

HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE

THURSDAY 26 MAY AY 10 AM

THREE RIVERS DISTRICT COUNCIL

Agenda No.

1

APPLICATION FOR MINERAL EXTRACTION AND IMPORTATION OF SAND AND GRAVEL AND RECLAMATION MATERIALS (FROM DENHAM PARK FARM) WITH RESTORATION TO AGRICULTURE AND A SMALL WETLAND AREA TO BE COMPLETED NOT LATER THAN 31 DECEMBER 2018 AT PYNESFIELD, OFF TILEHOUSE LANE, MAPLE CROSS, RICKMANSWORTH, HERTFORDSHIRE.

Report of the Chief Executive and Director of Environment

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Local Member: Councillor Ralph Sangster

1 Purpose of Report

- 1.1 To consider resubmission planning application reference number 8/1254-15 for mineral development on Land at Pynesfield, Maple Cross, Hertfordshire.

2 Summary

- 2.1 This application seeks planning permission for mineral extraction, and importation of sand and gravel and reclamation materials (from Denham Park Farm) with restoration to agriculture and a small wetland area, to be completed not later than 31 December 2018, on land at Pynesfield, off Tilehouse Lane, Maple Cross, Rickmansworth, Hertfordshire. The development is also considered under the Environmental Impact Assessment Regulations 2011 (updated 2015) and is accompanied by an Environmental Statement.
- 2.2 The application site is located in the Metropolitan Green Belt close to Junction 17 of the M25. The site is bounded to the east by the A412 known locally as Denham Way, to the north by arable land and the access to Denham Park Farm mineral extraction and restoration site. To the south lies the South Bucks Way bridleway, houses and a wooded area. To the west, beyond Tilehouse Lane, lies more arable farmland. A site location and context plan is included at Appendix 1.

3 Conclusion

- 3.1 Mineral extraction is identified as an acceptable use of Green Belt land, as set out at paragraph 90 of the National Planning Policy Framework, provided that openness is preserved and the operation does not conflict

with the purposes of designating the land as such. The proposal will have some adverse impact upon the openness and landscape character of the site, but this will be of a temporary nature. There will be some noise impacts to adjoining residential properties but these are predicted to be within national level guidelines.

- 3.2 A previous application considered by this authority in 2014 was refused on the basis that the location of the site in Source Protection Zone 1 meant that it was unlikely that the effects of the proposal could be able to be mitigated to an acceptable level. This decision was upheld on appeal to the Planning Inspector who concluded that the excavation and disturbance of pre-existing waste had the potential to harm groundwater quality, and that based on the information submitted, this risk was unacceptable. The Planning Inspector also found that the overall development, including the processing plant, included elements of inappropriate development in the Green Belt.
- 3.3 The resubmission application has been considered by the Environment Agency, and other consultees. The Environment Agency advises that the submitted hydrological risk assessment has addressed previous concerns in respect of the safe removal of historic contamination and, that subject to the imposition of conditions, the proposal can be carried out without an unacceptable risk to the environment.
- 3.4 It is considered that planning permission should be granted, subject to conditions, and a S106 agreement in respect of the cumulative number of HGV movements across Pynesfield and Denham Park Farm, and a protocol for monitoring and enforcement in respect of those HGV movements. Any resolution for the grant of planning permission subject to conditions and a S106 agreement would need to be referred to the Secretary of State.

4 DESCRIPTION OF THE SITE

- 4.1 Pynesfield comprises an area of 17 hectares of arable land. The area to be worked is approximately 9 hectares of the wider 17 hectare site, which is in the control of the applicant.

Topographic features

- 4.2 The land at Pynesfield is steeply sloping to the western edge, with a gradient in the region of 1:1. The highest point of the site is 68 metres AOD in the south west corner near to Cedar Grange. There is a semi-mature tree belt along the eastern boundary with the A412.
- 4.3 The application site is the eastern half of a field which flattens out along the 40 metre contour towards the eastern boundary.
- 4.4 It is this flat area which is the subject of the application as this is where the deposit is found. The sloping part of the field does not form part of the application site, although would be in the control of the operator.

