

106/354

DATED 11 FEBRUARY

2003<sup>4</sup>

TRUSTEES OF THE EIGHTH VISCOUNT PORTMAN'S WILL TRUST

-and-

SWAYFIELDS LIMITED  
and  
TEXACO LIMITED

UNILATERAL UNDERTAKING UNDER  
SECTION 106 TOWN AND COUNTRY  
PLANNING ACT 1990

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relating to land at  
Burtley Wood  
Buckinghamshire

COBBETTS  
Solicitors  
Trafalgar House  
29 Park Place  
Leeds LS1 2SP  
Tel: (0113) 246 8123 Fax: (0113) 244 2863  
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THIS DEED is made the

11<sup>th</sup> day of FEBRUARY 2003 4

BY

- (1) RICHARD NEVILLE LAY, EUAN MICHAEL ROSS GEDDES (BARON GEDDES OF ROLVENDON) AND JOHN ADRIAN WATNEY being the current Trustees of The Late Eighth Viscount Portman's Will Trust ("the Owner") which expression shall include their successors in title to each of the Site and the Landscape Management Areas) and
- (2) SWAYFIELDS LIMITED (Company Number 2725792) whose registered office is at 1 Castle Hill Lincoln LN1 3AA and TEXACO LIMITED (Company Number 145197) whose registered office is at 1 Westferry Circus Canary Wharf London E14 4HA ("the Proposed Tenants" which expression shall include permitted assigns (if any) under the Agreement and (following the acquisition of a legal interest in the Site under the Agreement) all successors in title)

TO

SOUTH BUCKS DISTRICT COUNCIL ("The Council") of Council Offices  
Windsor Road Slough SL1 2HN

**WHEREAS**

1. The Owner is seised for an estate in fee simple of the Site (other than the public highway) subject to the Agreement and is seised for an estate in fee simple of the Landscape Management Areas
2. The Proposed Tenants are entitled in certain circumstances to call for the grant of a lease of the Site for a term of years absolute so as to permit the Site to be used for the Development
3. The Council is the Local Planning Authority for the purpose of the Planning Act for the area in which the Site is situated and by whom the planning obligations contained in this deed are enforceable

4. The Owner and the Proposed Tenants have submitted the Planning Application to the Council and the Planning Application is presently the subject of an appeal to the Secretary of State (reference number APP/N0410/A/00/1039103) for his determination pursuant to Sections 78/79 of the Planning Act
5. The Owner and the Proposed Tenants have each agreed to enter into this deed so as to bind (to the extent hereinafter appearing) their respective interests in the Site and the Landscape Management Areas with the intent that the covenants provisions conditions stipulations hereinafter contained shall be enforceable in the event of (but only in the event of) Commencement of Development

#### **WORDS AND EXPRESSIONS**

1. In this deed the following expressions bear the following meanings where the context so requires:

**"Agreement"**

an agreement dated the 30<sup>th</sup> January 2002 made between the Owner (1) and the Proposed Tenants (2) whereby the Proposed Tenants are entitled (inter alia) in certain circumstances to require the Owner to grant a lease of the Site so as to permit the Site to be used for the Development and which provides for such lease to grant the Proposed Tenants rights over the Landscape Management Areas to enable them to comply with the terms of this deed

**"Commencement of Development"**

subject to clause 4.3 the undertaking of a material operation as defined in section 56(4) of the Planning Act in pursuance of Planning Permission

**"Development"**

the construction upon the Site of a motorway service area including catering overnight accommodation and automotive fuel filling station and associated parking in pursuance of Planning Permission

**"Landscape Management Plan"**

a written plan with appropriate accompanying drawings providing management measures and maintenance schedules for the Landscape Management Areas in accordance with the provisions and principles of the Landscape and Habitat Management Strategy and which may be approved by the Council under the terms of the Planning Permission

**"Landscape Management Areas"**

such parts of the Site and the land coloured orange on Plan 2 and coloured green on Plan 3 as are mentioned or referred to in the Landscape and Habitat Management Strategy

**"Landscape and Habitat Management Strategy"**

the Strategy contained in the Schedule

**"Landscape Masterplan"**

the drawing forming part of the Landscape and Habitat Management Strategy in the Schedule and prepared by Derek Lovejoy Partnership and numbered 04-4077.01.001G



**"Parties"**

the Owner and the Proposed Tenants

**"Plan 1"**

the plan annexed hereto and marked  
"Plan 1"

**"Plan 2"**

the plan annexed hereto and marked  
"Plan 2"

**"Plan 3"**

the plan annexed hereto and marked  
"Plan 3"

**"Planning Act"**

Town & Country Planning Act 1990 as  
amended

**"Planning Application"**

an application for Planning Permission  
submitted by the Owner and the  
Proposed Tenants to the Council on  
28<sup>th</sup> June 1999 and given the  
reference number 99/0723/OUT

**"Planning Permission"**

planning permission for the  
Development granted under the  
Planning Act in pursuance of the  
Planning Application and the approval  
of any and all matters reserved  
(whether by article 3(1) General  
Development Procedure Order 1995 or  
otherwise) on the grant of such  
planning permission

**"Site"**

the land edged red on Plan 1

**NOW THIS DEED WITNESSETH** as follows:

1. This Deed is a planning obligation for the purposes of Section 106 of the Planning Act and the Council is the local planning authority by whom that planning obligation is enforceable
2. With the intention of binding the Site and the Landscape Management Areas and any part or parts thereof into whosoever hands the same may come the Owner (in relation to the freehold interest therein) and the Proposed Tenants hereby covenant with the Council that:
  - 2.1 the Development will not be opened to members of the travelling public as a motorway service area until such time as the Landscape Management Plan has come into force;
  - 2.2 Upon the Development opening to members of the travelling public and until the Site ceases to be used as a motorway service area open to members of the travelling public the Landscape Management Areas will be managed in accordance with the Landscape Management Plan
3. It is hereby declared as follows:
  - 3.1 Without prejudice to any liability of the Owner hereunder any covenant or obligation in clause 2 hereof entered into by the Proposed Tenants is conditional upon a legal estate in the Site being acquired by a person (or a body of persons) under the Agreement to the effect that if no legal estate is so acquired any covenant or obligation on the part of the Proposed Tenants shall not be enforceable against the Proposed Tenants or either or any of them.
  - 3.2 For the purpose of determining whether or not Commencement of the Development has occurred there shall be disregarded any operations of archaeological investigation site investigation soil sampling or any similar operations undertaken prior to the

commencement of any works of construction on the Site in pursuance of Planning Permission

- 3.3 In the event of Commencement of Development not occurring and the Planning Permission expiring or in the event of Planning Permission being revoked in whole or in part so as to prevent the Site being used for the Development then this deed and Planning Obligation shall be annulled and have no effect.
- 3.4 For the purpose of such parts of this deed as may be subject to the rule against perpetuities any rights arising in the future shall only be exercisable if the subject matter of such rights come into existence within a period of 80 years from the date hereof which is to be the perpetuity period applicable to this deed
- 3.5 Any notice decision direction approval authority permission or consent required to be given or served hereunder shall be sufficiently served on either party hereby if forwarded by registered or recorded delivery post to (if a company or corporation) its registered or principal office or (if an individual) his or her last known place of abode or business in England or (if two or more individuals) the last known place of abode or business of one of them and a notice so sent shall be deemed to be given 5 days after due posting thereof
- 3.6 The provisions contained in this deed shall come into effect only upon the granting of Planning Permission but shall then be conditional upon Commencement of Development
- 3.7 No person shall be bound by the terms of this deed or be liable for any breach of any of the provisions hereof occurring after that person has disposed of all interest in the Site and/or the Landscape Management Areas or that part or those parts thereof upon which such breach occurs but without prejudice to liability for any breach of any of the provisions hereof prior to disposing of such interest
- 3.8 Nothing in this deed shall constitute planning permission for any development as defined in Part 3 of the Planning Act or fetter or restrict the discretion of the Council in the exercise of its powers



under any statutory enactment or other enabling power for the time being in force

3.9 If a legal estate or interest in the Site is acquired pursuant to the Agreement then the Proposed Tenants hereby indemnify and shall keep indemnified the Owner from and against all actions proceedings claims demands losses costs expenses damages and liability whether direct or indirect resulting from any failure to perform or non-compliance by the Proposed Tenants with any of the obligations contained in this deed

3.10 Nothing in this deed shall prohibit or limit the right to develop any part of the Site or the Landscape Management Areas in accordance with any planning permission (other than one relating to the Planning Application) granted (whether or not on appeal) after the date of this deed

4. No provision of this deed is intended to create any rights or benefits enforceable by third parties against the Parties under the Contracts (Rights of Third Parties) Act 1999

**IN WITNESS** whereof the Parties have executed and delivered this deed as a deed the day and year hereinbefore appearing



SCHEDULE

SWAYFIELDS LTD.

