strategy (adopted October 2011) development should have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.4.2 The combined width (north to south) of Units 1 and 2 would be 181 metres excluding the 3.8 metre spacing between them. The height of the buildings at their edge would be approximately 12.5 metres, with the roofs sloping to a maximum height of 16 metres. Unit 1 would be sited between 10 and 15 metres off the western site boundary. Unit 2 would be sited between 4 and 18 metres off the western boundary. Unit 1 would be sited between 35 and 41 metres from the access road to the east and Unit 2 would be sited between 40 and 51 metres from the access road. Three new vehicular accesses are proposed along the access road, with trees retained between them. Some soft landscaping is proposed to the east of the Units, however, the space between the Units and access road and between Unit 1 and the northern site boundary would be largely occupied by hardstanding. Soft landscaping is indicated to the western and southern site boundaries.

7.4.3 The site is set back between 188 and 202 metres from the A412 (Denham Way). Existing buildings at Three Rivers Office Park and Hertford Place are sited between the A412 and application site and would provide a degree of screening from the main road. The corner site on the A412 adjacent to the access road is currently empty and views through this site and down the access road would be available. It is noted that the corner site has an extant planning permission for a 4 storey hotel between 14.5 and 20.5 metres in height. Whilst the consent has been implemented, the hotel has not been built out to date.

7.4.4 Land to the east and south is largely open so views of the development would be afforded.

7.4.5 In terms of materials, both units are proposed to be finished in a mix of different insulated metal cladding, with a grey pallet with the main entrances emphasised by full height glazing systems. The roofs are to be finished with a profiled insulated metal cladding. Doors and windows will have a polyester powder coated finish.

7.4.6 No details of commercial signage are included at this time and the submitted documents note that this would be subject of separate application(s) for Advertisement Consent.

#### 7.5 Impact on Residential Amenity

7.5.1 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.

- 7.5.2 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.5.3 There are no residential neighbours to the immediate north or east of the site, with the closest residential neighbours located to the west and south on Maple Lodge Close and Franklins and Longmore Close which are accessed via Maple Lodge Close.
- 7.5.4 The closest neighbour is No. 19 Longmore Close. This is a two-storey end of terrace dwelling that is orientated with its eastern flank elevation running roughly parallel with the western boundary of the application site. To the rear of the dwelling is a raised deck with steps down to the remainder of the garden that is laid to lawn and extends to the rear and around the side of the dwelling. The dwelling does not have any boundary treatment marking its eastern boundary, with the Maple Lodge Farm Ditch Main River which runs between No. 19 and the application site forming the boundary.
- 7.5.5 Unit 1 would be located to the north of the site with Unit 2 to the south sited approximately 25 metres from the dwelling at No. 19 Longmore Close at the closest point (rear corner of dwelling). Unit 2 would have a width (north to south) of 97 metres, although the rear elevation closest to Longmore Close would be stepped. A distance of approximately 3.8 metres would separate Unit 1 and Unit 2. The combined width (north to south) of Units 1 and 2 would be 181 metres. The height of the building closest to the boundary would be approximately 12.5 metres, with the roofs sloping to a maximum height of 16 metres.
- 7.5.6 Doors and windows are largely located to the northern and eastern elevations of Unit 1 and eastern and south-eastern elevations of Unit 2 where they would overlook the proposed car parking and service areas. Fenestration to the western elevation is limited to rooflights and a single emergency access at ground floor level.
- 7.5.7 The car and HGV/Trailer parking and building servicing areas are located to the east of the site and would be separated from the existing residential neighbours by the proposed buildings.
- 7.5.8 No details of external lighting have been provided at this time.

### ***Noise Impact***

- 7.5.9 A Noise Impact Assessment prepared by Cole Jarman (19/0333/R1) has been submitted with the application. The assessment concludes that the operational noise from the scheme with the operational assumptions made would be considered to be at or below the Lowest Observable Adverse Effect Level (LOAEL) and therefore noise should not be considered a reason to impede the approval of the planning application.
- 7.5.10 The Noise Impact Assessment has been reviewed by Environmental Health colleagues who have requested clarification on some points.

