PLANNING COMMITTEE – 12 SEPTEMBER 2019

PART I – DELEGATED

PRELIMINARY REPORT

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

Parish: Abbots Langley
Expiry of Statutory Period: 26 July 2019
Extension agreed to 1 October 2019

Ward: Gade Valley
Case Officer: Adam Ralton

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.

NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.

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

1 Relevant Planning History

1.1 18/1474/EIAS: EIA Scoping Opinion request - Motorway Service Area on land south of Junction 20 of the M25 and west of the A41.

2 Description of Application Site

2.1 The application site is a parcel of land to the south of the roundabout forming Junction 20 of the M25. The site is between the southbound entry slip road to the M25 from junction 20, and the northbound carriageway of the A41 on its approach to junction 20. The land slopes up from east to west, with the submitted plans showing an elevational increase of up to 30 metres from the A41 to the highest point of the site. The site's topography was artificially created by previous development activity, with the site filled with spoil from previous M25 widening works.

2.2 The land comprises grassland field currently used for grazing. The land is split by a hedgerow and a group of trees into two sections. Hedgerows define the eastern boundary of the site with the A41. Hedgerows and vegetation, and a woodland known as Crabtree Dell form the western boundary. The southern boundary of the site runs east-to-west from Crabtree Dell across the field.

2.3 Land levels generally fall from west to east in this part of the Gade Valley toward the Grand Union Canal and River Gade. Beyond these land slopes up past the West Coast Mainline railway and up the other side of the valley to the settlement of Abbots Langley.

2.4 To the south of the site is Hunton Bridge which includes listed buildings such as St Pauls Church and its Lych Gate, and the junction between the A41 and Bridge Road/Langleybury Lane. To the west of the site beyond the M25 motorway is woodland and agricultural land,

with a public footpath (Kings Langley 001) crossing the land north of North Grove Wood, a wildlife site.

2.5 To the north/north-west of the site, beyond the M25, is Kings Langley village. The majority of this land to the north is within the administrative area of Dacorum Borough Council.

2.6 The site is designated within the Local Plan as being within the Metropolitan Green Belt and the Chilterns Landscape Area. The Hunton Bridge Conservation Area is south of the site. The land to the east of the site on the opposite side of the A41 is at a lower level and is within Flood Zone 3.

3 Description of Proposed Development

3.1 This application seeks outline planning permission for the construction of a Motorway Service Area (MSA) at the site. The MSA would comprise of the following components:

3.1.1 **Amenity Building** – Containing a mixture of retail and restaurant facilities, as well as public toilets, staff facilities and plant and storage facilities. The proposed amenity building would have a main public level with a gross internal floor area (GIFA) of approximately 4560 sqm, and a lower floor level for servicing and non-public facilities, with a GIFA of 1187 sqm. The lower-ground service area would be to the front, facilitated by the existing topography. The amenity building would be central within the site, aligned with the proposed new entrance roundabout.

3.1.2 **Fuel filling station** – Would be located to the north-east of the site, to the right of the site's exit as the final facility before leaving the facility. The filling station would include a 263sqm kiosk providing a sales and payment area, food and drink servery, toilets and staff facilities.

3.1.3 **Drive-thru coffee kiosk** – Would be to the north of the application site and comprise a 30 sqm single storey kiosk.

3.1.4 **80 bedroom lodge** - Would be to the north of the main amenity building. The submission states that the lodge operator would have access to 40 non-designated parking spaces in the main car park.

3.1.5 **Car parking** – A total of 750 car parking spaces (including 12 electric charging points and 36 disabled spaces), 94 HGV spaces, 21 caravan spaces, 19 coach spaces, 24 motorcycle spaces and one abnormal load parking area. In addition the fuel filling station would provide 6 parking spaces.

3.1.6 **Highway works** – Including the construction of a new roundabout on the A41, a new bus stop to the north of the site entrance, and alterations to the M25 J20/A41 roundabout junction, to increase the number of lanes at all approaches to this roundabout apart from the approach from Kings Langley (the A4251).

3.1.7 **Circulation roads** – Providing access from the new roundabout to the car parking areas, servicing area, and a loop through to the drive-thru coffee kiosk and fuel filling station.

3.1.8 **Green space and landscaping** – The submitted site layout plan indicates enhancements to the existing hedgerow alongside the A41 with new planting proposed as a result of the proposed new road layout. Soft landscaping is proposed throughout the site, including interspersed within the car parking area and around all buildings.

3.2 This application has been submitted in Outline with matters of Access and Layout submitted for approval, and matters of Appearance, Landscaping and Scale reserved for later consideration. However, the application includes Drawing PL070 Rev A which sets out the maximum scale parameters (i.e. height, width and depth) for the amenity building, lodge building, drive-thru coffee building and fuel filling station. Whilst scale is a reserved matter,

the submitted scale parameters are for consideration as part of this application. The submitted parameters are as follows:

- Amenity Building: 156m x 74m, 21m high.
- Lodge Building: 94m x 35m, 13m high.
- Coffee Drive-thru: 16m x 10m, 7m high
- Fuel filling station: 70m x 54.5m, 8m high.

3.3 The application is supported by the following documents which have been taken into account as part of this assessment:

- Environmental Statement
  - Volume 1 comprising main text with chapters covering the EIA Methodology, Proposed Development and Site Context, Construction, Traffic and Transport, Air Quality, Noise and Vibration, Socio-Economic Impact, Ecology, Ground conditions contamination and geotechnical, Archaeology and Cultural Heritage, Landscape and Visual Impacts, Water Resources Flood Risk and Drainage, Lighting Impact, Cumulative Impacts and Residual Impacts.
  - Volume 2 - technical appendices.
  - Volume 3 - non-technical summary.
- Planning Statement
- Alternative Sites Assessment
- Transport Assessment
- Travel Plan
- Energy and Sustainability Statement
- Statement of Community Engagement
- Socio-Economic Statement
- Landscaping and Public Realm Strategy
- Agricultural Land Assessment
- Design and Access Statement
- Construction Traffic Management Plan
- Business Case and Vision Statement
- Drainage Report
- Tree Survey and Arboricultural Impact Assessment

4 Consultation

4.1 Summary of Statutory Consultation:

Abbots Langley Parish Council	4.2.1	Objection
Affinity Water	4.2.2	Objection
Dacorum Borough Council	4.2.3	Objection
Environment Agency	4.2.4	Objection
Hertfordshire County Council – Archaeology	4.2.5	No objection
Hertfordshire County Council – Fire Protection	4.2.6	More info required
Hertfordshire County Council – Highway Authority	4.2.7	Objection
Hertfordshire County Council – Lead Local Flood Authority	4.2.8	No objection
Hertfordshire County Council – Minerals and Waste	4.2.9	No objection
Hertfordshire Constabulary	4.2.10	No objection
Herts and Middlesex Wildlife Trust	4.2.11	Objection
Herts Ecology	4.2.12	No objection
Highways Agency	4.2.13	More info required
Historic England	4.2.14	No comment