Designations

- 4.5 The site has the following designations:
- Green Belt;
 - Groundwater Source Protection Zone 1;
 - Flood Zone 1 (low risk fluvial);
 - Safeguarded area for HS2.
- 4.6 The Colne Valley Gravel Pits Local Wildlife Site 88/002 is immediately to the east of the application site and 350 metres to the south east is the Mid Colne Valley SSSI; designated of national significance for its breeding woodland and wetland birds and wintering wildfowl. A number of ancient woodlands are found to the south and south west of the site, including Juniper Wood and Great Halings Wood, which bound the Denham Park Farm mineral workings in Buckinghamshire.

Site Context

- 4.7 The site is surrounded by a mix of arable land and peri-urban¹ uses. The application site lies 200 metres to the west of the Denham Park Farm minerals site (in Buckinghamshire) and 800 metres to the south of West Hyde village. The site is bounded to the east by the A412, known locally as Denham Way (North Orbital Road). This single carriageway road was the main thoroughfare around London before the M25 was built approximately one kilometre to the west.
- 4.8 Pynesfield is situated on the western side of the Colne Valley. To the

¹ Peri-urban areas are zones of transition from rural to urban land uses located between the outer limits of urban areas and the rural environment.

east of the A412 there are numerous waterbodies associated with previous sand and gravel extraction which spread for approximately 10 kilometres along the floor of the Colne Valley. A site context plan is included in Appendix 1.



Photo 1: Looking north-eastwards across the site from the Tilehouse Lane end.

Adjoining Neighbours

4.9 Residential properties are scattered along and beyond the A412 (Denham Way) to the east of the site, as well as industrial activities such as a recycling depot, stone product manufacturer and motor repair workshop. These properties all fall within Hertfordshire County, and the administration of Three River District Council. Residential properties are also dotted to the south of the site along Tilehouse Lane. These properties are in South Buckinghamshire District Council.

4.10 The residential properties most closely located to the proposal are:

- Cedar Grange on Tilehouse Lane approximately 200 metres from the site boundary and 250 metres to the edge of the workings.
- Colne Cottages are directly opposite the site on the eastern side of the A412. The cottages lie about 45 metres from the site boundary and about 60 metres from the nearest soil screening bund.
- Troy House is located on the same side of the A412 as Colne Cottages but is set further back.
- Corner Hall is to the north-west of the site in the region of 140 metres from the site boundary.

4.11 The site context plan in Appendix 1 shows the location of the site, the

Denham Park Farm site and the residential properties identified above.

5 Description of the proposed development

- 5.1 The proposal, as initially considered by the Development Control Committee in January 2014, was for the extraction of a recoverable sand and gravel reserve of approximately 350,000 – 400,000 tonnes over a period of five years with an on-site processing plant. This proposal had been revised from the initial submission so as to avoid the area required by HS2 Ltd for the Colne Viaduct construction, and to meet the timescales required by HS2 for landscaping works in 2019. This application was refused, a decision that was upheld on appeal.
- 5.2 A resubmission was made in June 2015, for the extraction of the 350,000 – 400,000 mineral reserves over a period of ten years when extracted and subsequently restored in tandem with the authorised works at the neighbouring Denham Park Farm site, which is within Buckinghamshire County Council.
- 5.3 Following the initial consultation, HS2 Ltd submitted an objection to the resubmission application on the basis that they were not satisfied that the mineral operations could be completed and the land restored by the time that HS2 Ltd needed to occupy the proposed development site. The Pynesfield site has been identified as safeguarded land under the Secretary of State for Transport's Safeguarding Directions of July 2013.
- 5.4 Therefore, in response to the HS2 Ltd objection, and to seek to prevent the sterilisation of what has been identified as a high quality deposit of sand and gravel, the applicant engaged in discussions with HS2 Ltd. This resulted in a revised proposal, which was received by the county council and circulated for public consultation in November 2015.
- 5.5 The revised resubmission application of November 2015 removed the processing plant, and all mineral blending from Pynesfield. The operational development within the site would be limited to an office and weighbridge, wheel cleaning facilities, temporary car park which would be floodlit, internal haul roads and temporary soil screening bunds.
- 5.6 The proposal envisages mineral extraction and subsequent restoration using naturally derived material from the nearby Denham Park Farm site (see paragraph 5.12), which is also operated by the applicant. The restoration to agriculture and the creation of a small wetland area would be completed not later than 31 December 2018.
- 5.7 The shortened time frames for the extraction and restoration of the land at Pynesfield have resulted in several fundamental changes to the proposal. While the impact on the openness of the Green Belt would be reduced by the absence of processing plant and associated stockpiling areas, the focus of development would be on the Pynesfield site rather than spread between the applicant's operational holdings. The proposal therefore seeks an increased level of HGV movements onto the public

highway at the A412, as compared to the June 2015 resubmission.