Proposed Motorway Service Area  
M40 Burtley Wood  
Landscape and Habitat Management Strategy

September 2003

Lovejoy  
1, Fore Street  
Caxton Gate  
Birmingham B2 5ER

## 1. INTRODUCTION

- 1.1 This Strategy has been prepared to be part of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. It provides prescriptions for the management of new woodland and other existing and new habitats and amenity landscape on the development site and on proposed woodland planting sites close by.
- 1.2 Proposals for the Motorway Service Area (MSA) are subject to an outline Planning Application, which has been accompanied by an Environmental Statement. If outline planning permission is granted this Strategy, and a subsequent detailed Landscape Management Plan would come into force on the commencement of the development and would be effective as long as the site is used as an MSA.
- 1.3 The areas, which are intended to be subject to this Strategy are illustrated on the Landscape Master Plan. The Landscape Management Areas include land beyond the fenced boundaries. The final site plan will be submitted upon application for approval of reserved matters relating to planning permission. The Strategy and the subsequent detailed Landscape Management Plan will be applied to the final approved layout.
- 1.4 The Strategy summarises the underlying landscape design and ecological principles incorporated into the proposals by Swayfields Limited and sets out how it is proposed that the habitats and amenity landscape should be managed. In the following strategy:
- Section Two states the aims and objectives of the Strategy;
  - Section Three describes and gives details of the role of each landscape component;

- Section Four details the management objectives and a broad prescription for each component; and
- Section Five provides details of implementation, monitoring and review.

## 2. AIMS AND OBJECTIVES OF THE MANAGEMENT STRATEGY

### 2.1 Aims

- 2.1.1 To adopt a coherent, strategic and integrated approach to the future management and maintenance of the landscape components, both existing and proposed, associated with the MSA development. This management will ensure successful screening, overall integration with the surrounding landscape as intended by the landscape strategy. Management approaches will be appropriate to nature conservation, the users of the site and its amenity. In particular, management will aim to conserve and enhance interests associated with ancient woodlands and other established woodland habitats at the site.

### 2.2 Objectives

- To retain and enhance the value of existing landscape features and habitats to be retained;
- To conserve ancient woodland flora, fauna and soils;
- To ensure successful establishment of all new landscape elements proposed;
- To ensure the development of an effective vegetation screen in strategic locations;
- To achieve the integration of the vegetation on the site with the

surrounding landscape;

- To maximise the nature conservation value of the retained and proposed new habitats on the site;
- To accommodate appropriate public use of the site and adjacent areas, by promoting a regime sensitive to the site's role and user expectations, and sensitive to the use of adjacent areas;
- To fulfil legal requirements, including nature conservation, environmental protection and general public safety;
- To facilitate an efficient and sustainable landscape management and maintenance regime; and
- To provide a mechanism for monitoring and reviewing the Strategy and operations.

### 3. LANDSCAPE COMPONENT DESCRIPTIONS

#### 3.1 Landscape Components

3.1.1 To ensure appropriate management the area covered by this deed will be considered as comprising eight separate but interlinked components. They are:

- i) Existing retained woodland - Burtley and Bower Woods
- ii) New woodland plantings
- iii) Woodland grass margins
- iv) Wildflower/Meadow grasslands
- v) Balancing ponds and marginal areas
- vi) New individual and groups of trees
- vii) Ornamental shrub plantings
- viii) Mown grass



3.1.2 The areas and features that make up these components are illustrated on the Landscape Masterplan (Lovejoy Drawing No 04-4077.01.001G); ECUS Plan 2 'Areas Proposed for Offsite Woodland Planting'; and ECUS Plan 3 'Areas proposed for Nature Conservation Enhancement within Burtley/ Bower Woods'. Woodland grass margins are sub-elements with different management regimes to the areas shown on the drawing as wildflower/meadow grasslands and mown grass. The balancing ponds include consideration of associated marginal areas. The new individual and groups of trees component incorporates all semi-mature, extra-heavy standard and standard trees not included in new woodland plantings. The following text describes each of these components more fully.

### 3.2 Existing retained woodland - Burtley and Bower Woods

3.2.2 The site is entirely contained within the Bower and Burtley Woods Biological Notification Site (BNS). This area of the Burtley and Bower Woods comprises primarily areas of plantation woodland with some areas of secondary semi natural woodland and ancient semi natural woodland. Significant areas of this wood will be retained along the east, south and west (in part) of the application site. The areas to the south and east adjoin the greater Burtley Wood area, Duke's Underwood and

## Bower Wood.

- 3.2.2 The MSA proposal will have direct impacts upon this woodland and there is the potential for some secondary impacts associated with the increasing number of users and domestic pets in the vicinity. The opportunity also exists to enhance the biological value of the wood through appropriate long-term management. Management strategies will aim to ensure that the wood is protected and buffered against impacts where possible; to maintain the ecological value of retained woodland areas; and to develop and maintain a species rich habitat. Retained woodland will be securely fenced to prevent access by MSA users and their pets

## 3.3 New Woodland Plantings

- 3.3.1 New woodland planting is proposed within the application site around much of the perimeter of the MSA development, and on agreed off site areas. Specifically, new woodland plantings will be established to supplement existing vegetation along the A355, around the existing Burtley Cottages, adjacent to the MSA entry road, and between the Amenity and Lodge Buildings and the edge of Burtley and Bower Woods. These new woodland plantings will comprise locally native trees and shrubs.
- 3.3.2 Where screening effect and/or a strong internal structure will be of importance plantings will comprise semi-mature trees, extra-heavy standard trees, standard trees and feathers interplanted with

forest transplants and whips at high planting densities. (Hereafter referred to as 'Screening New Woodland Areas'). All advantageous horticultural techniques will be used in the planting of these trees.

3.3.3 Where screening is not critical, greater emphasis will be placed on the use of forest transplants and whips rather than larger nursery stock. Plantings will be at low planting densities. (Hereafter referred to as the 'Landscape New Woodland Areas').

3.3.4 Screening New Woodland Areas will be planted into ameliorated topsoil. In order to achieve greater ecological value in Landscape New Woodland Areas stock will be planted into existing woodland soils. Topsoils removed from wooded areas of the site will be re-utilised in new planting areas. In parts of the site, planting will be into translocated ancient woodland soils or other existing woodland topsoils. Planting will consist of a combination of nursery grown stock of locally native species and translocated trees and shrubs from within the MSA site. Details of the translocation of soils and other woodland materials will form part of a separate document specifying handling of soils and establishment of the landscape in and adjacent to the MSA.

3.3.5 Screening New Woodland Areas may be planted into ameliorated topsoil, where the required growth rates necessitate. Agreed herbicides may be used to help secure rapid establishment of planted trees.

3.3.6 Screening New Woodland Areas and Landscape New Woodland Areas will be undersown with



woodland grass/wildflower mix containing only species which are locally native and appropriate to the soil types to be sown. Where species are unlikely to have a successful strike rate from direct sown seed, pot grown (tube stock) plants will be used to supplement seeded areas. Where appropriate, all planting material will be of local provenance.

3.3.7 In selected areas, where new woodland establishment is into existing or translocated woodland soils, field layer vegetation will be supplemented by hand translocated vegetation of woodland species of value from areas of woodland cleared from the MSA site

3.3.8 The new woodland plantings will be important for:

- Screening the development;
- Contributing to a strong internal and perimeter structure;
- Integrating the site with adjacent areas; and
- Wildlife conservation and enhancement – in particular, the conservation of ancient woodland flora, fauna and soils..

### 3.4 Woodland Grass Margins

3.4.1 Woodland grass margins will be established at the edges of all woodland areas where they abut grass within the application site. This will be around the entry to the MSA off the A355, and around the Balancing Ponds.



3.4.2 These margins will be established without the use of soil ameliorants, with grass/wild flower seed mixes containing only species of locally native species that are appropriate to the soil types on site. Where a good strike rate is unlikely to be achieved from direct sown seed, pot grown plants (tube stock) will be used to supplement seeded areas. Where appropriate, all planting material will be of local provenance.