Kings Langley Parish Council	4.2.15	Objection
National Grid	4.2.16	No response received
Natural England	4.2.17	No objection
Sarratt Parish Council	4.2.18	Objection
Three Rivers District Council - Conservation Officer	4.2.19	No objection
Three Rivers District Council - Environmental Health	4.2.20	No objection
Three Rivers District Council - Landscape Officer	4.2.21	Objection
Thames Water	4.2.22	No Objection
Watford Borough Council	4.2.23	No response received

4.2 Statutory Consultation

4.2.1 Abbots Langley Parish Council: [Object]

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

- The applicant's Design and Access Statement describes the area thus; "Proposed MSA is located within an area of gently undulating landscape, comprising broad topped hills and shallow valleys." This is in complete contrast to the design proposals which depict stepped terracing on a steeply rising site. The height of the roof of the main building is some 26m off the height of the A41 access road, over a distance of roughly 120m. By the applicant's description, this is out of character and would be detrimental to the character of the area.
- Two of the key objectives of the Metropolitan Green Belt are to:
  - Check unrestricted sprawl of built up areas
  - To prevent neighbouring towns merging.
- Infilling the space between the two residential areas of Hunton Bridge and Kings Langley would be in direct opposition of these two principles. By example, the creation of the retail and business areas between Nash Mills and Apsley on the A4251, on what was an industrial landscape, which previously formed a strong character break, has now been lost by infill, meaning that detrimentally there is no longer a physical break between these two urban areas which are now essentially one continual region.
- As noted in the Hertfordshire County Council Highways objection, the proposals will bring additional traffic. This will increase exhaust pollution from extra cars and Lorries and this is a very real concern for the health of local residents. Given the valley location of the traffic, which has the potential to 'store' toxic fumes at a higher ratio than more open sites and the increase in traffic at 'rush hour', this could potentially raise pollutant levels to dangerous levels at a time, when we as a society, are actively encouraging young children to walk to school. This is particularly worrying as a number of schools and nurseries are within in close proximity to the proposed site and roads
- Whilst we accept the requirement for a managed lorry park, with facilities for drivers, the pollution from standing Lorries and refrigerated vehicles using the overnight parking within the sensitive valley area, will only act to maintain high levels of pollutants within this potentially 'trapping' locality.
- Levels of traffic on the current M25/J20/A41 junction are high, there are significant delays on all linked roads through the week. The proposal to increase lanes running into the junction from two to three will only serve to further clog an already congested and poorly designed junction.
- Overdevelopment of green belt will have an impact on surrounding areas. Proposed developments on the Dacorum side of the M25 will create a conurbation from Hunton Bridge through to Kings Langley and on into Aspley.
  The Local Plans being developed by both Three Rivers and Dacorum, with likely targets of at least 9000 and 11000 additional houses respectively, will have a significant impact

on the M25, A41, A4251 and local 'feeder' roads. For example, there are also potential sites for both employment and housing purposes to the south between the MOTO parcel and Hunton Bridge and to the north at Wayside Farm. The latter would potentially include up to 1800 houses. In Three Rivers there are sites included for potentially 2,500 houses over the next five to ten years in the Gade Valley corridor along the Grand Union Canal. This does not include the two large sites identified either side of the M25.
Whilst these additions are seen as separate sites within their own rights, we feel strongly that en-masse, the sites should all be taken into account as the 'accumulation' of developed sites within this valley run, must be a 'Material Consideration' in the deliberation and decision making on this application.

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

4.2.2 Affinity Water: [Object]

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

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

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

site then the appropriate monitoring and remediation methods will need to be undertaken.

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

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

4.2.3 Dacorum Borough Council: [Object]

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

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

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

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

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

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

For the above reasons the MSA is considered to constitute inappropriate development in the Green Belt. In such situations paragraph 144 of NPPF requires “Very Special

Circumstances" ("VSC") to be demonstrated to show the need for the MSA outweighs the potential harm by reason of inappropriateness and other harm.

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

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

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

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

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

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

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

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

4.2.4 Environment Agency: [Object]

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

EA Objection 1 – Insufficient information to determine risks to groundwater
We object to the planning application, as submitted, because the risks to groundwater from the proposed petrol filling station are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 170 of the National Planning Policy Framework (NPPF).

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

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

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

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

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

The applicant has not undertaken an assessment of risks associated with the development and has failed to demonstrate that above ground storage has been considered. The applicant has not provided sufficient information to show that below ground tanks are the most suitable fuel storage option for this site. Limited information has been provided to confirm the proximity of the fuel tanks in relation to the water table and/or details of mitigation measures (pollution prevention measures) that are to be incorporated into the installed tanks and pipework scheme.

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

1. A site specific risk assessment, quantifying risks to the water environment from the petrol filling station development. The risk assessment must consider the environmental site setting (the depth to water table is important), previous land-use history, conceptual site model following a pollutant linkage approach. The site specific risk assessment must also consider and demonstrate that the petrol filling station, from a groundwater protection point of view, is located appropriately within the development, adequately designed and fit for purpose with the right mitigation in place to protect the groundwater environment.
2. A feasibility study considering an options appraisal between above ground fuel tanks versus underground fuel tank solutions. The feasibility study to confirm and demonstrate that there is a need for the preferred option for the tanks to be underground; and that

above ground options are not possible at this location subject to the risk assessment to the water environment.
3. Full structural details of the tanks design and infrastructure, including details of excavation.
4. Details of fuel delivery pipework and containment.
5. Drainage details for the forecourt and drainage within the tanker off-loading area; how the surface water will be managed (surface water drainage details) and how the surface water will be isolated from the remainder of the site.
6. Information relating to the proposed leak detection system, its monitoring and maintenance.
7. Any groundwater monitoring and sampling schedule
8. A site specific staff training manual that explains to site staff specific environmental risks associated with the petrol filling station, and actions to be taken in the event of an incident."

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

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

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

Reason

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

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

Overcoming our objection

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

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

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

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

- The proposed development is located on a principal aquifer and within source protection zone 3 and approximately 250 meters to the public drinking water abstraction. We will

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

In order to assess the risks identified above, the following information will be required as part of this application and any subsequent permit application:
- Hydrogeological risk assessment based on the nature and quantity of the waste and the natural setting and properties of the location.
- A Waste Recovery Plan to demonstrate the proposed activity is a legitimate recovery of waste

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

Informative – Environmental Permit (Scope of controls for landfill and deposit for recovery)
The proposed landfill/deposit for recovery site will require a permit under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. We will consider the following areas of potential harm when assessing the permit:
- Management - evidence that the operator has an environmental management system, will install site security and be adequately financed. We will consider implications for multiple operator installations and how the operator will deal with accidents.
- Operations - evidence that the operator has considered the entire landfill life cycle, including the landfill design and its construction (landfill engineering), the day to day operation of the site (including how they will confirm they are only accepting wastes appropriate for this site) and how they plan to close the site and manage it to prevent pollution during the aftercare phase once waste disposal stops.
- Emissions and monitoring - evidence that the operator will manage permitted emissions to water, air and land to prevent or where that is not possible, reduce pollution. Evidence that the operator has procedures in place to manage the impact of odour, noise and pests, and that emissions from the site will be monitored to confirm that mitigation measures are effective.