### ***Air Quality***

- 7.5.11 An Air Quality Assessment prepared by BWB Consulting Ltd (Report ref. LNT2082) has been submitted with the application and reviewed by Environmental Health Officers. The residual impacts from the construction phase are considered to be 'not significant'. They note that the greatest increase in traffic on roads where existing sensitive receptors are present (on the A412 Denham Way, south of the site access road) is below the assessment criteria set out in the IAQM and EPUK guidance. As such they consider the impact on local

air quality to be insignificant and detailed dispersion modelling of development generated road traffic is not required.

7.5.12 A dust management plan would be required by condition on any grant of consent and informatives are also suggested.

## 7.6 Wildlife and Biodiversity

7.6.1 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 required by the EC Habitats Directive.

7.6.2 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.*

7.6.3 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.*

7.6.4 Paragraph 175 advises that when determining planning applications, local planning authorities should apply principles including:

*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.*

7.6.5 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.

7.6.6 Policy DM6 advises that;

*(a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:*

*ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.*

*(d) Development must conserve, enhance and, where appropriate, restore biodiversity through:*

*i) Protecting habitats and species identified for retention*

*ii) Providing compensation for the loss of any habitats*

*iii) Providing for the management of habitats and species*

*iv) Maintaining the integrity of important networks of natural habitats, and*

*v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.*

*(e) Linked habitats are important in allowing species to adapt and respond to circumstances. Development must not result in fragmentation or isolation of wildlife habitats and should seek opportunities for habitat connectivity with the wider landscape.*

- 7.6.7 Herts and Middlesex Wildlife Trust (HMWT) have reviewed the submitted details and have raised an objection to the application in that it is not consistent with national or local planning policy in achieving a measurable net gain to biodiversity. HMWT comment that it is not ecologically accurate to suggest that the almost entire removal of 3.4 hectares of semi natural grassland without measured or meaningful compensation would result in a net gain to biodiversity.
- 7.6.8 HMWT note that the area is identified as a category 2 habitat, which is defined as an area of significant importance to the ecological network and should be avoided, or in the terms of the development management policy, 'habitats identified for retention'. If the need for development outweighs their protection, then the habitats to be affected must be compensated in a proportionate and measurable way.
- 7.6.9 HMWT do not consider that the submitted ecological report assesses impacts in a measurable way, but instead dismisses all habitats that are not section 41 habitats and offers no compensation for them. In order to prove net gain to biodiversity, they consider that the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. The development must show a net positive ecological unit score to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite.
- 7.6.10 Hertfordshire Ecology (HECO) have reviewed the application submission and have raised an objection at this time on grounds relating to the potential impact on water levels within the adjacent Local Wildlife Site and in the absence of a S106 agreement to secure appropriate biodiversity offsetting as compensation of the loss of the grassland habitat.
- 7.6.11 HECO noted that the submitted survey indicated that the first had negligible potential for roosting bats whilst the second had moderate potential. Emergence and re-entry surveys were subsequently carried out on the building with moderate potential and no evidence of use by bats was found. Emergence and re-entry surveys were also undertaken focussing on trees as identified as having moderate potential to support roosting bats. Whilst the surveys confirmed the likely absence of roosting bats, HECO note that this is contrary to comments submitted in objection to the application and HECO agree do not doubt that the site is used by foraging and commuting bats. As bats are light sensitive, HECO highlight the importance of a sensitive lighting plan and suggest that should planning permission be granted, a biodiversity lighting plan should be secured by condition.
- 7.6.12 HECO note that no reptiles were found during surveys, however, measures to safeguard reptiles (as set out in the ecological report) are recommended as there is suitable reptile habitat along the site boundary. Appropriate measures and mitigation in relation to badgers has been provided. No evidence of otters or water voles was identified.
- 7.6.13 In relation to Maple Lodge Nature Reserve, whilst HECO do not consider that this site would be directly affected by the proposals, they note the significant concerns raised regarding the proposed development on water levels within the Local Wildlife Site. Consequently, they consider that the application should not be approved unless it has been demonstrated to the satisfaction of the LPA, that the quantity and quality (in terms of pollution) of water supplied to the channel feeding the Local Wildlife Site is not compromised by the development.
- 7.6.14 In relation to the value of the grasslands on the site currently, whilst not considering the loss to be a fundamental constraint to development, HECO do consider that the loss represents a substantial loss to ecology locally that should be compensated for. Ecological enhancements within the submitted report are welcomed but are not considered to

adequately compensate for the removal of 3.4 hectares of semi-improved grassland within the broader river valley or achieve net gains in biodiversity for the site. It is not considered that ecological requirements could be delivered on site but could be achieved through biodiversity offsetting.