3.4.3 These areas will have the potential to contribute significantly to the ecological value of the area particularly by providing new opportunities for woodland edge flora, permanent rough grassy cover and associated fauna. They will also be important in contributing to the visual interest of the site particularly by providing visual transition between new woodland areas and wildflower grasslands/mown areas and in the range of specific flora and fauna.

### 3.5 Wildflower /Meadow Grasslands

3.5.1 Certain areas of open ground within the site, including a small area adjacent to the d Lodge buildings, will be given over to the creation of wildflower meadow grasslands.

3.5.2 These grasslands will be established on low fertility subsoils without the use of soil ameliorants and using grass/wild flower seed mixes containing locally native species and appropriate to the soil type. Where a good strike rate is unlikely to be achieved from direct sown seed, pot grown plants (tube stock) will be used to supplement seeded areas. Where

appropriate, all planting material will be of local provenance.

- 3.5.3 These areas will have the potential to contribute significantly to the ecological value of the area through the development of species rich habitat. Equally, they will be important in increasing the visual interest of the site.

### 3.6 Balancing Ponds and Marginal Areas

- 3.6.1 Two balancing ponds will be developed on the southern part of the site. The ponds will be designed and constructed to include open water with fringing marginal wetland vegetation.

- 3.6.2 The primary function of the balancing ponds is for surface water run off control, however, the ponds have the potential to contribute to the ecological and aesthetic value of the area. This will be achieved through the provision of a diverse planting scheme including open water and fringe elements. This vegetation will be planted using primarily pot grown species.

### 3.7 vi) Individual and Groups of Trees

- 3.7.1 Individual and groups of ornamental trees will be established within the core area of the development.

- 3.7.2 The primary role of these trees will be to break down the apparent visual scale of the development and give an immediate sense of maturity and quality to the core area of the site. These trees are also an integral element of the structure planting and therefore will contribute to screening, the integration of the site into the surrounding landscape, and to providing a strong internal landscape structure. This vegetation will be primarily extra-heavy standard and

semi-mature specimens planted in fertile soils.

### 3.8 Ornamental Shrub Plantings

3.8.1 Ornamental shrub plantings will be established within parking areas and around the vicinity of the Amenity Building, the Lodge, and the fuelling facility. This planting will be comprised of species that would not appear incongruous with the new woodland plantings, but will be a mix of locally native and exotic species, although species with the potential to be invasive will not be used..

3.8.2 The ornamental shrub plantings will provide a sense of quality and prominence to the core area of the development whilst fitting visually with the existing woodland and new woodland plantings. These planting mixes will provide all year round interest to users of the MSA.

### 3.9 Mown Grass

3.9.1 Mown grass areas will be established along proposed roadways and within the vicinity of the parking areas, the Amenity Building, the Lodge and the refuelling facility, and at the site access/egress, and to the picnic area in the south of the site.

3.9.2 Mown grass areas will provide a sense of quality and care to the development. This treatment will also provide an area for picnicking and general sitting and relaxation.

## 4. LANDSCAPE AND HABITAT MANAGEMENT OBJECTIVES AND PRESCRIPTIONS

### 4.1 General Prescriptions

4.1.1 There are a number of general prescriptions that



would apply to future management across the site.  
These are:

- All legally designated weeds shall be controlled;
- Vegetation which suppresses or otherwise inhibits the development of desirable habitats shall be managed;
- Any species which colonise the site and are incongruous with the planting scheme and / or with the surrounding context shall be removed; and
- All herbicides used will be systemic, biodegradable, and non residual;

4.1.2 The following text outlines the management objectives and prescriptions for each of the eight landscape components of the MSA.

#### 4.2 Existing retained woodland – Burtley and Bower Woods

Management objectives

4.2.1 The objectives for the management of the areas of Burtley and Bower Woods to be retained within the application site and on areas off-site will be to:

- Retain and develop wildlife habitat value;
- Ensure the long term sustainability of the woods;
- Increase species diversity within commercial plantation woodlands through the planting of a greater range of broadleaved trees and an increased shrub component; and
- Increase structural diversity through the retention of shrub layer species and the promotion of uneven-aged stands.



## Prescription

4.2.2 This portion of the Burtley and Bower Woods will be the subject of a separate nature conservation section within the Landscape Management Plan. That part of the management plan will primarily be focused on rejuvenation and diversification of the existing wood to enhance ecological value. These areas of proposed management enhancement will, effectively, be removed from the commercial management regime which dominates management and planting throughout the remainder of the Burtley/Bower Woods complex. Nature conservation will become the primary land use objective within these areas and the Estate's long-term Forest Plan will be modified to reflect these proposals. The long-term Forest Plan will also be amended to accommodate the detailed management plan proposed for these areas.

4.2.3 The emphasis of management proposals will be towards a range of measures which can be implemented within specified timescales and directed to the achievement of clear, specified nature conservation objectives, which will include:

- Increase structural diversity, especially in the shrub layer, which is currently sparse in many areas. This would be of benefit to breeding birds and some invertebrates. It would be achieved by local coppicing of appropriate indigenous tree and shrub species, and by new planting of native trees and shrubs or the promotion of indigenous species following the selective and phased removal of sycamore, poplar, and other non-indigenous species.

- Increase breeding bird numbers by providing nesting boxes and enhancing structural diversity as described above.
- Retain fallen and standing dead timber to promote deadwood invertebrates and fungi;
- Improve roosting opportunities for bats by providing bat boxes.
- Replacement of existing conifer crops with locally native woodland types.

#### 4.2.4 Management strategies will include:

- A programme of eradication and control of invasive species, such as Rhododendron and sycamore (especially in areas of existing semi-natural woodland cover of high nature conservation value);
- Re-coppicing in selected areas traditionally managed as coppice;
- The replacement of existing coniferous plantations with locally native broadleaved woodland types;
- Increased species diversity within selected commercial plantation woodlands through the planting of a greater range of broadleaved trees and an increased shrub component;
- Increased structural diversity through the retention of shrub layer species;

Care needs to be taken to reduce the impact of rejuvenation/redevelopment work.

4.2.5 Other measures would be taken to improve the existing/retained woodland areas of Burtley Wood within and adjacent to the MSA, including:

- Selective planting of appropriate locally native trees and shrubs to encourage regeneration of selected woodland compartments;
- Planting of enhanced shrub component along the woodland margins to provide improved habitat structure, enhanced buffering and screening along the woodland edge;
- Selective thinning of existing trees to encourage natural regeneration and growth of planted trees and shrubs;
- During thinning operations non-locally native trees and shrubs will be removed where appropriate;
- Standing dead wood will be retained wherever it occurs unless it presents a clear human safety hazard;
- Fallen dead wood and felled trees will be retained to provide dead wood habitats within the woodland;
- Arisings from thinning, from native species, will be used to create habitat piles where appropriate; and
- Maintenance of fencing between the Wood and adjacent fields.

4.2.6 Areas proposed for nature conservation enhancement are shown on ECUS Plan 3. Specific

management proposals for these areas are set out in Appendix 1, although these will be reconsidered and agreed in the context of the future Landscape Management Plan.

#### 4.3 New Woodland Plantings

##### Management objectives

4.3.1 The objectives for the management of the new woodland plantings will be to:

- Ensure the establishment and healthy growth of the plantings;
- Ensure permanent screening from adjacent areas;
- Develop their value as wildlife habitat; and
- Ensure a strong internal landscape structure to the site.

##### Prescription

4.3.2 The Screening New Woodland Areas will be subject to a high level of establishment maintenance to ensure survival and rapid development of all specimens. The following work will be undertaken during the first two years after planting to ensure the satisfactory establishment and development of these trees and shrubs:

- Weeds to be suppressed throughout the planted areas;
- Treatment of pests and diseases damage to be undertaken as required;
- Vandalised, unhealthy and dead planted trees and shrubs, which have an adverse impact on the design and management objectives, will be



replaced immediately and any underlying causes amended;

- Guards; stakes and ties, and any other forms of protection used, to be regularly maintained and replaced if required;
- Tree guards, stakes and ties to be removed at appropriate times to ensure optimum health of trees;
- Soil fertility to be maintained at appropriate levels;
- Soil moisture to be maintained at appropriate levels for optimum growth.