To reduce the risks to people and the environment, and to obtain a permit, you should refer to our generic guidance on obtaining an environmental permit and specific landfill guidance. Further guidance and advice can be found in our guidance on risk assessment for your environmental permit.

Advice for applicant
Landfill - further information on permit application and compliance
New landfill developments must comply with the standards set out in: https://www.gov.uk/government/collections/technical-guidance-for-regulated-industry-sectors-environmental-permitting.

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

Water Resources
Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility

messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

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

Commercial/Industrial developments
We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption. We also recommend you contact your local planning authority for more information.
Pre Application Advice
We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNLSustainablePlaces@environment-agency.gov.uk.

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

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

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

4.2.5 Hertfordshire County Council – Archaeology: [No objections]

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

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

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

where no such data can be provided or such data is completely unintelligible, this needs to be explained in the report.

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

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

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

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

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

1. The archaeological field evaluation, via trial trenching of the proposed development site, prior to any development commencing;
2. Such appropriate mitigation measures indicated as necessary by this evaluation These may include:
    a. the preservation of any remains in situ, if warranted,
    b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,

c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
d. such other provisions as may be necessary to protect the archaeological interests of the site;

3. The revision of the geophysical report to meet recognised professional standards as discussed above;
4. Analysis of the results of the archaeological work with provisions for subsequent production of a report(s) and/or publication(s) of these results & an archive;
5. Such other provisions necessary to protect the archaeological interests of the site.

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

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

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)
C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

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

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

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

WATER SUPPLIES

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

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

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

ACCESS AND FACILITIES

1. Having examined the Vehicle Tracking Fire Engine drawing no 449008, access for fire fighting vehicles onto the site and around the proposed site appears to be adequate, however access requirements to specific buildings depends on footprint area and height and these should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16, paying particular attention to table 19. As this project is at planning stage we would expect further details regarding fire service access provision to specific buildings to be made available during the building control consultation phase for our comments.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.
3. The Vehicle Tracking Fire Engine drawing no 449008 appears to show fire service access roads that avoid excessive dead ends, however if the proposal creates any dead end access roads in excess of 20 metres in length, turning facilities should be provided. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

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

4.2.7 Hertfordshire County Council – Highway Authority: [Object]

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

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

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

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

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

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

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

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

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

Observations on site by HCC in June 2018 recorded significant queues on this junction approach (extending beyond the bus stop layby which is approximately 200m from Junction 20). Significant congestion is also recorded on Streetview/Traffic on this highway link. The Highway Authority is therefore not supportive of a proposal that will increase delays on this congested highway link.

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

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

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

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

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

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

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

Sustainable Travel Modes / Travel Plan
The details submitted include a Travel Plan document which will help to influence travel patterns to and from the site. This document and Drawing No. 1803-F01 Rev I identify the proposed addition of two bus stops close to the site. This addition is supported by the Highway Authority but it will require that any potential bus stops at the locations shown are provided with easy access kerbing and appropriate shelters.

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

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

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

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

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

The drainage strategy is based on a mixture of SuDS measures. The main car parking areas are proposed to be permeable paving with sub-base, which discharges to an attenuation basin, followed by swales and a further attenuation basin. The HGV and coach parking areas are drained through below ground storage and pipe connections into an attenuation basin. As LLFA we would not encourage the use of petrol interceptors due to the associated maintenance, and would prefer the use of additional filter drains/swales at detailed design stage.

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

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

The applicant has reported an average infiltration rate of 5.4 x 10-5 m/s. However, a number of infiltration tests have been undertaken throughout the site ranging from 10-6, 10-4, 10-4, 10-5 at trial pits 8, 10, 11, 12 respectively. A total storage of 5,548 m3 has been calculated to be required.

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

Condition 1
The development permitted by this planning permission shall be carried out in accordance with the approved Kings Langley Motorway Service Area, Drainage Strategy Report, dated 08/03/2019, Revision C, prepared by Furness Partnership and the SuDS Schematic, Drawing No. 21612/05, Revision B, dated 07.03.19, prepared by illman-young. The surface water drainage scheme should include:
1. Implementing the appropriate drainage strategy based on infiltration.
2. Providing a minimum attenuation volume of 5,548 m3 to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Undertake the drainage to include permeable paving with sub-base storage within the car park, bio-retention planters, swales and attenuation ponds. As well as below ground storage and pipe connections into an attenuation basin in the HGV/coach parking areas.
Reason: To reduce the risk of flooding to the proposed development and future occupants

Condition 2
Upon completion of the cut/fill works and prior to commencement of development works, updated infiltration and ground condition tests should be carried out to BRE Digest 365 standard. Results should be used to confirm the final design of the drainage for the scheme and submitted to the Local Planning Authority for approval. The scheme shall be based on the approved Kings Langley Motorway Service Area, Drainage Strategy Report, dated 08/03/2019, Revision C, prepared by Furness Partnership and the SuDS Schematic, Drawing No. 21612/05, Revision B, dated 07.03.19, prepared by illman-young. The scheme shall include:
1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing the pipe and SuDS network. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. All calculations/modelling and drain down times for all storage features. Calculations to include sensitivity checks for the 1 in 100 year + 40% for climate change event.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
4. Incorporate the use of permeable paving with sub-base storage, bio-retention planters, swales, attenuation ponds and below ground storage.
5. Details of final exceedance routes, including those for an event which exceeds the 1 in 100 year + climate change rainfall event.
Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

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

Condition 3
Upon completion of the drainage works for each site in accordance with the timing / phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

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

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

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

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

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

Waste
Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management

of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

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

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

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

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

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;
Policy 2: Waste Prevention and Reduction; &
Policy 12: Sustainable Design, Construction and Demolition.

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

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

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at http://www.smartwaste.co.uk/ or http://www.wrap.org.uk/category/sector/waste-management.

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

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction stages, whereby

building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

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

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

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

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

4.2.10 Hertfordshire Constabulary: [No objections]

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

An Officer of the Hertfordshire Constabulary had discussed the security issues at length with Roberts Limbrick Architects in a pre-application meeting.