- 5.8 The June 2015 resubmission sought to incorporate the HGV movements for Pynesfield within the existing permitted levels of 124 HGV movements as authorised under condition 27 of Denham Park Farm permission (ref: 11/01260/CM). It was proposed that the Pynesfield traffic would utilise the new access onto the A412 permitted by Three Rivers District Council (ref: 12/2283/FUL). Condition 16 of the Three Rivers District Council permission also limits HGV movements generated from Denham Park Farm mineral extraction and restoration to 124 HGV movements.
- 5.9 In order to release the land at Pynesfield as a restored agricultural field to HS2 Ltd by 31 December 2018, the revised resubmission of November 2015 seeks a total of 200 HGV movements (100 in, 100 out) generated by the applicant's mineral holdings at Pynesfield and Denham Park Farm. Accordingly, the applicant has made the relevant Section 73 applications to Three Rivers District Council and Buckinghamshire County Council. As of April 2016, the application to Buckinghamshire County Council has not yet been determined.
- 5.10 The application to Three Rivers District Council was refused at committee on Thursday 21 April 2016, contrary to officer recommendation. The reasons for refusal were as follows:
- “The proposed development by reason of the increase in the number of heavy goods vehicle movements permitted to use the access road would result in an intrusive form of development with an unacceptable adverse impact on the openness and rural character of the Green Belt and area. It would also result in noise and disturbance to users of the bridleway south of the access road and would be inappropriate development adversely affecting the amenity and enjoyment of the landscape and countryside. The development is therefore contrary to Policies CP1, CP9, CP11, and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM7 of the Development Management Policies LDD (adopted July 2013).”*
- 5.11 Officers met with the agent on 25 April 2016, and the agent advised of his intention to appeal the refusal of planning permission, by Three Rivers District Council. He also confirmed that it would be possible for the applicant to complete the extraction of mineral from Pynesfield on the basis of up to 76 daily HGV movements (38 in, 38 out). The restoration of Pynesfield can be achieved using reclamation materials exclusively from Denham Park Farm transported by dumper trucks within that site's existing permission, to hand over to HS2 Ltd by 31 December 2018. An email dated 27 April 2016 setting out this position from the agent is shown at Appendix 2 (to follow).
- 5.12 Denham Park Farm is located in Buckinghamshire (the eastern boundary of the site marks the county border) and permission for development was granted in 2012 by Buckinghamshire County Council.

The development has commenced and is scheduled to complete within 16 years, although the extant planning permission allows for a 20 year timeframe subject to the requirements of HS2 Ltd.

- 5.13 The proposal envisages the excavation of sand and gravel from Pynesfield for processing off site; blended with poorer quality material from Denham Park Farm to produce a high quality aggregate, thereby maximising recovery and use. While this can take place at the applicant's Harefield Quarry site within the nearby London Borough of Hillingdon, it would not be limited to that facility. The reclamation of the land would be achieved through the progressive use of naturally occurring material from Denham Park Farm.
- 5.14 Groundwater is found at around 1.5 metres below ground level (at around 38m to 39mAOD). Mineral depth has demonstrated to be up to 9 metres below ground level to 33mAOD, underlain by chalk bedrock. No dewatering is proposed. Instead, the mineral is to be worked wet below the water table, creating a water-filled void. The direction of working is proposed to be from south to north, towards the office and weighbridge.

Site Access

- 5.15 Access to the site would be off a section of Tilehouse Lane that was realigned as part of the Denham Park Farm application, in compliance with a condition requested by Hertfordshire Highways. This section of the road has been adopted, and forms part of the public highway network. A new bellmouth entrance to gain access to Pynesfield and a new vehicle crossover would be constructed on Tilehouse Lane.
- 5.16 The reclamation material would be imported from Denham Park Farm (only) on a campaign basis, that is, in concentrated activity over short periods of time. Between these campaigns there will be no crossover movements on Tilehouse Lane. An internal haul road is proposed to link the Pynesfield site to the Denham Park Farm site as part of this planning application.
- 5.17 No traffic associated with the development will use Tilehouse Lane beyond this junction (that is to the west of the proposed crossover). Once the reserve has been extracted from Pynesfield, the vehicle crossing on Tilehouse Lane and the bellmouth for access to the Pynesfield site will be removed.