4.3.3 The establishment maintenance for Landscape New Woodland Areas will be as detailed above but with the following exceptions:

- Weed suppression will be maintained to the base of all trees, not exceeding 20% of the total planted area, and will be undertaken by hand, without the use of herbicides; and
- During thinning operations non-locally native trees and shrubs will be removed.

4.3.4 In the following 2 – 7 years all woodland areas will require the following management:

- Selective thinning of tree species, if required, to ensure appropriate spacing in relation to screening requirements and the satisfactory development of the trees for their ecological value;
- Low level screening and buffering requirements should be achieved by coppicing selected specimens;
- Coppicing (where agreed to be necessary and/or

appropriate) will need to commence approximately five years after planting;

- To ensure screening and buffering effects are not compromised coppicing will be undertaken in groups on a rotational basis; and
- Arisings from thinning and coppicing will be used to create habitat piles in suitable locations.

4.3.5 In the following 7 – 12+ years all woodland areas will require the following management:

- Further thinning of tree species should be undertaken as required in Screening New Woodland Areas as agreed until appropriate final specimen spacing is achieved.
- Where screening is a particular requirement spacing will be selected to ensure good screening effect but without the trees becoming elongated as a result of overcrowding.
- Groups of trees will be coppiced (where agreed to be necessary and/or appropriate) every 10 years.
- Where screening is not a particular requirement in Landscape New Woodland Areas, habitat development will be monitored at 5-year intervals and selective thinning or coppicing undertaken to encourage the development of a varied habitat and age structure. whilst ensuring sufficient canopy cover is maintained to allow the development of the sown/planted woodland ground flora.
- Where there is potential for a good field layer but the flora is poor, pot grown plants will be planted to supplement and enrich the field layer flora.

#### 4.4 Woodland Grass Margins

##### Management objectives

4.4.1 The objectives for the management of woodland grass margins will be to:

- Maximise the potential for, and diversity of, local woodland edge field layer flora and associated fauna;
- Ensure permanent rough grassy cover;
- Create a gradation between woodland and wildflower grassland/mown areas;
- Prevent the encroachment of woodland/scrub beyond the proposed areas; and
- Control undesirable herbaceous species.

##### Prescription

4.4.2 The Woodland Grass Margins will be subject to a moderate to low level of maintenance. Although the management needs of the woodland grass margins will not be particularly demanding it will be essential to ensure that certain key requirements are fulfilled if the management objectives are to be realised. The following work will be undertaken to ensure the satisfactory establishment and development of these trees, shrubs, and grasslands throughout the life of the MSA development:

- In the first growing season following sowing, the sward will be mown to a height of 50mm at least once in mid-late Summer. If growth rates are rapid in the earlier part of the year, the sward may be mown to a height of 50-100mm when it exceeds a height of 150mm to encourage the development of

herbaceous dicotyledons and general sward development;

- Thereafter areas of woodland grass margins will be mown to a height of 50 – 100 mm every 2 to 3 years in rotation in the autumn;
- Cuttings will be left to lie and shall then be removed between 1 and 2 days after the area has been cut;
- All arisings should be removed with the general objectives of preventing scrub encroachment and providing appropriate conditions for woodland edge flora and fauna;
- Some areas should be left uncut or cut to a different height or at a different time to create a diversity of habitat areas;
- Some arisings should be used to create habitat piles in suitable locations;
- Undesirable herbaceous species will be controlled with sensitive modification of mowing regimes, hand pulling or weed wiping/spot spraying with herbicides as appropriate;
- Any species which suppress or otherwise inhibit the development of a species rich woodland edge field layer will be controlled (by localised mowing, hand pulling or weed wiping/spot spraying with herbicide) as appropriate;
- Areas where grass/flora swards fail to establish or die out will be re-sown and/or planted with pot-grown plants and any underlying problems resolved; and



- Soil ameliorants will not be used on woodland grass margin areas

#### 4.5 Wildflower Meadow Grasslands

##### Management objectives

4.5.1 The objectives for the management of wildflower grasslands will be to:

- Maximise the diversity of the grassland flora and value for associated fauna;
- Ensure visual attractiveness;
- Prevent the encroachment of woodland/scrub beyond the proposed areas;
- Control undesirable herbaceous species; and
- Ensure safe pedestrian use in any areas where pedestrian access is intended.

##### Prescription

4.5.2 Although the management needs of wildflower grasslands will not be particularly demanding their successful establishment will be essential to ensure the fulfilment of the landscape strategy. The management regime will be the same as the woodland grass margins with the addition of the following prescriptions that should apply throughout the life of the MSA development:

- Wildflower grasslands will be mown annually in late Summer or Autumn. All mowings will be removed from the site.
- Where wildflower grasslands are accessible to pedestrians and maintenance vehicles, any rutting caused by a concentration of use shall be repaired as appropriate; and

- Wildflower grasslands directly adjacent to roads, pathways, and all sight line areas, will be managed as mown grass to a depth of 1m.

#### 4.6 Balancing Ponds and Marginal Areas

##### Management objectives

4.6.1 The objectives for the management of the balancing ponds and marginal areas will be to:

- Ensure appropriate run off control;
- Promote good water quality;
- Maximise habitat value;
- Ensure visual attractiveness; and
- Maintain intended water levels.

##### Prescription

4.6.2 Although balancing ponds and marginal areas do not require intensive routine management they do have some specific management needs. As part of the detail design of the balancing ponds, measures will be incorporated to inhibit the attractiveness of the ponds to ducks and geese. The balancing ponds and marginal areas are a sensitive system whose functions and values can be easily altered or destroyed. Any work proposals must ensure a cautious and sensitive approach. The following work will be required throughout the life of the MSA development:

- Litter and bulky debris will be periodically removed and all inlets and outlets will be regularly checked, cleaned and maintained as necessary for optimal functioning;

- Light levels over the water and water edge areas will be maintained by preventing the encroachment of woody plants covering the ponds beyond the areas determined in the design strategy;
- The application or deposition of fertilisers, pesticides, and cleaning materials areas will be prohibited, except where required to control alien invasive aquatic or riparian weed species. All herbicides used for such purposes will follow Environment Agency guidance for the use of herbicides near water;;
- The satisfactory functioning of oil interceptors and sediment filters will be ensured;
- Dead and dying reeds and other marginal vegetation should be replaced as required;
- Algal growth will be managed to maintain an ecological balance of the ponds;
- Ensure a healthy balance of submerged oxygenating aquatic flora;
- Physical control measures will be used where necessary to control excessive vegetation as a short term measure;
- Environmental control measures will be used to achieve more permanent control of excessive vegetation (This may be through nutrient control and/or desilting);
- Vegetation cutting and desilting will not exceed 30% of the water body and its margins in any one year;
- Arisings from physical vegetation control

measures and desilting operations will be deposited close to the ponds for 1-2 days before being removed from the site;

- Management measures to inhibit potential colonisation of the balancing ponds by ducks and/or geese.
- A variety of shore line gradients, an irregular outline and a variety of water depths, will be maintained; and
- If water levels in the ponds fall below the minimum proposed, underlying problems will be investigated and rectified immediately.

#### 4.7 Individual and Groups of Trees

##### Management objectives

4.7.1 The objectives for the management of the individual and groups of trees outside of the new woodland plantings will be to:

- Ensure satisfactory establishment and development; and
- Ensure the trees are healthy and safe over the life of the MSA development.

##### Prescription

4.7.2 These trees will be subject to a high level of establishment maintenance to ensure survival and optimal development of all specimens in this high profile area of the site. The following work will be undertaken during the first two years after planting to ensure the satisfactory establishment and development of these trees and shrubs:

- Weeds will be suppressed throughout the planted



areas;

- Treatment of pests and diseases damage will be undertaken as required;
- Vandalised, unhealthy and dead trees and shrubs, will be replaced immediately and any underlying causes amended;
- Guards, stakes and ties, and any other forms of protection used, will be regularly maintained;
- Tree guards, stakes and ties will be removed at appropriate times to ensure optimum health of trees;
- Soil fertility will be maintained at appropriate levels;
- Soil moisture will be maintained at appropriate levels for optimum growth; and
- Formative pruning will be undertaken to achieve an attractive, but not unnatural shape, for the tree, to ensure no future structural problems, and to remedy pest, disease and vandalism problems.

#### 4.8 Ornamental Shrub Plantings

##### Management Objectives

4.8.1 The objectives for the management of ornamental shrub plantings will be to;

- Nurture newly established material;
- Maintain plantings in a healthy and attractive condition; and
- Ensure achievement of the design concept.

