

	CB/23/00584/FULL
LOCATION	Chaul End Reservoir, Chaul End Road, Caddington, LU1 4AX
PROPOSAL	Construction of water storage asset and all associated works
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllr Kevin Collins Cllr Vicky Malone
CASE OFFICER	Fenella Hackney
DATE REGISTERED	21/02/23
EXPIRY DATE	23/05/23
APPLICANT	Affinity Water Ltd.
AGENT	Dalcour Maclaren
REASON FOR COMMITTEE TO DETERMINE	The application is a major application which has been advertised as a departure from the development plan due to its siting within the Green Belt
RECOMMENDED DECISION	Full Application – Recommended for Approval

Summary of Recommendation:

Planning permission is sought for the construction of a 20.75 megalitre reservoir on land adjacent to an existing 21.1 megalitre reservoir operated by the applicant - Affinity Water - doubling the water storage capacity at the Chaul End site.

The site lies within the Green Belt wherein restrictive planning policies apply. The site is also bounded by Badgerdell Wood County Wildlife Site (CWS) and lies within the Caddington - Slip End Dipslope landscape character area (11B of the Central Bedfordshire Landscape Character Assessment - LCA).

The construction of the additional reservoir is required to enable Affinity Water to ensure long-term water supply resilience to meet the needs of customers. Affinity Water's Water Resilience Management Plan (WRMP) indicates various supply-side pressures arising from an increasing population, commitments to reduce groundwater abstraction, and climate change. Constructing the new reservoir will allow for increased ability to store and move water around the region.

The proposed location for the reservoir has been chosen as it is ideally located to receive treated water from the existing network and would be located adjacent to the existing 21.1 megalitre service reservoir so that the system can be hydraulically balanced. It would also be situated in an elevated position so that water supplied can be distributed by gravity and is near to areas of water deficit to ensure supplies are distributed efficiently and economically to consumers.

Against these positive considerations, the harmful impacts of the development must be weighed. The proposal amounts to inappropriate development that, by definition, would harm the Green Belt. The proposal would also result in harm to the openness of the Green Belt and would conflict with one of the five purposes of including land within the Green Belt (safeguarding the countryside from encroachment). Substantial weight is accorded to this harm.

The proposed development would also result in moderate harm to the character and appearance of the area by virtue the reservoir's scale, size, and design, which would appear as an engineered and manmade structure which is not characteristic to the rural landscape. However, it is considered that it is possible to mitigate against this harm by requiring the implementation of a robust landscaping scheme which would allow the development to assimilate into its surroundings.

Other matters relating to loss of trees, impact to wildlife, impact to the safety and amenity of users of the rights of way network, impact to neighbouring residential amenity, and impact to the highway from construction traffic, can also be satisfactorily mitigated against by the imposition of conditions.

The NPPF requires that substantial weight be given to any harm to the Green Belt and Very Special Circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, it is the Officer's conclusion that the substantial beneficial impacts of the proposal in terms of delivering water supply infrastructure, and the compensatory measures which include the delivery of a net gain for biodiversity, clearly outweigh the harm by reasons of inappropriateness, loss of openness and other harm to the character and appearance of the area. As such, Very Special Circumstances are considered to be demonstrated and it is therefore recommended that planning permission be granted.

Site Location:

The site comprises an area of 3.2 Hectares of agricultural land directly adjacent to an existing service reservoir which is operated by the applicant - Affinity Water. The land is accessed via an existing track (Bridleway BW4) over which the applicant has permissive access rights.

The Caddington Woods residential development lies approximately 100 metres to the west of where the reservoir is to be constructed. A footpath (FP42) runs along part of the access into the site east to west, with a further footpath (FP6) located to the north of the site running east to west. The Heritage Greenway - linking Caddington and Slip End - runs along the southern border of the woodland before linking to the bridleway (BW8) which lies to the west of the application site.

The site sits in an elevated position within the landscape, with the land falling sharply to the north towards the M1 motorway. Badgerdell Wood County Wildlife Site (CWS) which includes Ancient and Semi-Natural Woodland (ASNW) comprising of Roundwood, Bushwood and Badgerdell Wood, lies adjacent to the site to the south and southeast.

The Application:

The application seeks planning permission for the construction of a 20.75 megalitre reservoir. The reservoir will be similar in height, design and appearance to the adjacent 21.1 megalitre reservoir, taking the form of a large mound. It will be approximately 48 metres in width and 83 metres in depth across the crest of the structure, tapering out to a total width of 86 metres in width and 120 metres in depth (approx.) including the reservoir banks. Taking into account the change in levels across the site, the reservoir will be some 6-7 metres above ground level to the south of the site and approximately 8 metres in height to the north.

The design of the reservoir features a valve gallery to the southern aspect, constructed of concrete. Boundary treatment in the form of a 1.8m high welded mesh security fence is proposed to the perimeter of the site. A vehicular parking area is proposed to the south of the reservoir. A temporary works compound for use during the construction period of the development will be located on agricultural land to the southwest of the proposed reservoir. An indicative landscaping scheme showing native hedge planting and tree planting alongside the access road / footpath to the south, and adjoining the woodland belt, together with grass and wildflower seed mix for the banks and top of the reservoir has also been provided.

The application follows a Pre-Application Advice enquiry submitted under CB/21/03740/PAPC, and a previous planning application submitted under CB/22/02921/FULL which was withdrawn on the recommendation of officers.

The current application has responded to issues identified within the Pre-App and during the course of the previous application as follows:

- The red line of the application site has been enlarged to provide an area for a temporary works compound which will be removed on completion and used as part of a landscape mitigation plan. This includes a linear native hedgerow planted along the western and southern boundaries, as well as 7 no. trees.
- Amendments have been made to the alignment of the widened access track so that only 5 no. category B and C trees are to be removed (the previous application included the removal of 21 trees including 3 no. category A trees).
- A Rights of Way management plan has been provided (n.b. now superseded in favour of a pre-commencement condition).
- The application is supported by up-to-date ecological surveys and a Biodiversity Net Gain (BNG) Assessment demonstrating that the development will deliver a net-gain for biodiversity.
- Information has been provided to demonstrate how safe vehicular access will be achieved during the construction period.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (September 2023)

- 2: Achieving sustainable development
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 14: Meeting the challenge of climate/coastal change, flooding
- 16: Conserving and enhancing the historic environment
- 4: Decision-making
- 9: Promoting sustainable transport
- 15: Conserving and enhancing the natural environment

Central Bedfordshire Local Plan

- SP7: Windfall Development
- HQ1: High Quality Development
- EE2: Enhancing Biodiversity
- EE3: Nature Conservation
- EE4: Trees, Woodlands and Hedgerows
- EE5: Landscape Character and Value
- EE12: Public Rights of Way
- CC8: Pollution and Land Instability

HE1: Archaeology and Scheduled Monuments
 DC5: Agricultural Land
 T2: Highways Safety and Design
 T3: Parking
 SP4: Development in the Green Belt

Neighbourhood Plan Policies

Caddington & Slip End
 Neighbourhood Plan

CASE8: Heritage Greenway

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (August 2023)
 Central Bedfordshire Landscape Character Assessment (2015)

Relevant Planning History:

Case Reference	CB/22/02921/FULL
Location	Land off Chaul End Road, Caddington, LU1 4AX
Proposal	Construction of water storage asset and all associated works.
Decision	Application Withdrawn
Decision Date	18/11/2022

Case Reference	CB/21/03740/PAPC
Location	Land Off Chaul End Road, Caddington, Bedfordshire, LU1 4AX
Proposal	Pre-application advice other development: Construction of a water reservoir adjacent to existing operational site
Decision	Pre-App Charging Fee Advice Released
Decision Date	10/02/2022

Consultees:

Caddington Parish No objection.
 Council

CBC Highways No objection subject to conditions securing that no development take place until the junction improvements have been constructed in accordance with the approved details, securing visibility splays, securing gate positioning, gradients and vehicular access surfacing materials, and requiring a Construction Traffic Management Plan (CTMP) to be submitted and agreed to in writing prior to the commencement of development.