Vehicle movements

- 5.18 The applications across the three planning authorities seek a combined total of 200 HGV movements (100 in, 100 out) between the applicant's mineral holdings at Pynesfield and Denham Park Farm. The applicant is not seeking to achieve 400 HGV movements onto the A412, but to allow an operational flexibility dependent on weather and market conditions.
- 5.19 If planning permission were granted, it is considered necessary for a

S106 agreement to set out the combined limit on HGV movements, and a protocol for any necessary enforcement, should this be breached and it be considered expedient to take formal enforcement action.

5.20 The Denham Park Farm site would continue to operate as originally envisaged, and regulated by Buckinghamshire County Council, completing not later than 31 August 2031 (subject to HS2 requirements).

5.21 Three Rivers District Council refused the additional HGV movements along the haul road from Denham Park Farm, due to the impact on the openness of the Green Belt of those additional movements (paragraph 5.10). This separate, but concurrent, application can still be considered by the Development Control Committee on the basis that highway comments have been received on the basis of the cumulative 200 HGV movements (100 in, 100 out) onto the A412 from Tilehouse Lane. See paragraphs 5.11 and 7.38 for further clarification.

Hours of operation

5.22 The proposed hours of operation are:

- 0700 - 1800 Monday to Friday
- 0700 - 1300 Saturday

5.23 No hours of operation are proposed for Sundays or public holidays.

Vegetation

5.24 The margins of the site, containing the hedgerows, trees and rough grass will be largely undisturbed by the development, save for the creation of the access. No trees are proposed to be removed as part of the application.

5.25 A new hedgerow is proposed along the northern east boundary of the site along the A412. The applicant has offered additional planting to the hedgerow along the western boundary with Tilehouse Lane, along the South Bucks Way, however this would be subject to the requirements and final location of the HS2 route.

5.26 The additional planting between Tilehouse Lane and the new access to Denham Park Farm is addressed under condition 8 of planning permission 12/2288/FUL as regulated by Three Rivers District Council, and has been planted (March 2016).

5.27 A marshy wetland area is proposed for the south-eastern corner of the restored agricultural field.

Operational working

5.28 The depth of the topsoil and subsoil is on average in the region of 1.1 metres. The topsoil would be stripped separately from the subsoil and

used to create the 3 metre high perimeter screening bund around the site. The subsoil would be stripped and stored adjacent to the topsoil in subsoil bunds between 3 and 5 metres high.

- 5.29 The historic waste material, which equates to approximately 6,000 cubic metres, would be removed in the second year of operations during the summer months when the water table is lowest and is beneath the waste (i.e. March to October). The waste material would be dug out dry, following the creation of clay trenches to the south and then to the north. This would be removed to a facility licensed to accept hazardous waste.
- 5.30 The proposal will require ancillary development limited to a weighbridge and site office, wheel washing facilities and a small on-site car park for staff. An operations plan is included at Appendix 1.



Photo 2 shows the view of the site from the middle of the field, accessed from the A412, looking towards the south-western corner and the South Bucks Way.

Phasing

- 5.31 The site will be worked, and restored, on a phased basis, starting at the southern end of the site and progressing northwards.

Water

- 5.32 The site is located within Groundwater Source Protection Zone 1, therefore the site will be worked wet and the mineral worked using a long reached excavator. The excavator is to be fitted with a GPS system, which prevents the operator digging below an approved level; the machinery automatically shuts down.

5.33 The excavator would subsequently be used to place restoration material into the remaining water filled void onto a gravel base, and allowed to settle. The development will result in some loss of aquifer as the reclamation material will not have as great a water storage capacity as the sand and gravel that is currently in situ.

Lighting

5.34 The revised resubmission seeks only one floodlit area, in proximity of the office and weighbridge. This lighting would be angled towards the west, away from the residential properties on the opposite side of the A412, and would be limited to a 20 metre throw of light. This will prevent light spillage to residential properties or that which would adversely affect ecology.