## Prescription

4.8.2 Satisfactory initial development of the ornamental shrub plantings will require good attention to establishment maintenance detail. Works which will be undertaken during the first two years after planting will include:

- Weed control;
- Mulching;
- Maintenance and replacement of stakes, ties, and guards;
- Maintenance of appropriate pH levels ;
- Maintenance of good levels of soil fertility;
- Maintenance of adequate levels of soil moisture;
- Formative pruning;
- Training and tying in of wall shrubs and climbers;
- Controlling of pests and diseases;
- Replanting of poorly established or dead plants ; and
- Removal of stakes, ties and guards at appropriate times.

4.8.3 The degree of input in subsequent years will not need to be as great as in the initial establishment phase. However, it will be imperative that appropriate and timely inputs are made. Works additional to those noted above that will be undertaken after the initial two year establishment period will include:

- Weed control;

- Replenishment of mulches;
- Application of fertilisers to meet very specific requirements;
- Irrigation to avoid undue stress;
- Appropriate pruning of shrubs for floral, foliage and stem colour effect and to remove weak, dead and diseased wood;
- Training and tying in of wall shrubs and climbers;
- Dead heading;
- Trimming of herbaceous plants;
- Control of pests and diseases;
- Replanting of poorly established or dead plants in the first five years immediately following planting; and
- Replanting, particularly of shorter-lived plants.

4.8.4 Furthermore, to fulfil the management objectives it will be necessary to periodically rejuvenate or redevelop ornamental shrub plantings. Rejuvenation and redevelopment may be necessitated by:

- The original design concept being lost;
- General ageing and decline or disease in plants;
- Changes in the nature of areas (e.g. from open to shady); and
- Existing plantings no longer being viable (e.g. exhausted rose plantings).

4.8.5 Rejuvenation/redevelopment will be required from approximately 10 years after planting and will need

to be undertaken approximately every 10 years thereafter. Care needs to be taken to reduce the impact of rejuvenation/redevelopment work and therefore 10% of the ornamental shrub plantings will be rejuvenated/redeveloped each year. Areas to be rejuvenated/redeveloped will be selected on the factors listed above.

Rejuvenation will require the following activities to some degree:

- Heavy pruning of overgrown shrubs and climbers;
- The removal of shrubs and other plants;
- The replacement of supports; and
- The cultivation and replanting of areas.

Redevelopment will involve the complete removal of all plants and the replanting of areas.

#### 4.9 Mown Grass

##### Management objectives

4.9.1 The objectives for the management of mown grass will be to:

- Create clean lines and a sense of maintenance;
- Provide suitable conditions for sitting;
- Ensure safe pedestrian use; and
- Contribute to the overall setting of the landscape scheme.

##### Prescription

4.9.2 In order to fulfil the management objectives the following works will be undertaken throughout the life of the development:

- Mowing with a rotary machine to a height of



30mm whenever the sward reaches a height of 50mm;

- Edging off of all paths and kerb edges prior to the mowing season;
- Frequent trimming or herbicide control where grass abuts structures such as fences, walls, and around trees and obstacles; and
- Regular reinstatement of damaged or worn areas.

## 5. IMPLEMENTATION, MONITORING AND REVIEW

- 5.1 The area covered by this Strategy will be the subject of a detailed Landscape Management Plan prepared when the detailed development proposals are agreed. The Landscape Management Plan will be agreed with the South Bucks District Council before development commences.
- 5.2 The landscape management plan will incorporate the management objectives and broad prescriptions set out in this Strategy, give detailed prescriptions and detail proposals for monitoring.
- 5.3 Management proposals will be developed and management undertaken with professional landscape design, ecology, and management advice. A key person acting for the owners of the land will be identified as responsible for implementation of the Strategy, and associated management plan, programmes and monitoring. This representative will carry out the necessary detailed liaison with the South Bucks District Landscape, Ecology and Planning Officers (and/ or the Council's professional advisers) English Nature, the Forestry Authority and the Local Wildlife Trust as appropriate.

- 5.4 All materials, workmanship, quality and operations shall be in accordance with current British Standards, Codes of Practice and legislation.
- 5.5 Landscape and habitat management works will be monitored to appraise quality and immediate effectiveness. Additionally a detailed ecological and landscape monitoring programme will be developed, to monitor the ongoing condition of the area covered by the Strategy against the design and management objectives. This strategic monitoring will be undertaken on an annual basis for the first five years after initiation of the development and every five years subsequently.
- 5.6 The Landscape Management Plan will also be reviewed and agreed with the Local Planning Authority every 5 years in conjunction with the above strategic monitoring.

## Appendix 1

### Management Areas

Areas proposed for nature conservation enhancement are shown on ECUS Plan 3. Specific management proposals for these areas are set out below, although these will be reconsidered and agreed in the context of the future Landscape Management Plan.

#### Area 1

Adjacent to the MSA site boundary, the management of this area will aim to extend the protection and enhancement of woodland habitats on the margins of the MSA. Management measures will include phased sycamore removal and selective group fells, replanting with a locally native broadleaved mix of species, including a high component of shrub species to improve woodland habitat structure.

#### Area 2

A small remnant area of former coppice woodland which has been partially replanted and is now low in cover derived from the original woodland vegetation type. This area will be reinstated to coppice woodland and measures implemented to develop its structure with a well-developed understorey and canopy layer. This is likely to require selective re-stocking with suitable species of trees and shrubs. The soils here are more acidic than elsewhere and probably did not support a high cover of hazel. Oak, birch, rowan and holly would be more suitable species here, with only an occasional hazel.

#### Area 3

This area of woodland lies on the margins of the MSA. Part of the compartment falls within the MSA site and a small area will be removed as part of the MSA proposals. This area of woodland will be subject to measures to remove sycamore and encourage a predominance of alder. Measures will

be taken to increase wetness to support the proposed wet woodland community. It may be appropriate to undertake removal and herbicide treatment of the sycamore two or three years in advance of coppicing, to allow alder and ash to increase in vigour and shade any sycamore regrowth.

#### Area 4

A broad strip of woodland on either side of a small watercourse, this area is currently under Norway spruce plantation and is cropped for Christmas trees. Here, the coniferous plantation would be removed and replaced with locally native broadleaved species. Subject to appropriate drainage management, this might include the establishment of further wet woodland areas.

#### Area 5

This area is currently largely open clearing, with scattered woody regeneration. The boundary of this clearing with adjacent woodlands is somewhat abrupt. Through selective felling/coppicing and planting, the transition to adjacent woodland will be managed to diversify its structure, creating a wider range of ecological conditions whilst maintaining the existing open character of the stream course.

#### Rhododendron Control

A programme of Rhododendron clearance will also be implemented, on a rolling programme throughout Burtley and Bower Woods, to achieve complete control by 2015.



**EXECUTED AS A DEED BY RICHARD NEVILLE/LAY**

In the presence of: B.E. HILL  
[REDACTED] 38 SEYMOUR STREET  
LONDON  
W1H 7BP

**EXECUTED AS A DEED BY EUAN MICHAEL ROSS GEDDES  
(BARON GEDDES OF ROLVENDON)**

In the presence of: B.E. HILL  
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LONDON  
W1H 7BP

As Attorney for and on behalf of  
Euan Michael Ross Geddes (Baron Geddes of Rolvenden)

**EXECUTED AS A DEED BY JOHN ADRIAN WATNEY**

In the presence of: B.E. HILL  
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**EXECUTED AS A DEED by TRUST SECRETARY  
SWAYFIELDS LIMITED**

acting by the following officers:

Director  
Director/Secretary [REDACTED]

**[THE COMMON SEAL of]  
[EXECUTED AS A DEED by]  
TEXACO LIMITED**

[was hereunto affixed in the presence of:]  
[acting by the following officers]

Director [REDACTED]  
Director/Secretary [REDACTED]