CBC Ecology No objection subject to a Construction Environmental Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP) or Habitat Management Plan being secured via a condition.

CBC Landscape The details submitted within the landscape mitigation plan are considered acceptable and no objection is raised.

CBC Trees and Landscape	No objection subject to a condition to secure the provision of a Tree Protection Plan and an Arboricultural Method Statement prior to the commencement of development.
Natural England	No objection.
Environment Agency	No response received.
CBC Archaeology	The investigations already carried out at the site have revealed a low level of archaeological activity at the proposed development site, therefore, there would be no archaeological constraint on this development.
CBC Pollution	No objection subject to compliance with Central Bedfordshire's Construction Code of Practice for Developers and Contractors being secured by condition.
CBC SuDS	No objection.
CBC Sustainable Growth Officer	The development is supported in principle.
CBC Rights of Way	No objection subject to conditions to secure an alternative permissive route for Bridleway 4 during construction and a Temporary Traffic Regulation Order (TTRO) for the temporary closure of Bridleway 4 prior to commencement.
IDB	No comments to make.
CBC Technical Placemaking Group	No objection.
British Horse Society	The impact on the Caddington Bridleway BW4 is considered to have been addressed.
Anglian Water	No comments to make.
Historic England	No comments to make.
Forestry Commission	No response received.
Ramblers Association	No response received.
RSPB	No response received.
CBC Place Delivery	No response received.
Business Investment	No response received.
Butterfly Conservation	No response received.

Other Representations:

Neighbours	2 objections received raising the following issues: <ul style="list-style-type: none"> • Loss of views. • Loss of trees and hedgerows. • Loss of wildlife. • Concerns that public rights of access to woodland areas may be lost. • Noise and dust during the construction period. • Impact to traffic along Chaul End Road. • Loss of the land for use for childrens' play.
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Determining Issues:

The main considerations of the application are;

1. Principle/Green Belt Policy
2. Whether the Proposal Amounts to Inappropriate Development within the Green Belt
3. Harm to Openness/Conflict with the 5 Purposes of Including Land within the Green Belt
4. Visual Impact/Impact on the Surrounding Landscape

5. Loss of Trees
6. Ecological Impact
7. Highways and Access
8. Impact to Neighbouring Amenity
9. Rights of Way
10. Other Considerations
11. Benefits of the Proposal
12. Whether Very Special Circumstances Exist
13. Conclusion

Considerations

1. Principle/Green Belt Policy

- 1.1 The application site is located within the South Bedfordshire Green Belt. Policy SP4 of the Central Bedfordshire Local Plan states that, within the Green Belt, there is a general presumption against inappropriate development and that development proposals within the Green Belt will be assessed in accordance with government guidance contained within the NPPF and NPPG.
- 1.2 Paragraph 147 of the NPPF states that inappropriate development within the Green Belt is, by definition, harmful, and should not be approved except in very special circumstances.
- 1.3 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 1.4 Therefore, the key considerations in the determination of the application are: whether the proposal constitutes inappropriate development in the Green Belt; any harm to the Green Belt by virtue of loss of openness/conflict with the five purposes of the Green Belt; whether there is any other harm arising from the proposal; and whether there are Very Special Circumstances which clearly outweigh the harm by reason of inappropriateness and any other harm.

2. Whether the Proposal Amounts to Inappropriate Development within the Green Belt

- 2.1 Paragraph 150 of the NPPF states that certain forms of development are not inappropriate within 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, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 2.2 Whilst the development is considered to be an engineering operation, an assessment must be made as to the development's impact on the openness of the Green Belt and whether it would conflict with the 5 purposes of including land within the Green Belt.
- 2.3 The land upon which the reservoir is to be constructed is currently an open arable field devoid of any built development. As such, due to the size, scale, volume and visual appearance of the reservoir, it cannot be said that the development would preserve the openness of the Green Belt.
- 2.4 In addition, given the open, rural location, as well as its elevated position within the landscape, the development would present a level of encroachment into the open countryside in conflict with paragraph 138(c) of the NPPF.
- 2.5 As such, although the development is considered to represent an engineering operation, the reservoir and ancillary structures would not fall within the exception 150(b) of the NPPF and, as such, would constitute inappropriate development which is harmful by definition.
- 2.6 Further discussion as to any harm arising to the openness of the Green Belt, as well as any conflict with the five purposes of including land within the Green Belt is provided below.

3. Harm to Openness/Conflict with the 5 Purposes of Including Land within the Green Belt

- 3.1 Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 3.2 In making an assessment as to the structure's impact to openness, as per the guidance within the PPG, regard must be made to:
- Openness in both a spatial and visual sense, having regard to the visual impact of the proposal and its volume.
 - The duration of the development, and its remediability – taking into account the ability to return the site to its previous state of openness; and
 - The degree of activity likely to be generated.
- 3.3 The proposed reservoir would be of a similar design to the existing reservoir to the east of the development site. It will be constructed by excavating approximately 3 metres below the existing ground level and, above ground, would take the appearance of a rectangular mound covered with grass. The mound will be of a large scale - 48 metres in width by 83 metres in depth across the top of the reservoir - and will sit between 6-8 metres above ground level, taking into account the sloping topography north to south.
- 3.4 A significant amount of activity will be generated during the 18 month construction period for the reservoir. The 'peak' days where the most activity is generated will be during the concrete pour stage in which a total of 65 arrivals and 65 departures are expected in 10 days, spread over a 5-6 month period. However, the high levels of activity are limited to the duration of the works and, following completion, activity levels in terms of vehicular movements to the site are unlikely to exceed 1 x 2-way trip per day.

- 3.5 The site is screened from Chaul End Road to the south by intervening landscaping in the form of Badgerdell Wood. However, the reservoir would be perceptible from public viewpoints along public Rights of Way which surround the site including the Heritage Greenway, BW8 and FP42 which border the site to the south and west, where landscaping is less dense. As confirmed within the Landscape and Visual Appraisal (LVA), there would also be some long-distance views from the windows of taller buildings and spaces within Luton to the north and north east, due to the site's elevated position on the escarpment.
- 3.6 Having regard to these factors, the completed development would have a significant and long-lasting impact upon the openness of the Green Belt. This impact would, to an extent, be mitigated by the proposed Landscape Mitigation Plan (MH8199-006a rev. D and MH8199-006b rev. B) which includes native hedgerow planting around the southern and western boundaries of the site. However, some impact would still be experienced from views along the Public Rights of Way where landscaping is more piecemeal, and in more long distance views.
- 3.7 As regards harm arising from any conflict with the purposes of the Green Belt, paragraph 138 sets out the purposes of including land within the Green Belt which include:
- a) checking the unrestricted sprawl of large built-up areas;
 - b) preventing 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.
- 3.8 Considering that the area of land upon which the reservoir is proposed to be constructed is currently vacant agricultural land, and given the highly open, rural landscape location, as well as its elevated position at the crest of the escarpment, the development would introduce engineering operations which present a level of encroachment into the open countryside in conflict with paragraph 138(c) of the NPPF. The NPPF requires that any harm to the Green Belt is attributed substantial weight.