4.2.11 Herts and Middlesex Wildlife Trust: [Object]

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

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

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:
d) minimising impacts on and providing net gains for biodiversity

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

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

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

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

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

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

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

'8.1 Making decisions based on adequate information
The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:
h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

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

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

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

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

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

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

These and other statements fail to conform with NPPF or BS 42020 because they are not measurable or definitive. The landscaping plans together with accurately measured

compensation areas, fully described habitat creation zones and fully funded establishment and management regimes have not been supplied. 'If the recommended ecological enhancement measures are incorporated into the scheme' is not a definitive indication of what will be provided, merely a concept of what could. To suggest that the scheme would have a permanent positive impact on local biodiversity is subjective and not supported by any 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 all statements of mitigation or compensation are not supported by any measurement or mapping or numbers. They cannot be left to an LEMP or CEMP because there is no indication of how big they will be, where they will go and what exactly what they will consist of. Only when this information is provided together with the BIAC calculation can it be known if the site is capable of achieving a measurable net gain to biodiversity, sufficient to condition the requirement for a CEMP or LEMP.

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

4.2.12 Herts Ecology: [No objections]

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

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

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

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

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

Hedgerows, Trees and woodland.

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

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

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

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

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

Option 3 appears to be the favoured option and I am pleased to see subsequent landscape details will include improved ecological buffers to the south-western boundary with Crabtree Dell.
Any tree planting near Crabtree Dell should comprise native species known to thrive in this woodland or in the vicinity.
Any retained trees, including their roots and overhanging branches, should be protected from harm during construction works.

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

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

Birds
A number of common bird species were recorded in September 2018, however none were of conservation concern or considered to be a constraint to the proposals.
However, the trees and shrubs may provide potential nesting opportunities for birds and consequently any significant tree/shrub works or removal should be undertaken outside the breeding bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Reptiles
No reptiles were found during specific surveys undertaken in September and October 2018 and consequently they are considered to be absent from the site. Consequently, reptiles should not be regarded a constraint to these development proposals.
Notwithstanding, a precautionary approach to vegetation clearance is recommended and details should be included within a Construction Environmental Management Plan and

(Landscape) Ecological Management Plan (CEMP and L/EMP) at the relevant planning stage (see last paragraph).

Badgers
Badgers are known to be in the area and measures need to be put in place to safeguard them from harm and prevent them from entering the site during any construction phases.
Details should be included within a CEMP and LEMP at the relevant planning stage (see last paragraph).
A badger walkover survey should be undertaken prior to commencement of vegetation clearance and construction phases; this should be secured by Condition of any consent granted:
"Prior to commencement of the development (including vegetation clearance and construction phases), a Badger walk-over survey of the site and 30m of adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist to check for badger activity. If badgers will be impacted on by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority for approval. A licence may be required from Natural England to proceed lawfully."
Reason: To ensure badgers are protected from harm during construction in accordance with national legislation."

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

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

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

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

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

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

Site Access

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

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

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

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

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

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

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

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

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

- The TA does not include committed development traffic, although background traffic growth is applied by using TEMPRo. Please confirm if the applicant has agreed with Three Rivers Council that there are no committed developments to take account of.

Development trip generation and distribution / assignment

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

In response, we have the following comments:

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

Junction Models

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

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

Base_Aug 18 (with validation adjustment)

Network Layout

Network layout represents the existing junction layout.

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

Signal Information

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

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

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

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

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

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

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

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

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

4.2.14 Historic England: [No comment]

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

4.2.15 Kings Langley Parish Council: [Objection]

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

"On-line (between junctions) service areas are considered to be more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions."

The traffic mitigation measures proposed would be:

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

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

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

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

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

3. Increased and unacceptable noise, air and light pollution

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

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

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

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

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

4.2.16 National Grid: [No response received]

4.2.17 Natural England: [No objection]

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

4.2.18 Sarratt Parish Council: [Object]

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

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

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

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

Hunton Bridge Conservation Area is described within the area's appraisal document as featuring a variety of buildings from different time periods, a number of which are listed and feature traditional building methods and materials. The variety in the built form of the area allows for openings and green spaces within the more urbanised sections of the development, with differing roof forms providing views which open out onto the countryside beyond. Extensive tree cover largely shields the conservation area from the incongruous appearance of the A41 Watford Road to the west and West Coast Railway Line to the east of the conservation area, whilst enhancing the green, rural character of the area. A large part of the area's significance derives from the buildings within it and the historic development of the settlement, with the building stock referencing key points in Hunton Bridge's history, such as the opening of the Grand Union Canal in the nineteenth century. Additionally, the conservation area has a strong link to the surrounding agrarian landscape, due to Hunton Bridge's residents' historic dependency upon the land for their livelihood.
The Church of St Paul's II* grading highlights that it is deemed to be of high architectural and cultural significance. A prominent marker of the settlement, its spire can be seen across Hunton Bridge and the surrounding landscape. The intersection of the A41 and Langleybury Lane has, nevertheless, divorced the church slightly from the rest of the village, which the church is located to the east of. This has had an impact upon the setting of the church, detaching it from the remainder of the village and placing it within a distinct 'island' of land. This isolation is both a positive and negative contributor to the significance of the church, its location placing it in a distinct position which dominates the approach into the conservation area from the north and the west, whilst also linking the church's setting more closely to the open landscape, rather than the core of the settlement. Within the church grounds are three separately listed structures, which are all listed as grade II. These are the Lych Gate (list entry no: 1173180), Loyd Memorial Cross (list entry no: 1348206) and Langleybury War Memorial (list entry no: 1436884). All three contribute positively to the historic and cultural significance of the church and the conservation area, as well as having a strong group value.

As a result of the proposals, the impact upon the conservation area will be minimal due to the distance between the development and the conservation area boundary. A large contributor to the significance of the conservation area is found within its boundary and is

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

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

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

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

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

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

The Construction Traffic Management Plan shows that the proposed route for construction vehicles will avoid the Kings Langley AQMA. The Framework CEMP has estimated the number of vehicle movements during the busiest phases of the development. The CEMP

will include predicated vehicle numbers throughout all phases of the works, traffic management controls and appropriate routes for construction traffic.

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

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

I would suggest informatives relating to the following:

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

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

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

Significant thicknesses of made ground have been identified. Two rounds of ground gas monitoring have been undertaken, elevated concentrations of CH4 and CO2 have been recorded. No elevated concentrations of contaminants of concern were identified in the site soils. ACM was not encountered. Elevated PAHs and TPHs were identified in the groundwater.

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

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

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

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

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

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

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

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

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

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

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

W1 ‘Crabtree Dell’ should also be retained without damage.

It is crucial overall that of the trees to be retained that the full RPA of all category A and B trees should be retained and level changes within the RPA are not permitted. While I appreciate that to retain these trees within any development proposal may require an amount of redesign; however if the significance of the important trees had been identified at the outset and allowed to inform the design process, the trees could have easily been taken into account. BS5837:2012 does at 4.4.1.1 ‘A tree survey should be undertaken by an arboriculturalist to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline date) to inform feasibility studies and design options. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development’.