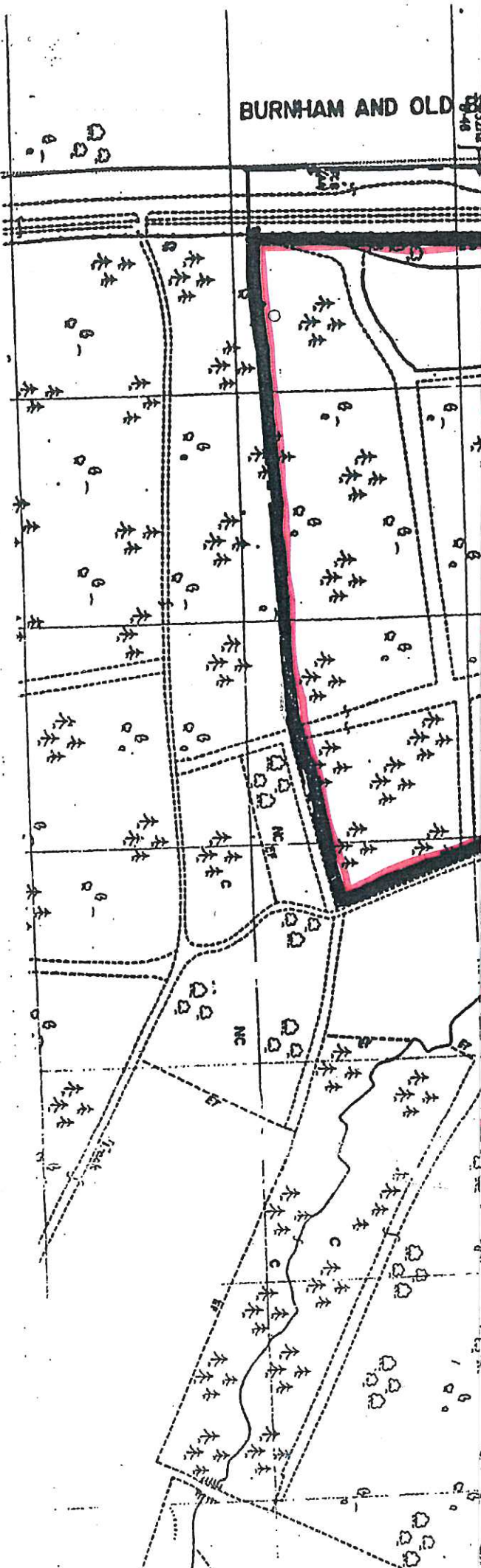
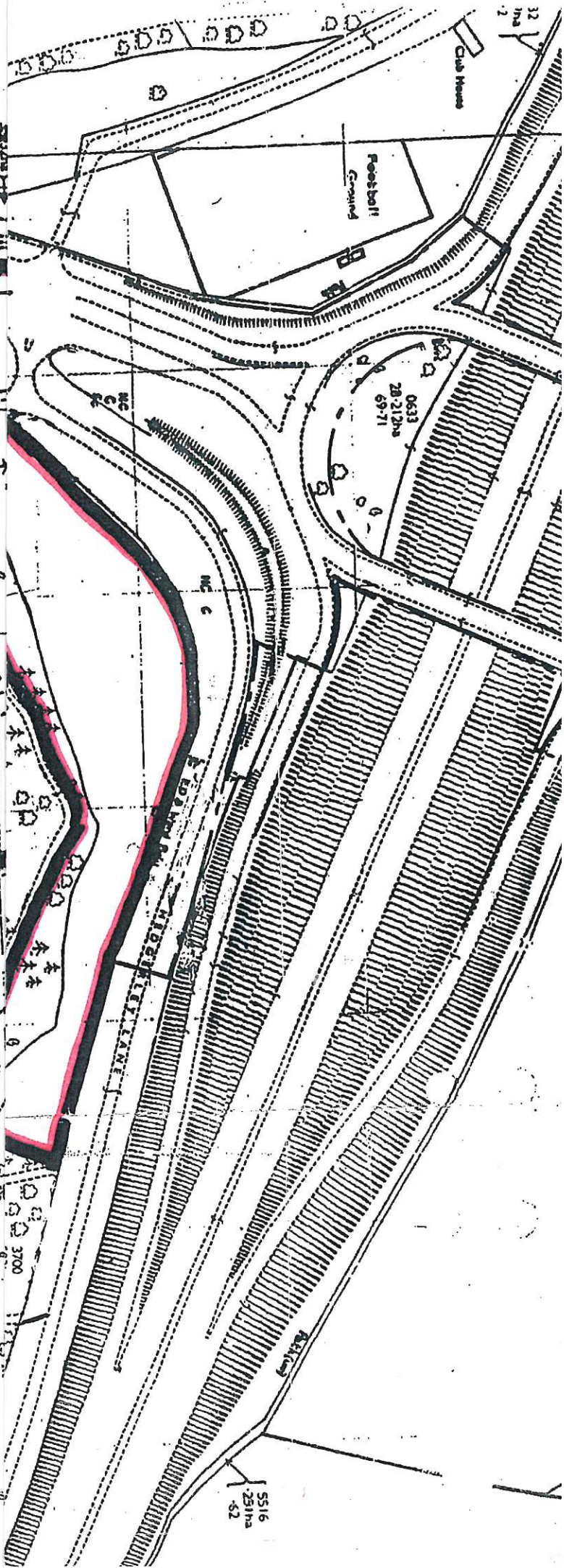
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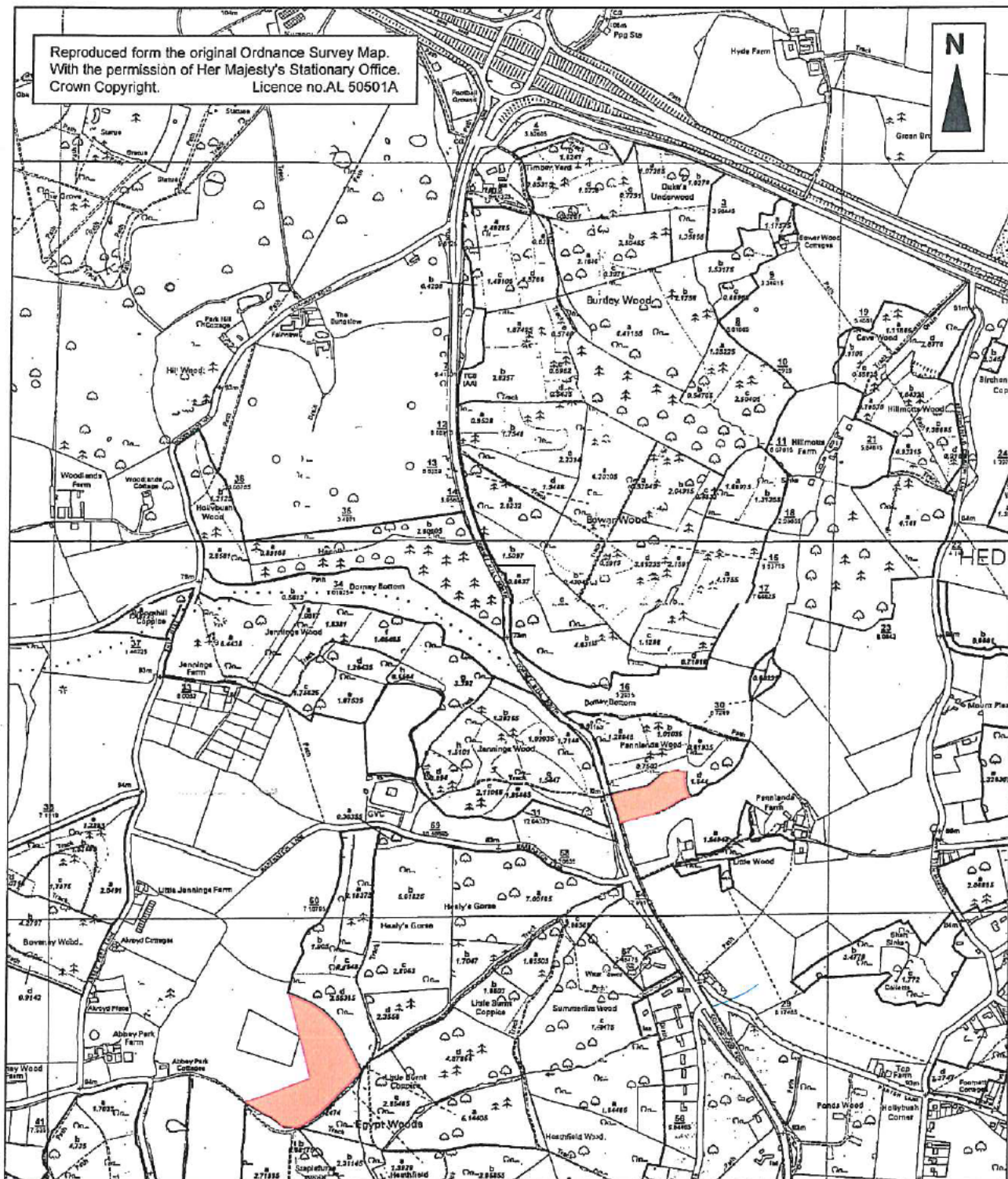
BURNHAM AND OLD