4. Visual Impact/Impact on the Surrounding Landscape

- 4.1 Policy HQ1 of the Central Bedfordshire Local Plan requires new development to be of the highest possible quality design which responds well to its local context. In particular, point 6 of the policy requires proposals to be complementary to the existing natural environment, taking account of the landscape setting and tranquillity, biodiversity, Rights of Way, and green infrastructure.
- 4.2 Policy EE5 requires that all development retain and enhance the character and distinctiveness of the local landscape, by;
- 1. Reflecting the local character and distinctiveness in terms of the scale and pattern of the surrounding landscape and existing settlement form; and
 - 2. Integrating on-site mitigation sympathetic to local character in scale with the landscape setting as well as the scale of the development.

- 4.3 Section 12 of the NPPF states that planning decisions should promote developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, and should establish or maintain a strong sense of place. Section 15 also requires that planning decisions should recognise the intrinsic character and beauty of the countryside. Given that policies HQ1 and EE5 are broadly consistent with the aims and objectives of sections 12 and 15 of the NPPF, they are afforded significant weight.
- 4.4 The site lies within the Caddington - Slip End Dipslope (11B of the Central Bedfordshire Landscape Character Assessment - LCA), at the northern cusp where the landscape character transitions to the South Dunstable Chalk Escarpment' (LCA - 9E) overlooking the 'head' of the dry 'Slip End Chalk Valley' (LCA - 12C) to the east.
- 4.5 The CBC LCA Landscape Strategy for the Caddington - Slip End Chalk Dipslope (LCA 11B) is to renew and strengthen landscape character. Amongst other factors, this includes the conservation of areas of woodland (particularly ancient woodland) and seeking opportunities for further woodland creation by expanding and linking existing woodland resource.
- 4.6 The Landscape Strategy for the South Dunstable Chalk Escarpment (LCA 9E) is to enhance and renew the integrity and condition of the escarpment to provide a rural backdrop and green context to the urban area.
- 4.7 Among the guidelines for new development within LCA 11B, this document advises at point 11B.1.28 on the need to monitor changes in use of agricultural land to industrial or commercial uses, and seek to ensure that ancillary changes such as boundaries and access respect the rural location.
- 4.8 The reservoir has been designed in a manner necessary for its function. However, due to its size and scale, it would appear as a highly engineered, manmade feature which is not characteristic to the rural setting. It is acknowledged that efforts have been made to concentrate the ancillary structures including the valve gallery and servicing area in one corner of the site adjacent to the servicing yard of the existing reservoir. It is also noted that the new reservoir will take the form of a large mound covered with grass and will appear similar to that of the existing reservoir adjacent to the east. However, it remains that the structure itself would appear as a prominent feature within the landscape and would give rise to some impact therein.
- 4.9 In order to mitigate the impact from the development, a landscaping scheme which would allow the reservoir to assimilate into the rural surroundings has been submitted. As recommended within the Landscape and Visual Appraisal (LVA), a native hedgerow is proposed to be planted alongside the existing access road / FP42 to the south, and adjoining the woodland belt to the west, to provide continuous screening and habitat benefits.
- 4.10 A 44 metre section of replacement hedgerow is also proposed adjacent to the site access to the southeast to compensate for the removal of hedgerow in this area to make way for the widened bellmouth. The impact from the removal of trees is assessed separately below.
- 4.11 The Landscape Officer has reviewed the proposals and, following the submission of a revised landscape mitigation plan detailing how the proposed

servicing yard will be made good following the completion of works, has raised no objection.

- 4.12 Taking the above into account, whilst the reservoir would be visible in a number of public vantage points, the impact would not be profound, and would largely only be experienced at a localised level. In addition, the proposed landscaping scheme would ensure that the most sensitive viewpoints along the PRow and access track are sufficiently buffered so as to soften this impact. As such, the harm to the landscape is not considered to be significant. Instead, the proposal would result in some moderate harm to the character and appearance for the area.
- 4.13 As such, it is considered that the proposed reservoir would not result in material detrimental harm to the character and distinctiveness of the local landscape and would not present a material conflict with policies EE5 and HQ1 of the Central Bedfordshire Local Plan, the aims and objectives of the Caddington - Slip End Neighbourhood Plan, and sections 12 and 15 of the NPPF.

5. Loss of Trees

5.1 The site is bordered to the south and southeast by woodland comprising Roundwood, Bushwood and Badgerdell Wood, with the ASNW designation covering sections of all three.

5.2 Policy EE4 of the Central Bedfordshire Local Plan states that developments will be permitted where:

'1.They do not adversely affect ancient woodland and aged and veteran trees;

2.Woodlands, including semi-natural woodlands, planted ancient woodland sites, traditional orchards, hedgerows, and specimen trees found outside woodlands are protected and buffered;

3.Existing hedgerows and trees are incorporated to enhance developments...and

4.Any removal of trees or hedgerows to accommodate development is justified, and lost assets are replaced within the development site with appropriate planting of suitable species of equivalent scale and character and providing equivalent canopy cover and habitat connectivity.'

5.3 The proposal requires the removal of 1 No. mature and 3 No. semi-mature Category "B" (moderate quality) trees, as well as 1 No. semi-mature category "C" (low quality) tree. These trees are to be removed to allow for the widening of the track so that it can accommodate HGVs when delivering machinery and materials.

5.4 The proposal also includes the removal of 112 metres of Category "B" hedgerow between the existing reservoir and the proposed reservoir. This is required in order to enable the reservoirs to be directly connected, and to avoid future problems due to root ingress.

5.5 A further 36 metres of category "B" hedgerow and a Category "C" group of hawthorn and elm will be removed at the junction to the site to achieve the widening of the junction and visibility splays.

- 5.6 The Trees and Landscape Officer has been consulted on the application and has raised no objection. However, it was queried whether the 36 metre stretch of category B hedgerow to the southeast adjacent to the access is necessary. As set out in the Transport Statement, this section of hedgerow is required to be removed to achieve the widened bellmouth which will allow HGVs and articulated lorries to turn safely into and out of the site, as well as achieving adequate junction visibility. No more hedgerow than is required to achieve this manoeuvre and visibility is proposed to be removed.
- 5.7 To support the application, the applicant has provided information regarding alternative options explored for the works access. Various other means of entering the site have been explored, including an eastern access from Luton Road, a northern access from the M1, a western access through the Caddington Woods housing development, and an alternative southern access through farmland and around Badgerdell Wood.
- 5.8 These options have been considered and discounted for various reasons, including the need to construct significant stretches of new road which would not be proportionate to the scale of development, as well as health and safety reasons in the case of the western access option. In each case, tree and hedgerow removals would also be required. As such, the Officer is satisfied that the proposal as submitted, which utilises the existing access track, is the least intrusive option for achieving the required works access, with the least conflict with neighbouring uses and the surrounding landscape.
- 5.9 Overall, Officers are satisfied that the tree and hedgerow removals proposed are proportionate to the requirements of facilitating the development. It is also considered that the proposed landscape mitigation plan, which includes the planting of 7 no. trees and additional hedgerow along the southern and western site boundaries, as well as hedgerow replacement at the access, is commensurate with the scale of the losses and would satisfactorily mitigate against any harm arising from the loss of vegetation.
- 5.10 On the advice of the Trees and Landscape Officer, it is recommended that a condition requiring the provision of a Tree Protection Plan and an Arboricultural Method Statement prior to the commencement of development be included on any decision for approval. The applicant has agreed to this condition in writing.
- 5.11 As such, and subject to this condition, the proposal is considered to present no material conflict with policy EE4 of the Central Bedfordshire Local Plan, as supported by section 15 of the NPPF.