## 7.7 Trees and Landscaping

7.7.1 The site contains a number of trees, predominantly located around the edges of the site, a number of which are formally protected. The most visually important trees are located along the eastern boundary.

7.7.2 Paragraph 170 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

7.7.3 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:

*i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.*

7.7.4 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.

7.7.5 Policy DM7 (Landscape Character) of the Development Management Policies LDD (adopted July 2013) advises that in all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape.

7.7.6 The application is accompanied by a Tree Survey and Arboricultural Impact Assessment prepared by Greengage (June 2019). The submitted report identifies that 70 trees and tree groups ranging from category B to Category were recorded and 4 Category B, 10 Category C and 16 Category U trees are proposed to be removed. Outline landscaping proposals submitted show new tree planting along the eastern and western boundaries to compensate for those lost.

7.7.7 The Council's Landscape Officer has reviewed the submitted details and has raised an objection at this time. Having reviewed the submitted Tree Survey and Arboricultural Impact Assessment, they do not believe that the cascade method detailed within the relevant British Standard has been correctly applied and therefore consider that some trees have been incorrectly categorised. Whilst they agree that some Alders along the eastern boundary do have decay cavities at their base, most are small or isolated pockets which have not compromised the structural integrity of the trees. Similarly, they consider that consideration should be given to the group value of trees along the eastern boundary.

7.7.8 The Landscape Officer has raised concerns that the proposed layout has informed the tree removal and retention. They refer to T10 (Black Alder) a Category B tree proposed to be removed due to the fact that a footpath would run through it. The Landscape Officer has indicated that the route of the path could be designed around this tree. Whilst they consider that there are some suitable areas along the eastern boundary where access could be gained through the tree line, these do appear to have been fully utilised.

## 7.8 Highways & Access

7.8.1 Paragraph 108 of the NPPF advises that;

*In assessing sites that may be allocated for development in plans, or 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.*

7.8.2 Paragraph 109 of the NPPF 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’.*

7.8.3 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111 of the NPPF).

7.8.4 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

7.8.5 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

*i) It provides a safe and adequate means of access*

*j) It is appropriate in scale to the existing infrastructure...*

*k) It is integrated with the wider network of transport routes...*

*l) It makes adequate provision for all users...*

*m) It includes where appropriate, provision for public transport either within the scheme or through contributions*

*n) The impact of the proposal on transport has been fully assessed...*

*o) The proposal is accompanied by a draft Green Travel Plan*

7.8.6 The application is accompanied by a Transport Assessment, Construction Logistics Management Plan and Framework Travel Plan.

7.8.7 The submitted details are being reviewed by HCC as Highways Authority, who at this time have submitted a holding response, requesting additional information be provided before they comment on the acceptability or otherwise of the proposal on highways grounds.

7.8.8 The Highways Authority have noted that the proposed trip generation set out within the submitted Transport Assessment would need to be updated to use the actual gross floor area of the site, with junction models amended accordingly.

7.8.9 They have also requested confirmation of the detailed layout of the three vehicular accesses into the site as they consider that there are some discrepancies on the plans currently.

7.8.10 Clarification regarding electric vehicle charging points for the car parking areas and the toucan crossing at the proposed signalised crossing point are also sought.

7.8.11 The comments of the Highways Authority are being reviewed by the applicant and their transport consultants and clarification on the points raised is awaited.

7.9 Parking

7.9.1 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD set out the car parking requirements for the District. Car parking spaces should be shown on a proposed site layout plan with care taken to ensure that the size of any proposed car parking area is the minimum necessary to facilitate parking.