The outline application identifies appearance, landscaping and scale to be reserved. My main concern with the proposal is the layout as it relates to the retention of trees on the site. The proposed layout will mean that trees significant to public amenity will be destroyed and

as a result of this I have no choice but to object to the proposed scheme on the detrimental impact it will have on trees important to the character and amenity of the area.

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

4.2.22 Thames Water: [No objection]

With regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

4.2.23 Watford Borough Council: [No response received]

4.3 Public/Neighbour Consultation

4.3.1 The Development Management Procedure Order (2015, as amended) requires applications accompanied by an Environmental Impact Assessment to be publicised by site notice and notice in the local newspaper. Nine site notices have been displayed in various locations on the A41, Bridge Road, Langleybury Lane and Watford Road. Notices have also been published in the Watford Observer. In addition to this statutory requirement, the LPA has written to 313 neighbouring properties considered closest to the site or with the most apparent views of the site.

4.3.2 No. of responses received: Approximately 1408 responses have been received, comprising 1395 objections, 8 representations and 1 letter of support. The LPA is also aware of the existence of two petitions against the MSA. However, these have not been submitted to the LPA for its consideration.

4.3.3 Site Notice: Original site notices displayed 11 April 2019 (expired 14 May 2019). Amended site notices displayed 24 May 2019 (expired 24 June 2019)

4.3.4 Press Notice: Original notices published 19 April 2019 (expired 21 May 2019). Amended notice published 24 May 2019 (expired 24 June 2019)

4.3.5 Summary of letter of support:

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

4.3.6 Summary of Objections:

IMPACT ON GREEN BELT AND LOCALITY

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

HIGHWAYS IMPACTS

- As existing the roads are congested and this will add to the problem. Traffic is at a stand-still twice a day already, from 6:30 to 9:30 and from 15:30 to 18:30.
- Proposal will increase traffic flow past the conservation area, park, primary school, cricket ground and listed church.
- A41 serves the only local acute hospital and the traffic delays would place people at risk.
- Service Areas should be built to be accessed via the motorway, not via an already busy and congested A-road.
- There is no direct access from the M25 so all traffic will have to come off the M25 onto the A41. It should have direct access from the M25.
- Proposal would result in queues back onto the M25 which would be dangerous.
- Additional traffic will cause more accidents.
- Proposed roundabout will cause chaos for local residents.
- Will cause inconvenience for pedestrians and danger to cyclists.
- Proposal will exacerbate existing traffic problems in Kings Langley village.
- Extra 10,000 vehicles would cause gridlock.
- Building works will cause traffic congestion and major disruption to a busy road.
- Government Circular states on-line service areas are more accessible and will be preference.
- Road closures on the M1 and A41 cause frequent additional queues.
- Traffic Assessment does not take into account the local plans for an additional 20,000 houses and impact on local traffic and feeder roads.
- Traffic mitigation measures cannot be provided and would not be effective.

NEED

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

ECONOMIC IMPACTS

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

ENVIRONMENTAL IMPACTS

- Proposal will add to noise levels, poor quality of the air, and light pollution.
- There is no demand for the proposal.
- Additional air pollution will impact local school and school children.
- Wildlife and biodiversity are already stretched and this will further destroy what little habitat remains.
- Will be visible from neighbouring properties.
- Detritus from oil, petrol, sewage could affect nearby boreholes which provide drinking water.

- Lorry park will be close to the school.
- Will be too close to the Canal.
- Concern regarding loss of trees.
- Proposal will have a detrimental impact on listed buildings.
- There are no environmental benefits, only inadequate mitigations.
- Manufacturers are stopping combustion engine manufacture so long term use for the site will be over in 10-15 years.
- Proposal will have adverse impact on property prices.
- Should build a hospital, not a service station.
- There are other more suitable sites for this development which are further from villages and residential property.
- Should encourage more walking and less driving, and encourage healthy lifestyles.
- Proposal will increase risk of crime.
- Increased flood risk.
- Additional pressure on drainage infrastructure.
- Would be better to have a school or houses.
- Will result in increase in litter

4.3.7 Responses were also received from the following organisations (responses generally summarised):

4.3.7.1 Kings Langley and District Residents Association:

Lack of well informed assessments of traffic make the proposal unviable. Traffic in the area is frequently at a standstill. Existing plans for new housing and jobs are not considered.
Proposal will increase pollution – air pollution, light pollution and impact on the principal aquifer.
Proposal lacks detail of how wildlife habitats would be protected.
Proposal will be visually intrusive and have a greater impact on the openness of the Green Belt than the existing development.

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

4.3.7.3 Mrs Anne Main MP has written setting out her constituents concerns in respect of the loss of Green Belt, the impact on traffic flow, and the additional pollution.

4.3.7.4 Richard Harrington MP has written setting out his constituents concerns regarding the excess noise and pollution that South Mimms sufficiently caters for the M25 that the A41 is already regularly gridlocked, and that development of the Green Belt is of concern. He comments that it is appreciated that the proposal will bring investment to the local economy and a significant number of employment opportunities, this should not be at the expense of local residents.

4.3.7.5 Campaign to Protect Rural England Hertfordshire – objection due to inappropriate development with no strong and compelling case of very special circumstances.

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

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

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

4.3.7.7 Chipperfield Parish Council:

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

1. 'Right need, wrong location' - It is generally acknowledged that MSA provision is lacking for the north-west quadrant of the M25. DoT Circular 02/2013 refers to the Highways Agency recommendation that the maximum distance between MSA's should be 28 miles and/or travel time of 30 mins. Neither of these are currently achieved on this quadrant of the M25 nor will these be achieved under the subject application.
Examples:
M4 Eastbound onto M25 Clockwise: Reading MSA to South Mimms MSA = 54 miles
This reduces to 44 miles to M25 J20
M3 Eastbound onto M25 clockwise:Fleet MSA to South Mimms MSA = 50 miles
This reduces to 40 miles to M25 J20
M25 clockwise: Cobham MSA to South Mimms MSA = 44 miles
This reduces to 34 miles to M25 J20
Based on typical average speeds on these 3 routes a travel time of 30 mins is unrealistic.

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

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

2. Interaction with the strategic road network - The same DoT circular discusses the responsibility for the Highways Agency and Planning Authorities to work together to ensure that proposals support a pattern of development that minimises trip generation at source thus reducing potential for creating congestion on the strategic road network. This proposal will have a significant negative impact on the A41 both southbound and northbound. Already, at morning peak time the A41 has queuing traffic reaching towards Hemel Hempstead and at the evening peak queuing traffic back to Hunton Bridge.
Conclusion – the proposed scheme will be contrary to the principles articulated in the circular.
3. On-line vs off- junction MSA's - The DOT circular states "On-line (between junctions) service areas are considered to be more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions." An additional point to make is that off-junction MSA's are single sites for both carriageways whereas on-line MSA's have separate facilities for each carriageway which means that a single-entry point to an off-junction MSA is carrying double the traffic of an equivalent on-line junction MSA.