6. Ecological Impact

- 6.1 In accordance with policy EE3 of the Central Bedfordshire Local Plan, the application has been supported by an up-to-date Environmental Impact Assessment (EIA), with surveys carried out across 2022. The Council Ecologist has reviewed the information submitted and is satisfied that the findings regarding impacts to protected species including birds, bats, badger, hedgehog and hazel dormice from the works are acceptable.
- 6.2 The surveys indicate that the arable field where the reservoir is to be constructed has nesting bird interest. Some small areas of the surrounding woodland and hedgerows which have nesting and foraging interest for birds would also be impacted by the construction works. However, given the low scale of the loss of habitat, and the abundance of other available habitat surrounding the site, it is considered that the works are unlikely to have a

major impact on local bird populations. Birds would be protected during the construction phase by undertaking clearance works outside of the bird breeding season and by requiring a Construction Environmental Management Plan (CEMP) to be submitted to and agreed in writing prior to commencement of development.

- 6.3 The existing tree-lined access route is used heavily by commuting bats. The Ecologist has noted that whilst the minimal tree loss is welcomed, it should be ensured that no permanent lighting is added along this route and that sensitive lighting strategies are used throughout construction period. A condition for a lighting scheme for both the construction phase and any lighting required for the operational phase has been recommended to avoid any direct impact onto the woodland areas which the applicant has also agreed to.
- 6.4 A query was raised by the Ecologist regarding partially failed hazard beams on tree T12 which are indicated within the EIA as having bat roost interest. The EIA recommends that these beams be retained, and only crown works are carried out to the tree in order to retain the bat roosting feature. The applicant has provided additional clarification from the consultant Ecologist and Arborist and it has been confirmed that the partially failed hazard beams on oak tree T12 can be retained if shortened to avoid the risk of failure onto the access track. A level 2 licensed Ecologist will check the potential roost feature within the hazard beams prior to these works being carried out and the Ecologist and Arboricultural Consultant will be present on-site to supervise the works. The CBC Ecologist is satisfied that these proposed working methods are acceptable and will satisfactorily minimise harm to statutory protected species in accordance with policy EE3.
- 6.5 An updated Biodiversity Net Gain Assessment has also been submitted in support of the proposal. The assessment indicates that the existing site had a baseline of 7.93 habitat units and 7.10 hedgerow units. The proposed development includes the creation of new habitats in the form of neutral grassland (90% grass, 10% wildflowers) to be sown on the banks and top of the reservoir, native hedgerow planting, tree planting and mixed scrub planting.
- 6.5 The enhancements proposed will achieve a wider variety of habitats on site and it is calculated that 11.60 habitat units and 7.89 hedgerow units will be created within the development. This equates to a 46.34% increase in habitat units and a 11.15% increase in hedgerow units on site. The Ecologist has reviewed this information and is satisfied that the proposal will achieve a net-gain for biodiversity in accordance with policy EE2 of the Central Bedfordshire Local Plan.
- 6.6 As such, and subject to the conditions requiring a Construction Environmental Management Plan (CEMP) to be submitted and approved by the Local Planning Authority prior to development, and a Habitat Management Plan to be submitted and approved by the Local Planning Authority prior to first use, the proposal is considered to be acceptable in relation to ecological impact in accordance with policies EE2 and EE3 of the Central Bedfordshire Local Plan and section 15 of the NPPF.

7. Highways and Access

- 7.1 The application has been submitted with an accompanying Transport Statement which has been revised to provide additional details regarding the construction phase, where most of the off-site highways impacts will arise. The construction period is expected to last 18 months, in which there will be an

expected average of 10 staff vehicles and 5 delivery vehicles to site each day (30 movements a day).

- 7.2 The most intensive stage of the construction period - the days on which concrete is poured for the base of the reservoir - will attract a 'worst case scenario' of 65 arrivals and 65 departures throughout the day, with 50 two-way movements from HGVs. This phase of the development will be carried out over 10 individual days spread over a 5-6 month period. There will also be an average of 50 two-way HGV movements during the first two weeks of the construction phase in which the granular material for the parking and storage areas are delivered.
- 7.3 Chaul End Road, south of the A505 (Hatters Way) is subject to a 7.5 tonne weight limit other than exceptions for access and delivery requirements. In terms of potential for vehicular conflict along Chaul End Road due to the additional HGV movements, tracking diagrams provided by the applicant show that there are some localised areas - particularly the 230 metre section of road south of the southern Mallard Crescent junction on the approach to the site junction - where HGVs will be unable to pass each other freely within the carriageway due to the narrow width of the road.
- 7.4 The applicant has since provided a Highways Technical Note which proposes a scheme for traffic management whereby outgoing HGVs are to be held within the application site to allow an incoming HGV to arrive, thereby avoiding conflict with vehicles attempting to pass each other along Chaul End Road. The Highways Officer is satisfied, based on the peak flows anticipated, that HGV movements can be actively managed to prevent conflict along the area of road in concern. There is sufficient parking and turning space within the proposed site compound shown within the Transport Statement (revision 5). This procedure would need to be controlled through a Construction Traffic Management Plan (CTMP).
- 7.5 With regard to the potential for conflict between HGVs associated with the construction period and other HGVs on the network, the Highways Officer has concurred with the applicant's findings that HGVs present on this part of the network are relatively low (between 1-14 per hour) due to the weight limit on the road. It is also agreed that the average road width along Chaul End Road is around 5.5 metres which meets with the Manual for Streets (MfS) to enable 2 HGVs to pass. However, as demonstrated by the submitted tracking diagrams, there are points within the road which fall slightly below this width, meaning that HGVs would be required to slow to a crawling speed in order to pass without conflict at these pinch points.
- 7.6 In light of this, the Highways Officer has recommended that the CTMP includes provision for highway condition surveys to be carried out prior to construction and at regular intervals during the development phase between the site access and Mallard Crescent South. This would enable any damage to the highway reasonably attributable to the application to be identified and remediated, including emergency repairs or more long-term mitigations as required.
- 7.7 In addition, given the need for close monitoring of the site to ensure the efficacy of the proposed traffic management system, the CTMP will also include a stipulation for the use of an Automatic Number Plate Recognition (ANPR) camera positioned at the site access to provide a time stamped record

of vehicles arriving and departing the site. The Council will be able to request sight of the data to monitor whether arriving and departing HGVs are being managed to avoid conflict.

- 7.8 The CTMP condition also contains provisions for details of vehicular parking; loading and unloading of plant and materials; wheel washing facilities; traffic management; and times, routes and means of access and egress for construction traffic and delivery vehicles, amongst other considerations. The applicant has agreed to the CTMP condition suggested by the Highways Officer in writing.
- 7.9 In terms of the vehicular access itself, the Highways Officer is satisfied that, following amendments, the geometry of the site access meets the relevant standards within CBC's Highway Construction Standards & Specifications Guidance (HCSSG) and the Design Manual for Roads & Bridges (DMRB). A 15 metre radius to the north aspect of the junction has been included, with a 12 metre radius to the south. This is to reinforce that HGVs leaving the site should only turn right to avoid Caddington village.
- 7.10 It is agreed that once the construction phase of the development is complete, the operational phase of the development will have a negligible impact on the highway network since the completed development is expected to attract no more than 1 journey to and from the site per day.
- 7.11 As such, and subject to the conditions recommended by the Highways Officer, the proposed development is considered to present no material detrimental impact to the highway network or to highway safety. The proposal is therefore considered to be in accordance with policies T2, and T3 of the Central Bedfordshire Local Plan, Central Bedfordshire's Highway Construction Standards & Specifications Guidance and section 9 of the NPPF.