5516  
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**ECUS**

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Client/Project:  
Swayfields  
M40/J2 Burtley Wood MSA

Approx scale:

0m 500m

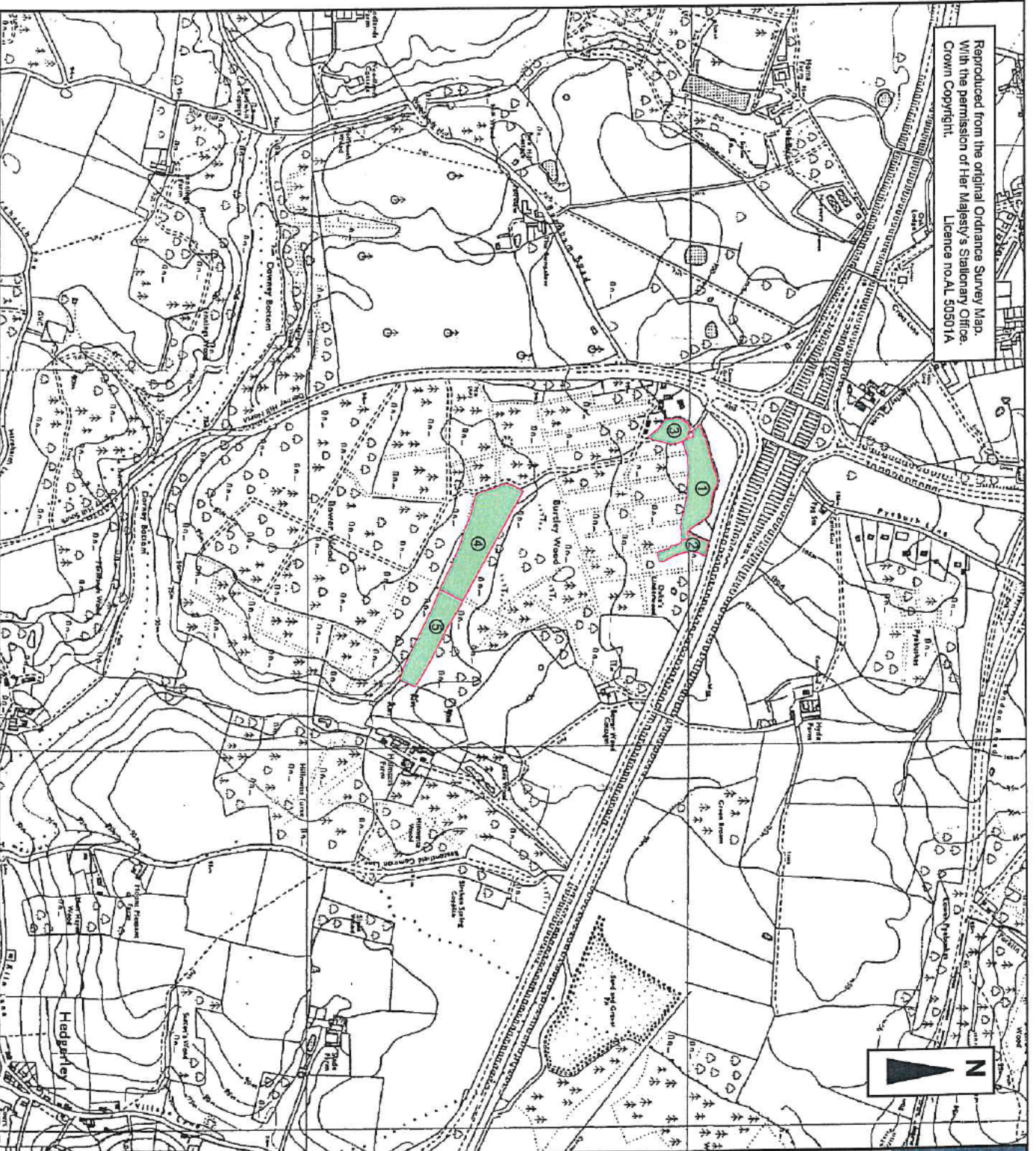
Areas proposed for off-site  
woodland planting (shown  
orange).

Date: July 2003

Dwg. No.: PLAN 2



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<http://www.ecusintd.co.uk>

Areas proposed for off-site  
nature conservation enhancement  
within Burtley/Dower Woods

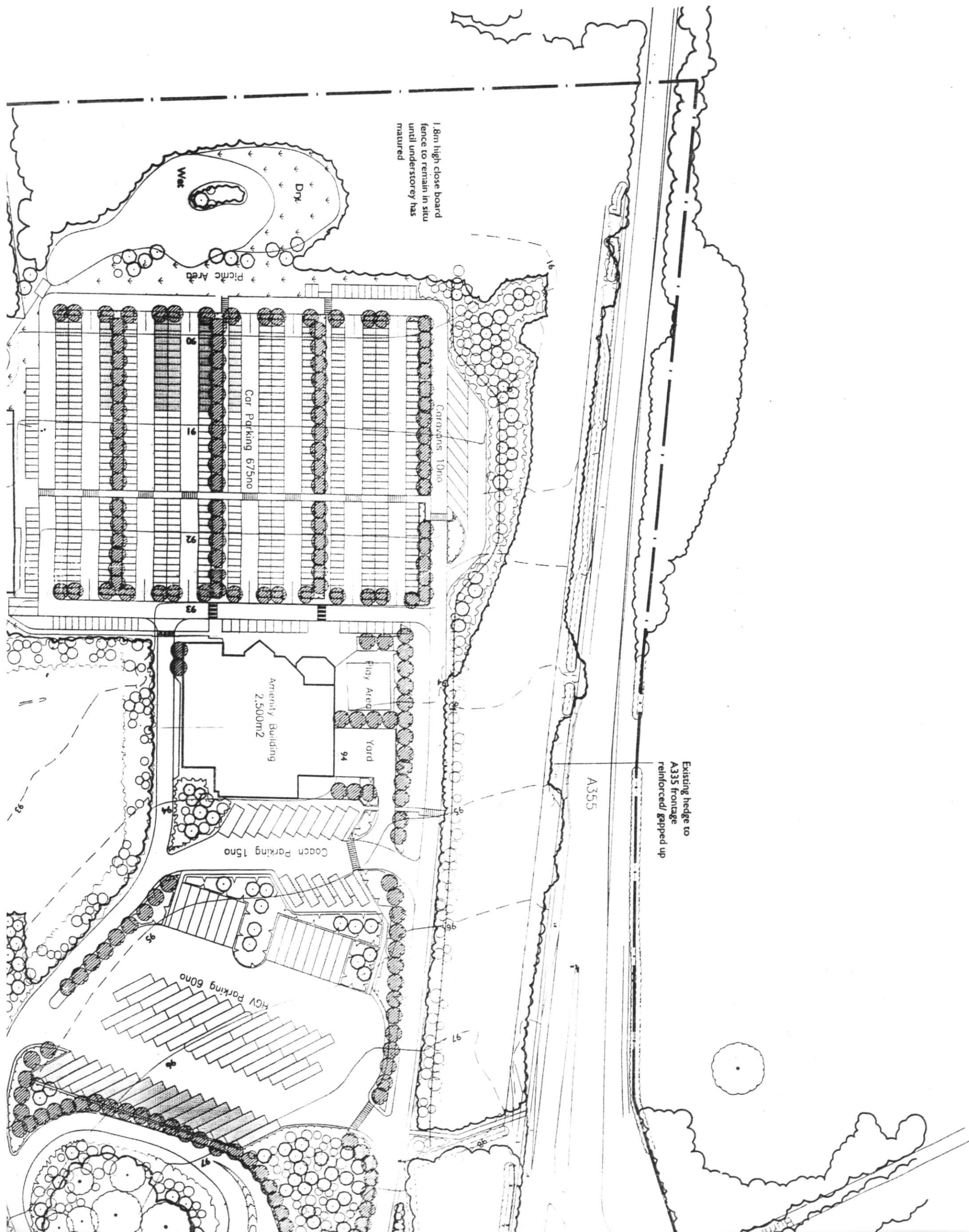
Client/Project:  
Swayfields  
M40/J2 Burtley Wood MSA