Anecdotally, it is generally accepted that egress from a motorway to an off-junction MSA and subsequent re-joining is significantly slower than is the case with an on-lane MSA and is often two times longer causing an increase in local pollution from queuing and stationary traffic.

4. Unintended consequences

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

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

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

4.3.7.8 The Chiltern Society:

Highways England recommend a maximum spacing of 28 miles. There is only space for one new service area between South Mimms and Cobham, and this site is only 10 miles from South Mimms, so Junction 16/17 would be preferable.
The site is at a major road junction which is already over congested.
The environment agency raised concerns about the site being in a source protection zone.
It seems inevitable that some Green Belt land will be needed for a Motorway Service Area but efforts should be made to avoid having two new service areas.

5 Reason for Delay

5.1 The application has been extended beyond its original statutory determination period in order to enable the applicant to work with those statutory consultees who have raised objections, to address their objections.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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”.

6.2 The Three Rivers Local Development 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 CP1 (Overarching Policy on Sustainable Development), CP6 (Employment and Economic Development), CP7 (Town Centres and Shopping), CP8 (Infrastructure and Planning Obligations), CP9 (Green Infrastructure), CP10 (Transport and Travel), CP11 (Green Belt) and CP12 (Design of Development).

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

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA4 is relevant.

6.3 Other

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

Hunton Bridge Conservation Area Appraisal (July 2008)

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

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

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

7 Planning Analysis

7.1 Principle of Development

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

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

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

7.1.4 Paragraph 143 states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Para 144 states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

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

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

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

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

7.1.7 As part of the full assessment, it will be necessary to assess and conclude whether the proposed development represents appropriate development in the Green Belt.

7.2 Impact on the character and appearance of the street scene and locality

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

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

7.2.3 The site is within the Chilterns Landscape Area as identified in the Local Plan and by Hertfordshire County Council's Landscape Character Assessment. Policy DM7 requires development proposals to make a positive contribution to the surrounding landscape. It notes that proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The policy also states that the council will support proposals that: contribute to the delivery of Green Infrastructure.

7.3 Impact of proposal on heritage assets

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

7.3.2 DMP Policy DM3 refers to the historic built environment and notes that when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

7.3.3 The Environmental Statement includes a chapter in respect of Archaeology and Cultural Heritage which assesses the potential effects of the proposed development on the historic environment.

7.3.4 Impact on the setting of the Hunton Bridge Conservation Area

7.3.5 The Hunton Bridge Conservation Area was designated in 1984, and the conservation area appraisal published in 2008. The original settlement is thought to have originated from early coaching routes and the crossing of the River Gade. The appraisal notes that the conservation area is effectively split by the A41 dual carriageway and the canal, which

separate the main core of the settlement from the church and vicarage which are sited in more open rural landscape. The appraisal notes that the spire of the church is visible from many parts of the core of the settlement and provides a landmark to views from the east to the west. The conservation area boundary is approximately 120m from the closest part of the application site. That south-eastern part of the application site is propose to comprise woodland.

7.3.6 DM Policy DM3 states that "permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area".

7.3.7 The submitted Heritage Statement confirms that the southern part of the site can be seen from the church yard of the church of St Paul which is a key part of the conservation area. During construction, associated activities would be visible for a number of months and whilst this would not affect the character of the conservation area itself, the wider rural setting as experienced from the church yard would be changed.

7.3.8 The statement states that the approach to the conservation area from the north would not materially change with a clear visual gap between the proposed development and the conservation area. It concludes that the effect of construction activity on the setting of the conservation area would be less than substantial, with a minor adverse magnitude of effect.

7.3.9 During operation of a MSA, the statement notes that the development would be well screened from the church yard, and the approach to the conservation area from the north would not materially change, and therefore with the proposed landscaping the proposed MSA would result in no harm to the significance of the conservation area.

7.3.10 <u>Impact on the setting of the adjacent Listed Buildings</u>

7.3.11 There are a number of listed buildings in the vicinity of the application site. To the south of the site, at the junction of the A41 with Langleybury Lane, is the Grade II* listed Church of St Paul, and the Grade II Listed Lych Gate, Loyd Memorial Cross, and Langleybury War Memorial. On the opposite side of the A41 from the Church of St Paul is the Grade II Listed Old School House. To the east of the application site, adjacent to the Grand Union Canal, are the Grade II Listed North Grove Lock House and North Grove Lock. DM Policy DM3 states that the Council will preserve the District's Listed Buildings.

7.3.12 The submitted statement explains that during construction the rural backdrop to North Grove Lock and Lock House would change, with construction activity visible over several months, albeit separated by rural fields and screening in the intervening landscape. It explains that the setting of the Lock and Lock House is focussed on the canal tow path and the group value of the heritage assets would be unaffected. It concludes that whilst the proposed development would result in a modest degree in loss of the wider setting of some of the rural landscape, overall the harm would be less than substantial.

7.3.13 In respect of the impact of the Church of St Paul, the statement confirms that construction activity would be visible in incidental long views of the church spire from the canal tow path, but the proposed development would not block any existing views of the spire and the immediate setting and all other key elements of the church's significance would be unaffected. Following construction, the proposed development would be screened from views from St Paul's Churchyard due to the proposed soft landscaping. There would be a small change to the wider setting of the church but the Statement concludes this would result in no harm and therefore neutral impacts.

7.3.14 The Statement notes that the proposed soft landscape screening would be consistent with the existing views of the site from the Lych Gate, Memorial Cross and War Memorial such that the operational development would not harm the setting or significance of these assets.

7.3.15 Impact on Archaeology

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

7.4 Highways Impacts

7.4.1 Core Strategy Policy CP10 relates to Traffic and Travel, and states that Development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development, either on-site as part of the development or through contributions to off-site provision as appropriate. Provision for interchange and access by public transport, walking and cycling will be regarded as particularly important. The policy explains that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Clearly the development subject of this application is specifically designed to cater for travel by motor vehicle.

7.4.2 CP10 states that Development will need to demonstrate that it provides a safe and adequate means of access, is appropriate in scale to the existing transport infrastructure and where necessary infrastructure can be improved. It is necessary for the impact of the proposal on transport to be fully assessed through a comprehensive Transport Assessment.

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

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

7.4.4 Footnote 42 explains:

> *Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).*

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

> *a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
> *b) safe and suitable access to the site can be achieved for all users; and*
> *c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

7.4.6 Paragraph 109 states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.4.7 This application includes a number of highways works and as explained above, whilst the application is submitted in Outline form, matters of layout and access are for full consideration as part of the application. The impact of the proposed highway works are to

be assessed by Hertfordshire County Council as the Local Highway Authority, and Highways England as the Highway Authority for the strategic road network.