Security

5.35 The lights on the office and workshop/store will be on intruder sensor, timer and benefit from a CCTV camera.

Restoration

5.36 Following the extraction of the mineral, the applicants propose to restore the site progressively to an agricultural use. The applicants intend to reclaim the site by depositing clean fill exclusively from Denham Park Farm into the void up to the basal level of the soil profile, regulated through the Environment Agency's Waste Recovery Permit process. Again, the backfilling would take place during low water table months.

5.37 Outside of the low water table months, the applicant envisages focussing their operations on the adjacent Denham Park Farm.

5.38 Following completion of the reclamation the platform will be 'ripped' to ensure that any compaction has been remedied. The restored soil profile will then be built up with 0.8 metres of subsoil followed by 0.3 metres of topsoil, following good practice guidance on soil placement.

5.39 To the south of the site, an area will be restored to a slightly lower level to produce a wetland area to balance the drainage on the site and ensure that runoff rates from the site meet greenfield standards, including an allowance for future climate change.

Aftercare

5.40 Aftercare for the site would be carried out for 5 years following the completion of operations at the site, and can be secured through condition, subject to future control by HS2 Ltd. It would be carried out in conjunction with the farming of the undisturbed part of the site to make one field. Aftercare will include soil sampling to establish nutrient requirements, a review of drainage arrangements and carrying out remedial works where necessary, and preparing an annual report for submission to Hertfordshire County Council.

6 CONSULTATIONS

District Councils

6.1 Three Rivers District Council objected to the application following the first round of consultation on the following grounds (further comments were forwarded in relation to the amended details dated 26 February 2016, received on 15 March 2016 and are shown crossed through, as appropriate):

- The proposed development would, by reason of the height, length, appearance and resultant prominence of the bund; ~~the height, floor area and industrial appearance of the processing plant;~~ the general form and extent of the hardstanding and other development (including the site office and floodlighting), and the associated site activities ~~(including operation of the processing plant)~~ result in an urbanising form of development, with unacceptable adverse impact on the natural environment and detrimental to the openness and rural character of the Green Belt. As such, the proposal constitutes inappropriate development. No very special circumstances exist to outweigh the harm caused. The development is therefore contrary to Policies CP1, ~~CP6~~, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).
- The proposed development would, by reason of the height, length, artificial appearance and resultant prominence of the bund; ~~the height, floor area and industrial appearance of the processing plant;~~ the general form and extent of hardstanding and other development (including the site office and floodlighting), and the associated site activities ~~(including operation of the processing plant)~~, constitute inappropriate development that would fail to maintain and enhance the landscape in terms of its scenic and conservation value and public amenity. The development is therefore contrary to Policies CP1, ~~CP6~~, and CP9 of the Core Strategy (adopted October 2011).

Neighbouring authorities

6.2 South Bucks District Council responded to the re-consultation to advise that “South Bucks District Council have concerns with regard to the impact from the consequent increase in the number of HGV movements within South Bucks District in proximity to the site as a result of the proposals, subject to the views of Transport for Buckinghamshire.” There was no response to the first consultation.

6.3 London Borough of Hillingdon objected to the re consultation on the basis that the “applicant has failed to provide sufficient information to demonstrate that the proposed development would not result in increased traffic generation on roads which are currently used to capacity within the London Borough of Hillingdon. The proposal is therefore contrary to policy AM7 of the Hillingdon Unitary Development

Plan.” There was no response to the first consultation.

- 6.4 Further, the authority requested that if planning permission were granted, “a condition or legal agreement with the development be provided with details of how HGV movements could be routed to avoid Hillingdon Roads as well as associated monitoring and enforcement of the condition/legal agreement.”
- 6.5 Denham Parish Council objected on the basis of noise from the processing plant and HGV movements, pollution, impact on the aquifer, inappropriate development in the Green Belt, increase in lorry movements in a notorious accident black spot, adverse impact on visual amenity. The parish council did not resubmit any further comment on the revised proposals.
- 6.6 No response was received from Buckinghamshire County Council.