8. Impact to Neighbouring Amenity

- 8.1 The nearest residential properties likely to be affected by the development are dwellings to the eastern edge of the Caddington Woods development to the west of the site.
- 8.2 Properties to the southeast of this development along Woodpecker Edge, the eastern end of Dove Close and Swallowmead would experience some increased levels of noise, disturbance and disruption from works vehicles accessing the site via the access track/Bridleway. However, this level of disturbance is mitigated by the separation distance of approximately 27-30 metres between the rear gardens of these dwellings and the access track. There is also dense mature landscaping providing a buffer between the access road and the rear boundaries of these dwellings.
- 8.3 Once constructed, the nature of the reservoir in terms of its low-scale operations is such that it is unlikely to generate harmful levels of noise and disturbance, given that vehicular movements to and from the site are unlikely to exceed 1 x 2-way trip per day.
- 8.4 As such, due to the temporary nature of the construction works, and due to the acceptable relationship between the site (including the access road) and the closest neighbouring residential dwellings within the Caddington Woods development, it is considered that the proposal would not result in an unacceptable impact upon neighbouring residential amenity.

- 8.5 An objection received during the consultation period raised concerns regarding noise and dust generation during construction. The Council has adopted a Construction Code of Practice for Developers and Contractors in order to minimise the impact of construction work on residents who live near to development sites. The provisions of the Code include means for controlling dust such as sprinkling, screening and wheel wash facilities. The Code also restricts hours of work (including additional restrictions for high impact activities) and provides a means for Compliance Officers to resolve any identified breaches of the Code.
- 8.6 The applicant has agreed to comply with the requirements of the Code, and compliance will be secured by condition. The Construction Traffic Management Plan will also require provision for the management of construction and delivery vehicles, including timings and coordination to ensure that minimal disruption to neighbouring occupants will be achieved. As such, the concerns raised in respect of noise and dust would be considered to be addressed by the imposition of these conditions.
- 8.7 As such, and subject to these conditions, officers conclude that the proposal would present no material conflict with point 11 of policy HQ1 and policy CC8 of the Central Bedfordshire Local Plan or section 12 of the NPPF.

9. Rights of Way

- 9.1 It is necessary to consider the development's impact to the rights of way network, given that the vehicular access into the site is also a public Bridleway (BW4), and that a footpath (FP42) also runs along part of the site access east to west.
- 9.2 This footpath, and part of the Bridleway, is part of the Heritage Greenway and Caddington and Slip End Neighbourhood Plan has a policy dedicated to it:

POLICY CASE 8: HERITAGE GREENWAY

Development proposals within the plan area will be expected to contribute towards the cost of the Heritage Greenway. Development proposals close or immediately adjacent to the route of the Heritage Greenway will be expected to demonstrate how they can provide positive benefits to the Heritage Greenway. Such positive benefits could include:

- dedicated pedestrian, cycle and horse riding access;*
- improved access to and protection of wildlife;*
- improved access to and protection of heritage assets.*

Any development proposals which are likely to have a detrimental impact in respect of any of these matters will be refused.

- 9.3 Moreover, policy EE12 of the Central Bedfordshire Local Plan requires that proposals for major development which are adjacent to a right of way are supported by a Rights of Way Scheme detailing how the development will protect, enhance and promote the public Rights of Way network.
- 9.4 Following the previously withdrawn application, the application has been supported by a Rights of Way Management plan. The management plan details that the existing BW4 will be temporarily closed by a Temporary Traffic Regulation Order (TTRO), with an alternative permissive route provided alongside the existing Bridleway within the adjacent agricultural field to the east

(subject to landowner permission). The Rights of Way Officer and the British Horse Society are supportive of this approach. The CBC Rights of Way Officer has raised no objection to the development subject to conditions to secure that the permissive Bridleway and TTRO for BW4 is in place prior to the commencement of development and will remain in place until the construction phase is complete.

- 9.5 During the course of the application, it has become apparent that the diverted route shown on drawing no. 21000490_PLN_INFO_26.1_C as referenced within the Rights of Way Management Plan is not workable since it would conflict with the widened bellmouth and at pinch points along the track. As such, this document is now superseded. Given the constraints of the application site boundary along the track, it is noted that the land required for the temporary Bridleway diversion would lie outside of the red line boundary on land which is not within the control of the applicant. As such, any alternative temporary permissive route for Bridleway 4 whilst the TTRO is in place would need to be secured via a Grampian style condition.
- 9.6 Guidance within the NPPG states that Grampian conditions should not be imposed where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. In this case, the applicant has provided assurances that the land required for a temporary diverted route will be secured, either through a licensing agreement with the relevant landowner or via Affinity's powers as a statutory undertaker. The Rights of Way Management Plan submitted also provides indication that the Applicant intends to provide an alternative route for Bridleway 4 whilst it is closed for construction works.
- 9.7 Affinity Water have also produced a draft signed Heads of Terms agreement for the sale of land associated with the reservoir which includes a clause requiring the landowner to agree a permissive path through the field adjacent to the access road (Bridleway 4). Although the Council cannot place reliance on this Heads of Terms document for an agreement which has not been formalised, the assurances made by Affinity with regard to their commitment to providing the alternative permissive route provide indication that there is not 'no reasonable prospect' of a proposed Grampian condition being fulfilled.
- 9.8 As such, the Officer considers that it is reasonable to impose a Grampian condition on any approval decision requiring that no work is to commence until a proposal for a suitable temporary alternative route in place of Bridleway 4 has been submitted for approval by the Council and a Temporary Traffic Regulation Order (TTRO) for the closure of Bridleway 4 has been made and takes effect. Subject to this condition, as well as further safeguarding conditions detailing the specification of the permissive path and requiring it to be instated before the temporary closure of Bridleway 4 takes place, the development is considered to provide acceptable mitigation for impact to the Rights of Way network.
- 9.9 A condition is also recommended restricting development at all times until and unless a TTRO for Bridleway 4 is in place and an alternative route approved by the Council is available to users at all times during the construction works. The purpose of this condition is to act as an additional safeguard to restrict works at any time unless a TTRO is in place. This condition would ensure that if at any time during the construction programme a TTRO expires, Affinity Water would be required to stop works until it has been renewed. The condition also requires the Bridleway to be restored to a firm and usable surface after the

construction phase is complete. The applicant has agreed to these conditions in writing.

- 9.10 Overall, the proposal is considered to result in no lasting detrimental impact to the rights of way network and would ensure that an alternative route for walkers, cyclists and horse riders is provided at all times during the construction period. As such, the development is considered to be in accordance with policy EE12 of the Central Bedfordshire Local Plan and policy CASE8 of the Caddington and Slip End Neighbourhood Plan.

10. Other Considerations

10.1 Loss of Agricultural Land:

Policy DC5 states that development that would result in the significant loss of Grades 2 and 3a agricultural land will only be permitted where it can be demonstrated that the location of the proposed development is necessary in order to provide a scheme that is of a valuable public benefit that overrides the need to protect the land. When considering the significance of the loss, the grade of the land; the size of the proposed site; and the quantum of 'best and most versatile' land in the surrounding area will be taken into account.

- 10.2 The sub-category of the land in concern is not known. However, it is considered that given the proposal is for a water storage facility which would provide a valuable public benefit, and given that the site area is only 3.2 Ha, the loss of grade 3 land in this case would not present a conflict with policy DC5 of the Central Bedfordshire Local Plan.