7.4.8 The application proposes the construction of a new roundabout. This would be constructed approximately 300m south of the existing M25 J20 roundabout, and approximately 100m south of the pair of metal gates giving access to the fields opposite the application site (ie to the east of the A41). The proposed roundabout would have two approach lanes and two exit lanes, enabling traffic to continue straight along the M25 or turn into the proposed MSA. Vehicular circulation within the MSA would be via a one-way system which directs drivers south, before turning west and driving into the site to access the various parking areas. The internal loop road continues north past the main amenity building before looping round the northern end of the site and passing the drive-thru coffee kiosk and fuel filling station.

7.4.9 The application also proposes works to the M25 J20 / A41 roundabout. These works would involve amendments to the physical kerb line to provide additional lanes on both approaches to this junction from the M25 and both approaches from the A41. An additional lane would also be created on the northern circulatory carriageway to the J20 roundabout.

7.4.10 The applicant has submitted a Transport Assessment to detail the highways impacts of the proposed development. This explains how the design of the highways works has been reached, and also explains how the number of 'turn-ins' to the MSA has been predicted, based on traffic flows and data from Cobham MSA. It is estimated that 6% of passing traffic may turn into the MSA during week day peak period, and 8% on the Saturday peak. The assessment takes into account local trips to the MSA as well as those directly from the M25.

7.4.11 The application has also been accompanied by a Travel Plan which explains that public transport use will be encourage through implementing bus stops on the A41, encouraging improved bus services on the A41, and by providing details of promotions and potential discounted tickets for local bus operators.

7.4.12 The Transport Assessment has been reviewed by Highways England and Hertfordshire County Highways, with their initial consultation responses above at 4.1.13 and 4.1.7 respectively.

7.4.13 The applicant is in the process of preparing additional information, including survey work and further modelling of highways impacts, to address the highway objections. Once completed, these would be subject of Road Safety Audits before being forwarded to Highways England and Hertfordshire County Highways to review.

7.4.14 The application has been accompanied by a draft travel plan which seeks to encourage sustainable travel. It suggests measures including appointing a Travel Plan Coordinator. Travel information would be distributed to staff regarding the travel plan, care sharing schemes and alternative modes of transport to get to the site. New bus stops are proposed on the A41.

7.4.15 A construction traffic management plan has also been submitted which seeks to outline the management of traffic during the construction period and provide a strategy that aims to minimise disruption to local residents. This would be reviewed by the Highway Authority.

7.5 Vehicle Parking

7.5.1 Development Management Policy DM13 requires development to make provision for parking in accordance with the parking standards and zone based reductions set out in Appendix 5. Appendix 5 sets out parking standards for retail and food stores, non-food retail, restaurants and cafes, and hot food takeaways. These set parking standards based on the gross floor area of the building, or the floor space of the dining area. The development subject of this application is specifically designed for the parking of motor vehicles and a large part is set aside for car parking.

7.5.2 The Council's parking standards do not have a specific requirement for MSA car parking. As previously noted, this application includes an amenity building and fuel filling station which include both retail elements and café/hot food takeaway uses. Whilst acknowledging the proposal is submitted in outline, with the final internal layouts subject to future detailing, the submitted illustrative plans show the following floor areas to be proposed:

Retail: 635sqm retail/public floor area (Retail and small food shops up to 500sqm require 1 space per 30sqm gross floor area) requires at least 22 car parking spaces.

Hot food takeaway: Dining area of 122sqm (Standard for Roadside restaurants is 1 space per 5sqm of floor space of dining area plus 3 spaces per 4 employees) requires at least 25 parking spaces just for customers.

Fuel filling station: 127sqm (Parking standard requires 3 spaces per 4 employees plus 3 waiting spaces per bay or run into row of bays. Retail and small food shops up to 500sqm require 1 space per 30sqm gross floor area) Requires at least 5 car parking spaces for customers.

7.5.3 The on-site parking provision is 750 car parking spaces, in addition to 94 HGV parking spaces, 21 caravan parking spaces, 19 coach parking spaces, 24 motorcycle parking spaces, 16 car parking spaces at the fuel filling station and 1 abnormal load parking area.

7.5.4 In respect of car parking, the applicant's Transport Assessment makes reference to 'Parking requirements at motorway service areas' contained within the DfT Circular. The circular suggests that parking requirements should be based on the number of vehicles flowing through the area per day. The circular uses this number to calculate the number of parking spaces required for cars, HGVs, abnormal loads, coaches, caravans, motorcycles, spaces for lodges and disabled spaces. The Transport Assessment shows that the proposed parking provision exceeds the minimum parking requirements required by the Circular and states that this has been agreed with Highways England. Highways England's consultation response can be seen at 4.1.13 above where additional information is requested regarding the impacts of the proposal on the M25.

7.6 Impact on amenity of neighbouring occupiers

7.6.1 The application site is approximately 130 metres from the nearest neighbouring properties to the north (North Grove Cottages) and over 100 metres from the nearest neighbouring property to the south (The Old Vicarage).

7.6.2 The site is also elevated above the A41 and is clearly visible from the opposite side of the Gade Valley. It will be necessary to assess whether the proposed development would have any adverse impacts on the amenities of neighbours, either in terms of the visual impacts of the development or the impacts from any air, noise or light pollution.

7.7 Pollution – Air Quality

7.7.1 Policy DM9 sets out that development will not be permitted where it would have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area.

7.7.2 The Environmental Statement includes an Air Quality chapter. This confirms that the greatest potential for adverse impacts on air quality from construction traffic will be in the areas immediately adjacent to the principal means of access for construction traffic. A maximum of 100 heavy construction vehicles per day are expected during the busiest phase of development (soil removal) which is considered by the report to be relatively small in comparison to the existing traffic flows along the construction route.

7.7.3 In relation to impacts on the closest receptors (North Grove Cottages, The Old Vicarage and St Paul's C of E School), the report notes that the operation of the development is predicted to increase NO2 concentrations, but to an amount well below AQS objective levels.

7.8 Pollution – Noise and vibration

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

7.8.2 The Environmental Statement includes a chapter on Noise and Vibration.

7.9 Pollution – Light

7.9.1 Policy DM9 sets out that development proposals which include external lighting should ensure that proposed lighting schemes are the minimum required for public safety and security, that there is no unacceptable impact on neighbouring or nearby properties or the surrounding countryside or wildlife.

7.9.2 Chapter 13 of the Environmental Statement reviews the lighting impact of the proposed development and concludes that the lighting methods suggested would reduce light spill over the site boundary into neighbouring areas, and minimise sky glow. The impact of lighting is also considered within the Landscape and Visual Impact Assessment at Chapter 11 of the Environmental Statement.