Statutory Consultees

- 6.7 HS2 Ltd initially objected to the proposed development, however the applicants have negotiated with HS2 Ltd and amended their plans for the site to reduce the timescale of the development. HS2 Ltd subsequently withdrew their objection to the revised consultation, subject to the imposition of three conditions and an informative. The response is shown at Appendix 3.
- 6.8 The Environment Agency are satisfied that the proposed development could be acceptable subject to the imposition of six conditions and an informative. Without the conditions, which are set out in full in the Environment Agency response at Appendix 4, the proposal would pose an unacceptable risk to the environment. The Environment Agency would object if the conditions were not imposed to any grant of planning permission.
- 6.9 Natural England raised no objection to the initial consultation. The body acknowledged that the development site included what was the ‘best and most versatile’ agricultural land, but also recognised the very special circumstances of avoiding mineral sterilization due to the construction of the proposed HS2 rail link. The specification of an agricultural afteruse was confirmed as appropriate. There was no amendment to this response in light of the revised scheme.
- 6.10 Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the imposition of two conditions limiting the number of HGV movements onto the A412 to 200 movements (100 in, 100 out) and preventing the deposit of mud on the road.
- 6.11 Thames Water has no objections to the proposals on the basis that surface water will drain to SUDS and soakaways, as stated in the submitted application form. There was no amendment to this response

in light of the revised scheme.

- 6.12 Affinity Water made several comments in respect of the submitted Hydrological Risk Assessment prepared by SLR. The body advised that it required “additional groundwater monitoring boreholes to have a better understanding of the response of the aquifer on site compared to the abstraction at our pumping stations. We would require regular updates of this monitoring data to analyse the impact. If the above information is not considered and mitigation is not put in place, then this will ultimately leave liability with the developer for risk of turbidity and ultimately losing water supply.” There was no amendment to this response in light of the revised scheme.
- 6.13 Denham Aerodrome (owned and operated by Bickerton’s Aerodromes Ltd) stated that “the landscaping details should include a requirement in respect of aftercare and restoration so that sites are restored and managed in a way which would not interfere with the safe operation of aerodromes or with the movement of air traffic, for example by the use of inert material for landfill, and by not introducing any new water features. The field adjacent to Pynesfield has already been granted permission to extract minerals. If the application for Pynesfield is granted permission, development should not be allowed to be simultaneous.” There was no amendment to this response in light of the revised scheme.
- 6.14 Heathrow Airport Limited had no safeguarding objection to either consultation on the proposed development.

Other Consultees

- 6.15 HCC Landscape Officer comments will be reported at the Development Control Committee.
- 6.16 HCC Historic Environment Unit (Archaeology) consider that the proposal is likely to have some impact on heritage assets, although these may not be of high significance. They recommended that a condition be imposed on the development to safeguard any archaeological potential on the site. There was no amendment to this response in light of the revised scheme.
- 6.17 HCC Rights of Way has no comments.
- 6.18 HCC Flood Risk Management has no objection to the development in principle on flood risk grounds. A condition requiring a detailed surface water drainage assessment and the subsequent implementation of a drainage scheme is recommended.
- 6.19 Hertfordshire Ecology did not consider there are any ecological constraints associated with the proposals. They supported the planting which may benefit the Corn buntings, a rare and declining bird associated with arable fields and hedgerows, and the creation of a wetland area. Similar comments were provided to the original and the

revised schemes.

- 6.20 Herts and Middlesex Wildlife Trust did not respond to the original consultation, but objected to the amended scheme on the basis that there had not been an appropriate ecological assessment of the impact of importing material to Harefield Quarry within the Mid Colne Valley SSSI. They state that the operations in respect of Harefield Quarry have the potential to lead to unacceptable and sustained disturbance on the ornithological interest of the SSSI.
- 6.21 In making the objection, the Trust makes reference to paragraph 18 of the National Planning Policy Framework, paragraph 63 of ODPM circular 06/05 and that under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 that local authorities have a duty to consult English Nature before granting a planning permission likely to affect a SSSI.
- 6.22 English Nature has been superseded by Natural England; their consultation response is shown at paragraph 6.9 above. They raise no objection. Further, Harefield Quarry already benefits from an extant planning permission, issued and regulated by London Borough of Hillingdon. This allows the importation and processing of sand and gravel, including the use of the lake. Therefore, this activity and any impacts there arising, have already been permitted by a separate planning authority.
- 6.23 The Harefield Tenants and Residents Association objects to the proposal on the basis of the noise and visual impact, the increase in traffic on unsuitable roads, the impact on a SSSI and the cumulative impact of the aggregates developments in the locality.