7.9.2 The parking requirements at Appendix 5 require:

- B1(a) office 1 space per 30sqm
- B1(c) light industry 1 space per 35sqm
- B2 General industry 1 space per 50sqm plus 1 lorry space per 200sqm
- B8 Storage and distribution 1 space per 75sqm plus 1 lorry space per 200sqm

7.9.3 The standards for car parking may be adjusted according to which zone the proposed development is located in. The application site is located within zone 3 where provision of between 50-75% of the standard may be acceptable.

7.9.4 The proposed floor areas for Units 1 and 2 combined and parking requirements are summarised in the table below:

Use	Floor Area	Parking Requirements
Core & Office (B1a)	1,985.88 m <sup>2</sup>	1,985.88 m <sup>2</sup> / 30 = 66 spaces or 33-49.5 space if apply zonal reduction
Warehouse (B1c, B2, B8)	14,603.99 m <sup>2</sup>	14,603.99 m <sup>2</sup> / 75 =195 car spaces or 98-146 car spaces if apply zonal reduction 14,603.99 m <sup>2</sup> / 200 = 73 lorry spaces or 37 – 55 lorry spaces if apply zonal reduction
Total	16,590 m <sup>2</sup>	131 – 196 car parking spaces applying zonal reduction + 37 – 55 lorry spaces applying zonal reduction

7.9.5 Appendix 5 of the Development Management Policies LDD also sets out that the parking needs of disabled motorists should be met in full irrespective of location, i.e. where the zonal procedure results in on-site parking restraint, there shall be no corresponding reduction in disabled spaces. The standards require, in the case of employment generating development 'more than 200 space car park', 6 spaces plus 2% of the total capacity.

7.9.6 This would result in a requirement for 9 spaces.

7.9.7 Appendix 5 also sets out the following cycle parking standards:

- B1 - 1 short-term space per 500sqm gross floor area plus 1 long-term space per 10 full time staff
- B8 – 1 long-term space per 10 full time staff

7.9.8 The proposed parking versus the policy requirements are summarised in the table below:

	<b>Proposed</b>	<b>Policy Requirement</b>	<b>Difference</b>
Car	156	131-196	Falls within range
Disabled spaces	8 (of 156)	9	- 1
Bicycles	40	TBC <sup>1</sup>	TBC
HGV / Trailers	40	37 - 55	Falls within range

## 7.10 Sustainability

7.10.1 Paragraph 148 of the NPPF states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

7.10.2 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.

7.10.3 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.

7.10.4 The application is accompanied by an Energy Statement prepared by KGA (UK) Ltd (June 2019 R1). The statement sets out that the development has been designed to achieve optimum energy performance, incorporating the following features:

- Significantly exceed the minimum fabric requirements of Part L2A (2013) of the Building Regulations.
- All buildings will include 100% low energy lighting and lighting control.
- All buildings will be provided with mechanical ventilation with heat recovery (MVHR) systems for ventilation within offices.

7.10.5 The statement illustrates that after the application of improvement in fabric, energy efficient building services and low and zero carbon technologies, both Units 1 and 2 would produce 6% less carbon dioxide emissions than Building Regulations Part L (2013).

7.10.6 Whilst low carbon technologies have been investigated and Solar PV panels and solar thermal were found to be most suitable, as the reduction target has already been met, they are not proposed at this time.

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<sup>1</sup> No details of staff numbers have been provided, whilst these are likely to be indicative at this time, details have been requested.

## 7.11 Flood Risk, Drainage & Contamination

- 7.11.1 The majority of the site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year. A narrow strip to the eastern and southern boundaries lies within Flood Zone 2 and therefore has a 'medium probability' of fluvial flooding, with between a 1 in 100 and 1 in 1000 annual probability of river flooding in any year. The proposed buildings are located wholly within Flood Zone 1. The site lies within Groundwater Source Protection Zone 1 and Maple Lodge Farm Ditch Main River runs along the west boundary of the site.
- 7.11.2 Paragraph 155 of the NPPF states that;
- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*
- 7.11.3 Paragraph 170 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 7.11.4 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District.
- 7.11.5 Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.
- 7.11.6 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.11.7 Policy DM9 (Contamination and Pollution Control) of the Development Management Policies LDD (adopted July 2013) advises that the Council will refuse planning permission for development which would give rise to polluting emissions.
- 7.11.8 The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy (18 June 2019), general arrangements showing proposed foul and surface water drainage, drainage construction details and proposed surface water manhole schedule.
- 7.11.9 HCC as Lead Local Flood Authority (LLFA) have reviewed the submitted details and whilst they are pleased that an FRA has been submitted, they currently raise an objection to the proposal on the basis that the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.
- 7.11.10 The LLFA note that the applicant is proposing that the surface water runoff from the site will be attenuated and restricted to 6.50l/s for all events up to and including the 1 in 100 year (+30%) before discharge via a pump to a Springwell Lake, which is approximately 250m to the east of the site. They raise concerns regarding a pumped solution for surface water, especially considering the fact that there is a main river (Maplelodge Ditch) bounding the western edge of the site. In addition there is a second main river (the River Colne) which is required to be crossed in order to pump the surface water into the proposed Springwell