7.10 Pollution – Land Contamination

7.10.1 Policy DM9 states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land, and there will be no adverse impact on the quality of local ground water or surface water quality.

7.10.2 Chapter 9 of the Environmental Statement discusses Ground Conditions, Contamination and Geotechnical. The summary confirms that whilst the land is presently used for grazing, it has formerly been utilised for chalk mining in the south and landfill in the north. It is thought that the application site received predominantly non-hazardous, inert, asbestos cement and excavation/demolition material.

7.10.3 The Environmental Health Officer has commented that a condition would be required to secure further investigatory works to be undertaken, and a remediation strategy and verification plan.

7.11 Impact on Wildlife, Biodiversity and Agricultural Land

7.11.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.11.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.11.3 Chapter 8 of the submitted Environmental Statement is an Ecology report, with that chapter assessing the likely significant ecological effects of the construction and operational phases of the proposal. It is informed by a preliminary ecological appraisal, reptile survey report and bird survey report.

7.11.4 In 2016 bat surveys found bat activity in the southern part of the site, with low levels of use to the north. On-site habitats were found to form part of an important resource for local bat populations. A number of trees were found to be capable of providing opportunities for roosting bats.

7.11.5 A reptile survey found that the off-site balancing pond is unsuitable for Great Crested Newt due to the lack of standing water. A bird walkover survey recorded 19 species, and noted that habitats on the site are common so only of local value.

7.11.6 The submission makes reference to ecological mitigation measures being proposed which include replacement soft landscaping to include native trees and scrub, including fruit-bearing trees, the installation of bird and bat boxes on trees and buildings, and lighting being directed away from site boundary vegetation.

7.11.7 Herts and Middlesex Wildlife Trust have objected to the proposal, in part due to a lack of detail. The LPA considers that given the level of detail provided to date, and that this application has been submitted in outline form, that sufficient information has been provided to enable an assessment to be made. Herts Ecology have raised no objections, subject to conditions.

7.11.8 In respect of the potential impact of the proposal on Agricultural Land, the applicant has submitted an Agricultural Land Assessment. This demonstrates that the majority of the application site comprises Grade 4 Agricultural Land (defined as being poor quality with severe limitations which significantly restrict the range of crops), with the southern part Grade 3B (defined as being moderate quality, capable of producing moderate yields of a narrow range of crops). The assessment involved a survey being undertaken, with a total of 14 observations taken from pits. The assessment concludes that the site is limited considerably by its elevation profile and stoniness. The majority of the site is considered to be Made Ground, following considerable historic earthworks.

7.12 Impact on trees and landscaping

7.12.1 As previously noted, this application is submitted in outline with landscaping a reserved matter. Nevertheless, the application has been submitted with illustrative landscaping details, and layout is a matter for consideration, which requires consideration to be given to the impact on existing trees and hedgerows.

7.12.2 Development Management Policy DM6 notes that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible. It also notes that planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees, and hedgerows unless conditions can be imposed to secure their protection. It states that where the felling of a tree or hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required.

7.12.3 As existing, the application site is split into two fields, with the split delineated by a row of trees and hedgerow. This central band contains 16 individual trees, running west to east, and contains mature species of varying quality. There are also hedgerows and trees around the boundary of the site with the A41. On 7 August 2019 a Tree Preservation Order (TPO) was made on land forming part of and land adjacent to the application site. This TPO applies to 12 individual trees within the central belt referred to above, to three groups of trees to the

south of the application site in the adjacent field, and to an area of trees along the boundary between the application site and the A41 (extending south from the location of the proposed roundabout down to the existing layby on the northbound carriageway of the A41). The existing woodland at Crabtree dell (to the west of the application site and adjacent to the M25) is protected by a Woodland TPO

7.12.4 The application includes the removal of 13 trees and hedgerow from the central belt and much of the existing vegetation within the eastern boundary with the A41. These are now subject of the abovementioned TPO. The woodland to the west of the site and groups of trees to the south are not part of the application site. It is necessary to assess as part of the current application whether the loss of the protected trees can be justified.

7.12.5 The application illustrates the potential for substantial replacement planting, including trees being incorporated into the development and car parking areas, and woodland and hedgerow areas around the site's perimeter being widened. This would be considered as part of a landscaping reserved matter (a formal application which would be submitted following any grant of outline planning permission and prior to any development taking place).

7.13 Energy Use

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

7.13.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.13.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.13.4 The application is accompanied by an Energy and Sustainability Statement. This sets out how the proposed development will be designed using the Energy Hierarchy and will deliver low carbon dioxide emissions. Passive energy efficient design measures could be supplemented by air source heat pumps. As this application does not seek approval for the appearance of the proposed building, it is anticipated that any future Reserved Matters submission would provide full details of the energy efficiency of the proposed buildings and demonstrate their ability to comply with Policy DM4.

7.14 Flood Risk and Drainage

7.14.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

7.14.2 The application has been accompanied by a Drainage Strategy Report. In addition, Chapter 12 of the Environmental Assessment assesses Water Resource, Flood Risk and Drainage implications of the proposal.

7.14.3 The application site is located within Flood Risk Zone 1 (ie lowest risk of fluvial flooding). The application details that water from the site will be drained via soakaways. Sub-base storage will be provided within the car park, along with bio-retention planters, swales and attenuation ponds to store storm water in the 1 in 100 year (plus 25% climate change) storm event. The SuDS features would also treat contaminants in the stored water.

7.14.4 Foul drainage will be routed into the existing main trunk sewer to the south of the site and Thames Water have confirmed the network has sufficient capacity to accommodate the site's foul drainage.

7.15 Refuse and Recycling

7.15.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.15.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

7.15.3 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. As a minimum the waste types should be defined as inert, non-hazardous and hazardous. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste during construction, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

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

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

Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

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

7.16 Infrastructure Contributions

7.16.1 At the time of writing, there are no financial contributions sought by consultees for works to infrastructure.

7.17 Referral to Secretary of State

7.17.1 The Town and Country Planning (Consultation) (England) Direction 2009 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include developments that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt.

7.18 Very Special Circumstances and Planning Balance

7.18.1 In the event it is considered that the proposed development represents inappropriate development in the Green Belt, it is necessary to ascertain whether there are any very special circumstances which outweigh the harm caused to the Green Belt and any other harm which may be identified. In addition to the details summarised above, the applicant has submitted a case for very special circumstances within their Planning Statement which should be considered. They key points from that case are summarised below:

- Scheme is supported by Department for Transport Circular 02/2013 which states amongst other things “Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for travelling public to stop and take a break in the course of their journey”.
- That there is a need for a MSA along this section of the M25, and an Alternative Sites Assessment has been submitted to demonstrate that this is the best location.
- The scheme has safety and welfare benefits.
- The scale of the proposal is appropriate to serve the M25.
- The scheme would provide employment and economic benefits.

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.