Approx. Scale:  
0m 500m

Date: July 2003

Dwg. No.: PLAN 3





KEY

 Appeal Site Boundary

 Existing Fence

 Proposed 1.8m Close-boarded Timber

 Existing Power Lines


 Existing Hedgerows

 Proposed Hedgerows

 Existing Vegetation

 Semi Mature Trees

 Extra Heavy Standard Trees

 Woodland Structure Planting (Whips Standards & Shrubs)

 Ornamental Shrub Planting

 Mown Grass

 Wildflower Grasslands

 Proposed Phase Two Parking

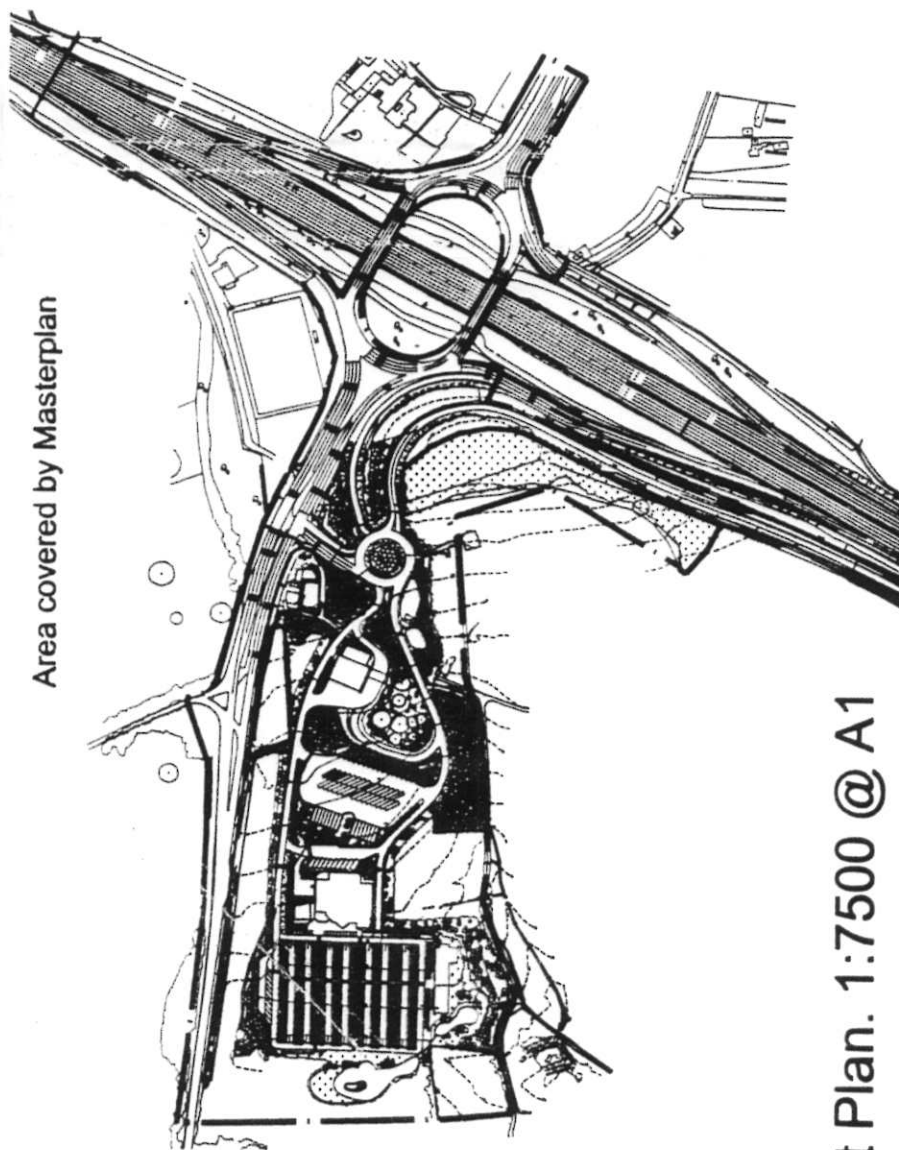
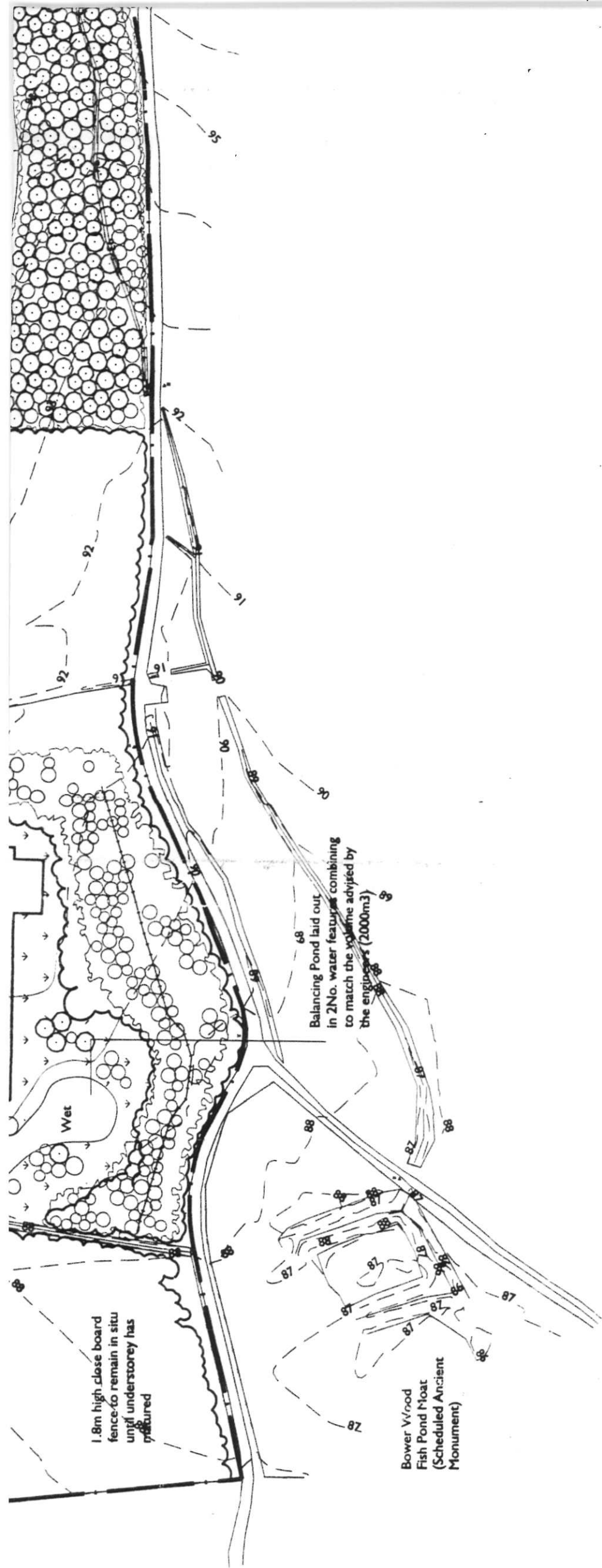
 Existing Contours

 Proposed Contours

PARKING FACILITIES

VEHICLE	PHASE I AT OPENING YEAR
CARS	465
CARAVANS	10
HGVs	40
COACHES	10





Inset Plan. 1:7500 @ A1





IMR

G	Sept 03	RS	Amended alignment of lane from Junction 2
F	August 03	RS	Amendments to layout
E	June 03	RS	Amendments to Suit RF 11815/68 and 11815/14
D	MAY03	RS	Amendments to propos Semi mature trees rem vegetation
C	MAY03	RS	Road layout changed to 11815/68 Rev D
B	MAY 00	JEF	HABITAT AREAS AME & ES SITE LAYOUT AD

Rev Date By Notes

Client

SWAYFIELDS LTD

Project

BURTLEY WOOD MSA

Drawing Title

MASTERPLAN

Drawing Status

FOR PLANNING

Scale

Date

Drawn

1:1,250 @ A1

OCT 2002

DW

Drawing No.

Checked

Approved

04-4077.01.001G

IR

IR

DEREK LOVEJOY PARTNERS

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