Neighbour Consultations

- 6.24 As the application was the subject of a material amendment, there were two rounds of public consultation; in June 2015 and then again in November 2015.
- 6.25 A total of 216 properties were consulted in the first round, and this was increased to 263 properties in respect of the amended scheme to ensure that all respondents to the June 2015 consultation were updated. There were 63 responses to the first consultation, all of which were objections. There were 22 objections to the amended scheme.
- 6.26 The main issues of concern can be summarised as follows:-
- Harm to Green Belt
 - Need and Landbank
 - Highways impact: volume, safety
 - Impact on amenity: noise, dust, visual, lighting
 - Impact on wildlife and ecology
 - Risk of flooding

- Risk to watertable and contamination of water supply
- Potential health impacts: due to dust, additional HGVs and disturbing asbestos
- Lack of suitable infill material at Denham Park Farm
- Applicant's poor management of existing sites
- Ability of authorities to effectively monitor and regulate the sites
- Insufficient time to complete development prior to HS2 handover
- Cumulative effect: multiple local sites, HS2 proposals

6.27 A comprehensive list of the points raised during both rounds of consultation is included in Appendix 5. There was some overlap in the responses, and some consultees chose to resubmit their original (June 2015) response. Therefore, the list includes all responses.

Publicity

6.28 As with the consultation process, two different publicity rounds were carried out. The first was in June 2015 and the second in November 2015. A press notice was published in the Watford Observer and site notices were put up in four locations on the perimeter of the site.

7 PLANNING CONSIDERATIONS

7.1 All of the issues raised during the consultation process were duly considered. However it remains that the two fundamental issues of the application were as set out by the Planning Inspector in his decision notice dated 21 October 2014, shown at Appendix 6.

- The effect of the proposed development on groundwater quality and quantity; and
- Whether the proposed development would be inappropriate development in the Green Belt; and, if so, whether any very special circumstances exist to outweigh the harm to the Green Belt and any other harm.

7.2 In addition, the following principal issues to be taken into account in determining this application can be summarised as:

- Need and Justification
- Impact on highways and transport
- Landscape and visual impact
- Impact on ecology and biodiversity
- Flood risk
- Impact on residential amenity (noise, dust)
- Recreational impacts including rights of way

In summary consideration of these issues, the Non-Technical Summary (March 2013) is attached at Appendix 7.

PLANNING POLICY

National Planning Policy Framework 2012 (NPPF)

7.3 The NPPF was released in March 2012. Enshrined within the NPPF is the presumption in favour of sustainable development. The NPPF stresses that the development plan remains the starting point for decision-making and that decisions should be made in accordance with an up to date Local Plan unless material considerations indicate otherwise.

Development Plan

7.4 The development plan is the Hertfordshire Minerals Local Plan Review 2002-2016 (Adopted 2007). As the Plan was prepared in 2007, the policies in the plan need to be balanced and given 'due weight' against the NPPF. The NPPF is a material consideration and how policies from the Development Plan are in conformity with it needs to be considered. This will vary depending upon individual proposals and how they relate to the NPPF and the Development Plan and the overall intentions of the relevant document.

7.5 The relevant Minerals Local Plan policies are:-

Minerals Policy 1	Aggregates Supply
Minerals Policy 2	Need for Mineral Working
Minerals Policy 3	Sites for Sand and Gravel Extraction and the Working of Preferred Areas
Minerals Policy 4	Applications outside Preferred Areas
Minerals Policy 5	Mineral Sterilisation
Minerals Policy 9	Contribution to Bio-diversity
Minerals Policy 11	Cumulative Impact
Minerals Policy 12	Landscape
Minerals Policy 13	Reclamation scheme
Minerals Policy 14	Afteruse
Minerals Policy 16	Transport
Minerals Policy 17	Critical Capital and Other Environmental Assets
Minerals Policy 18	Operational Criteria

7.6 The county council is currently in the early stages of reviewing the adopted Minerals Local Plan 2002-2016. Policy Officers are currently reviewing sites that have been put forward as part of the 'call for sites'. The current timetable anticipates that the new Minerals Local Plan will be adopted in Summer 2018.