10.3 Public Comments:

With reference to the above discussion, and the discussion of the benefits of the proposal set out below, all comments received during the consultation are considered to have been addressed as part of the report.

- 10.4 In terms of loss of views, this matter is not a material planning consideration. Nevertheless, the impact of the proposed reservoir upon the character and appearance of the area has been assessed and has been found to be acceptable subject to conditions to secure a landscaping scheme which would screen the development from the most prominent viewpoints and would allow the structure to assimilate into the surroundings.

- 10.5 The loss of trees and hedgerows to make way for the development is acknowledged. However, the landscaping scheme submitted includes the planting of 7 new trees, as well as sections of new hedgerow which is considered to adequately compensate for the loss. The Officer is satisfied that proposal represents the least intrusive option in terms of vegetation removal, considering other discounted options for accessing the site.

- 10.6 In terms of loss of wildlife, the application has been supported by up-to-date surveys which demonstrate that the development will not result in harmful impact to statutory protected species. Subject to the recommended conditions for a Construction Environment Management Plan and a Habitat Management Plan, the Ecologist has raised no concerns regarding the development's impact to wildlife. Based upon the BNG calculations submitted, the Ecologist has confirmed that the development would achieve a net-gain for biodiversity.

- 10.7 Concerns have been raised that access to the woodland south of the site may be lost. For the reasons outlined at paragraph 9.1-9.10 of the report, the

development will have no long-lasting impact upon the rights of way network or prevent access to the surrounding countryside.

- 10.8 Impacts from noise and dust have been addressed in section 8 of the report. Any adverse impacts to the amenity and living conditions of neighbouring occupants by way of increased noise and dust will be limited to the construction period only. Subject to the condition which requires compliance with the Council's adopted Code of Practice for Developers and Contractors, Officers are satisfied that impacts can be controlled so that they do not result in material harm to amenity and living conditions.
- 10.9 The impact to traffic along Chaul End Road has been assessed by the Highways Officer and has found to be acceptable in highway safety terms, subject to the condition requiring a Construction Traffic Management Plan to be submitted and approved prior to commencement of development.
- 10.10 In terms of the loss of land for use for children's play, the lawful use of the land where the reservoir is to be constructed is for agricultural purposes. As such, the development is not considered to result in the loss of recreational land.
- 10.11 **Chilterns Beechwoods SAC:**
Natural England wrote to the Local Planning Authority (LPA) on the 14th March 2022 following the publication of the Footprint Ecology Report and as a result the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

The site lies within the Zone of Influence of the CBSAC. However, in light of the obligations set out in the Conservation of Habitats and Species Regulations 2017, the LPA consider that, as the scheme is for non-residential development and will not result in an increase in residential dwellings, there would not be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Chilterns Beechwoods Special Area of Conservation.

Therefore, the proposal has been 'screened out' of the need to carry out an Appropriate Assessment in respect of the project.

- 10.12 **Human Rights and Equality Act issues:**
Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.
- 10.13 **EIA:**
Consideration has been given to the Environmental Impact Assessment Regulations 2017 and it has been determined that an Environmental Impact Assessment is not required for the proposed development.

11. Benefits of the Proposal

- 11.1 There are significant public benefits associated with the proposal as outlined within the Supporting Statement. As a water supply company, Affinity Water have a statutory duty to maintain water supply systems to their customers under section 37 of Part III of the Water Industry 1991 Act.
- 11.2 Under these provisions, Affinity Water are required to produce a Water Resource Management Plan (WRMP) every 5 years. This sets out how it can achieve a secure supply of water for its customers, as well as a protected and enhanced environment in the face of a growing population, impacts of climate change and the loss of existing sources.
- 11.3 Affinity Water's WRMP has estimated that:
- Affinity Water will be supplying 142,000 more people in 2025 than in 2020 (an increase of 3.7%);
 - Affinity Water will be reducing their abstractions from ground water sources within Bedfordshire and Hertfordshire by an average of 27 megalitres per day ("Ml/d"), as agreed with the Environment Agency (equivalent to 4% of Affinity Water's average daily distribution input).
 - Climate change will reduce Affinity Water's deployable output by an average of 4.7 Ml/d.
- 11.4 In order to ensure long-term water supply resilience, Affinity Water have developed a Supply 2040 Capital Delivery Programme. The proposed reservoir forms part of this programme.
- 11.5 By constructing a second service reservoir at Chaul End of 20.75 Ml capacity, this would improve the company's ability to store and move water around the region, enabling Affinity Water to meet the needs of customers. The scheme will allow Affinity Water to transfer more Grafham water to areas where groundwater abstraction have been reduced.
- 11.6 Affinity Water have committed to a 27 Ml/d reduction in groundwater abstraction from the catchment areas of the Rivers Ver and Upper Gade alone, as agreed with the Environment Agency. Reducing the reliance on the local chalk stream ecosystem for water abstraction will have significant environmental benefits in terms of chalkstream ecosystems. Overall, the construction of a second service reservoir at Chaul End will mitigate the risk of strategic network supply failures from Sundon, Boxted and Hart Lane.
- 11.7 As set out in the additional information submitted to demonstrate Very Special Circumstances for development in the Green Belt, the scheme submitted has been chosen as the best option after discounting several alternative courses of action:
- Option 1 – 'Do nothing' was discounted as this would not meet Affinity Water's statutory duties.
 - Option 2 – 'Construct a new 20.75 Ml service reservoir on Affinity Water's own land at Chaul End.' This option was dismissed as Affinity Water do not own or control sufficient land to build a new service reservoir at their existing Chaul End site. All the land at Chaul End within the control of Affinity Water is occupied by the existing reservoir, the booster pumping station and electricity substation, as well as ancient woodland.

- Option 3 - 'Negotiate land purchase with the current land owners next to the Chaul End site for construction of new service reservoir'. This is the chosen option and negotiations to purchase the land which forms part of the application site are ongoing.
- Option 4 – 'Construct a new service reservoir other than at Chaul End, either on Affinity Water's own land or through acquisition of additional private land'. This option was dismissed as a new service reservoir other than at Chaul End would not be strategically located to allow for the transfer of water to areas of water deficit as forecasted by Affinity Water's current WRMP.

11.8 Therefore, the location of the reservoir has been chosen as it is located near Affinity Water's trunk main infrastructure to receive Grafham water via Sundon, is at a suitably elevated point to ensure that water supplies can be distributed by gravity, is located near the existing 20 MI Chaul service reservoir so that the system can be hydraulically balanced, and is near to areas of water deficit to ensure water supplies are distributed efficiently and economically to Affinity Water's customers.

12. Very Special Circumstances / Planning Balance

12.1 Section 13 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that, when considering any planning application, local planning authorities should ensure that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' (VSCs) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

12.2 The proposal amounts to inappropriate development that, by definition, would harm the Green Belt. The proposal would also result in harm to the openness of the green belt and would conflict with one of the five purposes of including land within the Green Belt. Substantial weight is accorded to this harm.

12.3 The proposed reservoir, by virtue of its size, scale and engineered appearance, would also result in some moderate harm to the character and appearance of the area and the rural location. This harm, to a degree, can be mitigated against by a landscaping scheme and a condition is recommended in this regard in the event of an approval.

12.4 There is also harm arising from the loss of 5 no. trees and 148 metres of Category "B" hedgerow. Whilst the loss of this natural landscaping is a matter which weighs against the development, it is considered that the scheme has been designed to achieve the lowest possible number of removals. The losses would also be offset by a landscaping scheme which includes the replacement planting of 7 trees and new hedgerows to provide both screening and habitat benefits.