Lake. The LLFA do not consider a pumped solution to be appropriate or sustainable given that there are closer watercourses and further explanation as to why this surface water management option has been chosen in favour of closer discharge options is required.

- 7.11.11 Details of surface water management and treatment for the site would also be required. The LLFA note that additional treatment would be required due to the fact that there are loading bays/parking for large vehicles on the site.
- 7.11.12 The current use of the site is undeveloped green space that comprises a grass covered field surrounded by trees around the boundary of the site. There is no impermeable hardstanding within the extent of the current site. Considering that this is a greenfield site, the LLFA request that the applicant provides above ground storage for surface water.
- 7.11.13 The submitted documents refer to discharge at the QBAR rate, however, the LLFA note that no calculations have been provided to support this. Drainage calculations are needed to support and understand the volumes of water needed to be attenuated and managed on site. Greenfield run-off rates for the site should also be provided.
- 7.11.14 The applicant has stated that there is an existing 600mm diameter foul public sewer which crosses the site and that this is to be abandoned and grouted. From a review of the Thames Water maps, the LLFA note that there is also an additional foul sewer. The applicant will need to obtain a build over agreement from Thames Water for this asset, as well as any other sewer assets.
- 7.11.15 The Environment Agency's Surface Water map indicates that there is some surface water ponding across the site, which needs to be accounted for and managed within the surface water drainage strategy.
- 7.11.16 Additional information has been submitted by the applicant in response to the objection from the LLFA and this is currently being reviewed.
- 7.11.17 The Environment Agency has been consulted and their comments are awaited at this time.
- 7.11.18 Affinity Water have raised an objection to the application as they have concerns that the development has potential to impact adversely on the public water supply.

### ***Contaminated Land***

- 7.11.19 The application is accompanied by a Supplementary Site Investigation prepared by Tier Environmental Ltd (Report ref. TL117755511.1) which has been reviewed by Environmental Health Officers.
- 7.11.20 The Site Investigation has identified unacceptable risks to human health due to the presence of asbestos fibres and fragments in the underlying soils. No exceedances of relevant screening criteria for metals, metalloids, PAHs, TPHs and PCBs were identified.
- 7.11.21 The Environmental Health Officer has commented that whilst some outline remedial measures have been discussed in the report, a formal remediation strategy would be required and has provided guidance on the appropriate wording of any condition.

### **7.12 Refuse and Recycling**

- 7.12.1 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

- 7.12.2 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.
- 7.12.3 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.
- 7.12.4 The proposed development site is located north of the Safeguarded Area SA143 STW Maple Lodge. It should be noted that Maple Lodge Sewage Treatment Works is a permanent existing operational waste site which is safeguarded under HCC Waste Policy 5: Safeguarding of Sites, in the County Council's Waste Core Strategy and Development Management Policies document, adopted November 2012 as they contribute to a strategic network of waste management provision within the county. Proposals should not prejudice the site's use a sewage treatment works.
- 7.12.5 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 entirely within the sand and gravel Mineral Safeguarding Area within HCC's Proposed Submission Minerals Local Plan, January 2019.
- 7.12.6 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.
- 7.12.7 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.
- 7.13 Infrastructure Contributions
- 7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The Charging Schedule

sets out that the application site is within 'Area A' within which the charge per sq.m of non-residential development is £nil.

## **8 Recommendation**

- 8.1 Members should note that there is no recommendation for approval or refusal at this stage in the consideration of the application.
- 8.2 Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.