12.5 The planning judgment to be made is whether the benefits of the proposal clearly outweigh the harms in Green Belt terms and in relation to National, Local and Neighbourhood Planning Policies..

12.6 The proposed development would clearly yield significant social and environmental benefits in terms of improving water resilience as part of Affinity Water's WRMP. The proposal would also create wider benefits in ecological

terms by reducing the need for abstraction from chalk streams which provide habitat value. Significant positive weight should be attributed to these considerations.

- 12.7 Taking the above into account, it is considered that the harms by way of inappropriate development within the Green Belt, harm to Green Belt openness and conflict with one of the five purposes of the Green Belt, landscape impact, and loss of trees/hedgerow would be clearly outweighed by the positive benefits of the scheme. Therefore Very Special Circumstances can be said to exist.

13. Conclusion

- 13.1 The beneficial impacts of the proposal clearly outweigh the harms by reason of inappropriate development within the Green Belt, loss of Green Belt openness, other harm to the character and appearance of the area and the rural landscape, and the loss of trees. It is the officer's recommendation that the harms identified can be satisfactorily resolved by the imposition of conditions which the applicant has agreed to in writing.

- 13.2 As such, Very Special Circumstances are considered to be demonstrated and therefore the proposal would be in accordance policies SP4, HQ1, EE2, EE3, EE4, EE5, EE12, T2 and T3 of the Central Bedfordshire Local Plan, policy CASE8 of the Caddington - Slip End Neighbourhood Plan, and sections 9, 12 and 15 of the NPPF.

- 13.3 Therefore it is recommended that planning permission is granted.

Recommendation:

That Planning Permission be **GRANTED** subject to:

- Referral to the Secretary of State;
- The following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No works shall commence, including, but not limited to, site clearance, site preparation, decontamination, demolition, excavation, construction of works compound, etc. until a proposal for a suitable temporary alternative route in place of Bridleway 4 has been submitted for approval by the Council and a Temporary Traffic Regulation Order (TTRO) for the temporary closure of Bridleway 4 has been made and takes effect.**

Reason: In the interests of the safety of users of the Bridleway network affected by the development and to ensure that safe alternative provision is made for the users of Bridleway 4 for the duration of the

construction period (Policy EE12, Central Bedfordshire Local Plan, Policy CASE8, Caddington & Slip End Neighbourhood Plan, Section 8, NPPF)

- 3 The proposal for the alternative route shall include, but not be limited to, the following details: no less than 3 metres in width shown on a detailed map; provision for signage and maintenance; insurance.

Reason: To ensure that the safety of users of the Bridleway network affected by the development is protected for the duration of the construction period. (Policy EE12, Central Bedfordshire Local Plan, Policy CASE8, Caddington & Slip End Neighbourhood Plan, Section 8, NPPF).

- 4 The approved alternative route shall be available for use by users of Bridleway 4 immediately before a TTRO takes effect.

Reason: In the interests of the safety of users of the Bridleway network affected by the development and to ensure that safe alternative provision is made for the users of Bridleway 4 for the duration of the construction period. (Policy EE12, Central Bedfordshire Local Plan, Policy CASE8, Caddington & Slip End Neighbourhood Plan, Section 8, NPPF)

- 5 No works shall be carried out at any time until and unless a TTRO for Bridleway 4 is in place and an alternative route approved by the Council is available to users at all times during the construction works. Following completion of the development and prior to first use, the surface of Bridleway 4 shall be restored to a firm and useable surface for use by equestrians, cyclists and walkers so that its use can be safely reinstated.

Reason: To ensure that the safety of users of the Bridleway network affected by the development is protected for the duration of the construction period and to ensure that the existing Bridleway 4 can be brought back into use once the development has been completed. (Policy EE12, Central Bedfordshire Local Plan, Policy CASE8, Caddington & Slip End Neighbourhood Plan, Section 8, NPPF).

- 6 **Prior to development, a Tree Protection Plan and an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval, based on the findings of the supporting document "BS 5837 : 2012 Arboricultural Report" dated May 2022 (Updated January 2023 - Version 2, which includes Appendix C "Tree Survey" (Drawing No's. MH8158-001 and MH8158-002 both Rev B), Appendix D "Tree Constraints Plans" (Drawing No's MH8158-003 and MH8158-004 both Rev B), and Appendix E "Preliminary Arboricultural Impact Assessment" (Drawing No. MH8158-006 Rev B). This shall also include the provision for close arboricultural supervision of the operational activities by an on-site Project Arboriculturist appointed by the applicant. The approved Tree Protection Plan and Arboricultural Method Statement shall then be implemented under the direction of the Project Arboriculturist, in strict accordance with the required sequence of operations and working methodology, with all tree protection fencing and trunk protection coverings then remaining securely in position throughout the entire course of development works.**

Reason: To ensure that retained trees are not damaged in the course of development operations, and that the required working methodology is based on good arboricultural practice, by being carried out in strict

accordance with the required mitigation measures, and under arboricultural supervision, so as to ensure full compliance with the necessary tree protection requirements at all times. (Policy EE4, Central Bedfordshire Local Plan, Section 15, NPPF)

7 **No development shall take place until a Construction Environment Management Plan has been submitted and approved by the Local Planning Authority. The scheme shall identify appropriate measures for the safeguarding of protected species and their habitats and shall include:-**

- a) **an appropriate scale plan showing protected zones where (any) or (specified) construction activities are restricted and where protective measures will be installed or implemented;**
- b) **details of protective measures (both physical measures and sensitive working practices) to avoid adverse impacts during construction;**
- c) **a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);**
- d) **a person responsible for:**
 - **compliance with legal consents relating to nature conservation;**
 - **compliance with planning conditions relating to nature conservation;**
 - **installation of physical protection measures during construction;**
 - **implementation of sensitive working practices during construction;**
 - **regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and**
 - **provision of training and information about the importance of “Wildlife Protection Zones” to all construction personnel on site**

All construction activities including protective fencing and warning signs shall be implemented and maintained in accordance with the approved details and timing of the plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance. (Policy EE3, Central Bedfordshire Local Plan, Section 15, NPPF)

8 **A habitat management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby approved. The plan shall include:**

- a) **description and evaluation of the features to be managed;**
- b) **ecological trends and constraints on site that may affect management;**
- c) **aims and objectives of management;**
- d) **appropriate management options for achieving the aims and objectives;**
- e) **prescriptions for managements options;**

- f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) personnel responsible for the implementation of the plan;
- h) monitoring and remedial/contingency measures triggered by monitoring

All works shall be carried out in accordance with the approved details. The works shall be undertaken in accordance with a time scale previously agreed in writing by the Local Planning Authority.

Reason: To ensure existing or new habitats affected by development are managed effectively over an established period. (Policy EE2, Central Bedfordshire Local Plan, Section 15, NPPF)

- 9 The development shall be carried out in accordance with the planting and landscaping scheme shown on approved Drawing No.s MH8199-006a rev. D and MH8199-006b rev. B and shall be carried out in accordance with the scheme for management and maintenance on drawing no. MH8199-007 rev. D 'Plant Schedule & Specification' dated April 2023. The scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season shall mean the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping. (Policies HQ1 and EE5, Central Bedfordshire Local Plan, Sections 12 and 15, NPPF)

- 10 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties (Section 12, NPPF)

- 11 No works shall commence, including site clearance and excavation, until the improvement scheme for the junction between the site access and the highway (Chaul End Road) as shown indicatively on plan refs P021994-CHAU-DR-CDD-200-0005 Revision P07 and P021994-CHAU-DR-CDD-200-0007 Revision P05 has been constructed in accordance with the approved details, amended as necessary by the technical and safety audit process, and opened to traffic. (See Notes to the Applicant)

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises. (Policy T2, Central Bedfordshire Local Plan, Section 9, NPPF)

- 12 Prior to commencement of development, including site clearance and excavation, visibility splays shall be provided at the junction of the site access with the public highway (Chaul End Road). The minimum dimensions

to provide the required splay lines shall be 2.4m measured along the centre line of the site access from its junction with the channel of the public highway and 120m measured from the centre line of the site access along the line of the channel of the public highway. Intervisibility of 120m to and from a vehicle waiting to turn right into the site shall also be provided. The required vision splays shall for the duration of the construction period of the development hereby permitted remain free of any obstruction to visibility. (See Notes to the Applicant)

Reason: To provide adequate visibility between the existing highway and the site access and to make the access safe and convenient for the traffic which is likely to use it. (Policy T2, Central Bedfordshire Local Plan, Section 9, NPPF)

- 13 Any gates provided shall open away from the highway and be set back a distance of at least 20 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened. (Policy T2, Central Bedfordshire Local Plan, Section 9, NPPF)

- 14 **Prior to commencement of development, including site clearance and excavation, the vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a distance of 20m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway. (See Notes to the Applicant)**

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety. (Policy T2, Central Bedfordshire Local Plan, Section 9, NPPF)

- 15 Unless otherwise agreed in writing by the local highway authority, the maximum gradient of the vehicular access shall be 4% (1 in 25) for the first 15m measured into the site from the highway boundary.

Reason: In the interests of the safety of persons using the access and users of the highway. (Policy T2, Central Bedfordshire Local Plan, Section 9, NPPF)

- 16 **No works shall commence, including site clearance and excavation, until a Construction Traffic Management Plan (CTMP), associated with the development of the site, has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following measures and details:**

- a) the parking of vehicles;
- b) the loading and unloading of plant and materials used in the development;
- c) the storage of plant and materials used in the development;
- d) the erection and maintenance of security hoarding / scaffolding affecting the highway if required;
- e) wheel washing facilities;

- f) measures on site to control the deposition of dirt / mud on surrounding roads during the development;**
- g) footpath/footway/cycleway or road closures needed during the development period;**
- h) the times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site;**
- i) escorts for any abnormal loads;**
- j) any temporary removal and replacement of highway infrastructure and street furniture;**
- k) the reinstatement of any signs, verges or other items displaced by construction traffic;**
- l) means of managing HGV arrivals and departures, as follows:**
 - i. holding outbound HGVs within the site until Chaul End Road, between the site access and Mallard Way (south), is clear of inbound HGVs, or an alternative means of control as may be agreed in writing by the local planning authority;**
 - ii. details of communication systems between drivers and site management as may be needed to facilitate the proposed HGV management system;**
 - iii. the identification of and appointment and use of personnel who will be responsible for managing HGV movements, including a responsible person for communications and the use of banksmen;**
 - iv. the use of Automatic Number Plate Recognition (ANPR) cameras to record / monitor HGV movements to and from the site, or another means of monitoring HGV movements as may be agreed in writing by the local planning authority. The means of monitoring shall be installed and operational on completion of the improved site access works;**
- m) how the Council will be able to monitor HGV movements at the site. On request, the applicant or their appointed representative shall provide the monitoring data to the Council within 48 hours of a request being made by email. The applicant shall confirm the details of the person / organisation that the Council may contact for this purpose; and**
- n) a commitment to undertake highway condition surveys in coordination with CBC Highways. The condition surveys shall be undertaken prior to commencement of development (including site clearance and excavation); at agreed intervals during construction; and on completion of the construction works. This shall include a condition survey undertaken within three days of the applicant's notification to the Council that the intensive period of HGV activity has commenced, relating to the car park and storage area, as identified in the supporting Transport Statement (Issue 5). The applicant shall undertake, or cover the local highway authority's costs for, repairs for any damage reasonably attributable to the development, and any measures identified by the local highway authority to reduce the chance of the defect / damage occurring again as a result of continued construction activity. The applicant shall, if deemed necessary by the local highway authority, cease or reduce construction activity until the situation has been remedied to the local highway authority's satisfaction.**

The approved Construction Traffic Management Plan associated with the development of the site shall be adhered to throughout the development process.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety. (Policy T2, Central Bedfordshire Local Plan, Section 9, NPPF)

- 17 **The development hereby permitted shall not commence until a lighting strategy has been submitted and approved by the Local Planning Authority. The strategy shall include details of any external lighting to be installed during the construction period within the site and along the access route, and details of any permanent lighting to be installed for the development once operational. The scheme shall include the design of the lighting unit(s), any supporting structure(s), and the extent of the area to be illuminated. The external lighting shall be installed in accordance with the approved details prior to commencement of works in the case of lighting associated with the construction phase, and prior to first use in the case of any permanent lighting.**

Reason: To protect the visual amenity of the site and its surrounding area and in the interests of safeguarding protected species. (Sections 12 and 15, NPPF)

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 20220713_21000490_PLN_INFO_29_1 Site Location Plan 20.02.2023, 20220714_21000490_PLN_SI_30_1 Existing Block Plan 20.02.2023, 20220714_21000490_PLN_SI_31_1 Proposed Block Plan 20.02.2023, P021994-CHAU-DR-EL-200-0011 Rev P01 Reservoir Elevations 20.02.2023, P021994-CHAU-DR-GA-200-0004 Reservoir Sections 20.02.2023, P021994-CHAU-DR-PL-200-0010 Rev P01 Proposed Reservoir Floor Plan 20.02.2023.

and Technical Documents:

'Storage Assets Cultural Heritage Assessment Chaul End' by AECOM dated June 2021, 'Chaul End Reservoir, Caddington Bedfordshire Heritage Statement' by Albion Archaeology dated 4th July 2022, 'Chaul End Reservoir, Caddington Bedfordshire Archaeological Field Evaluation' by Albion Archaeology dated 28th October 2022, 'BS5837:2012 Arboricultural Report' by Maydencroft dated May 2022 (Updated January 2023), 'Preliminary Ecological Appraisal' by AICOM dated 9th March 2021, 'Ecological Impact Assessment' by Maydencroft dated December 2022 (Updated January 2023), 'Chaul End Planning Response' by Maydencroft dated April 2023, 'Chaul End Service Reservoir Flood Risk Assessment' by Affinity Water dated 8th February 2023, 'Geophysical Survey Report, Chaul End Reservoir, Luton, Bedfordshire' by SUMO Geophysics dated 16th August 2022, 'Factual Report on Geophysical Survey, Report No L2050-22/R0' by Socotec dated June 2022, 'Landscape and Visual Appraisal' by Maydencroft dated April 2022 (Updated January 2023), 'Biodiversity Net Gain Assessment' by Maydencroft dated April 2023, 'Transport Statement V5' by AICOM dated 4th May 2023, 'Landscape Mitigation Plan MH8199-006a rev. D and MH8199-006b rev. B' and 'Plant Schedule & Specification' by Maydencroft dated April 2023.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. GDP Policy Informative – Central Beds Local Plan

In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the Central Bedfordshire Local Plan and the National Planning Policy Framework (NPPF).

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. The applicant is advised that in order to comply with the conditions related to highways and access works related to this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail highwaysagreements@centralbedfordshire.gov.uk

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained by contacting the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 8301.

The applicant is advised that the storage of materials associated with the construction of this development should take place within the site and not extend into or within the public highway without authorisation from the highway authority. If necessary, the applicant should contact the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 8301.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.