7.7 The relevant policies from the Three Rivers District Council Core Strategy (adopted October 2011) are:-

Policy CP1	Sustainable Development
Policy CP9	Green Infrastructure

Policy CP11 Green Belt

7.8 The relevant policies from the Three Rivers District Council Development Management Policies LDD (adopted July 2013) are:-

Policy DM2 Green Belt
Policy DM6 Biodiversity, Trees, Woodland and Landscape
Policy DM7 Landscape Character
Policy DM8 Flood Risk and Water Resources
Policy DM9 Contamination and Pollution

7.9 The South Bucks District Local Plan Policy EP17 Aerodrome/Air Traffic Safeguarding was also considered.

Groundwater quality and quantity

7.10 The site is located in Source Protection Zone 1 (SPZ1), where groundwater is abstracted for public use as drinking water. The Environment Agency identifies such abstraction sites as the most vulnerable and that require the highest degree of protection. The site is also within a Water Framework Directive designated drinking water protected area in the Mid Chilterns Chalk. In addition to sustaining nearby rivers, lakes and wetlands, including the adjacent Mid Colne Valley SSSI, there are four licensed abstraction points within one kilometre of the site.

7.11 A key reason for the refusal of the original 2013 application was that the gravel extraction was to be carried out 'wet', without dewatering, and that this risked the disturbance of approximately 6,000 cubic metres of historic waste. At the time of the original application, and subsequent appeal, the applicant had failed to carry out sufficient chemical analysis to establish the nature or severity of the risk to groundwater posed by the historic waste.

7.12 In his 2014 Decision Notice, the Planning Inspector concluded that, while there was a risk of groundwater contamination from the accidental spillage of fuels and oils, this was insufficient reason to oppose the proposed development, and could reasonably be controlled through condition to ensure best practise. Instead, it was the excavation and disturbance of the historic waste that posed the greatest risk to groundwater, and demonstrated that the original proposal was not compliant with Minerals Policies 17 and 18. Due to an absence of chemical analysis to prove otherwise, the potential for imported material to adversely impact the quality of groundwater added further weight to this reason for refusal.

7.13 As part of the resubmission, the applicant provided a Hydrogeological Risk Assessment and Asbestos Risk Management plan, based on the chemical assessment of six test pits dug in September 2013. On the basis of this plan, the Environment Agency is satisfied that previous

concerns relating to the safe removal of historic waste and the backfilling of the quarry can be addressed through the imposition of six conditions to any subsequent planning permission, and by regulation through the Agency's own permitting system. The applicant would be able to strictly control the quality of infill, by utilising only natural clays and sandy clays excavated from Denham Park Farm, which is within the applicant's control.

- 7.14 The Environment Agency advise that the imposition of the six conditions, set out in Appendix 4, would satisfy the requirements of the Thames River basin management plan, which requires the restoration and enhancement of the Mid-Chilterns chalk groundwater body to prevent the deterioration and promote recovery. These conditions also prevent the local environment being put an unacceptable risk of being adversely affected by water pollution, as set out in Paragraph 109 of the NPPF.
- 7.15 Further mitigation to protect the quality of groundwater in the SPZ1 includes no dewatering which will reduce the need to discharge water into surface watercourses. Wet working also means that there will be no drawdown of groundwater which could affect surrounding vegetation.
- 7.16 Affinity Water has raised concerns about a reduction in water quality due to suspended solids finding their way through the chalk to the abstraction borehole. Mitigation proposed by the applicants include leaving undisturbed a basal layer of sand and gravel that will act as a natural filter, achieved by through the use of GPS controlled hydraulic excavators.

Green Belt

- 7.17 The site is located within the Metropolitan Green Belt for London, which is characterised by its openness and permanence. The five purposes of the Green Belt are set out at paragraph 80 of the NPPF; this includes safeguarding the countryside from encroachment. Further the NPPF sets out that local planning authorities should look to retain and enhance landscapes, visual amenity and biodiversity, and to improve damaged land.
- 7.18 Balanced against this is the fact that minerals can only be worked where they lie in the ground, and such development cannot effectively take place within urban areas. It is consideration of this, that paragraph 90 of the NPPF sets out that "mineral extraction" is not (necessarily) considered inappropriate development in the Green Belt provided that "they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt."
- 7.19 In considering the appeal against the previous refusal of planning permission for mineral workings, the Planning Inspector found that the extant development policies were in line with the overarching provisions of the NPPF, which remains the national policy against which the current proposals are to be assessed.

- 7.20 At paragraph 37 of his Decision Notice (Appendix 6), he stated:
“There is no doubt that the proposed mineral extraction should not be regarded as inappropriate. The openness of the Green Belt would be unaffected and there would be no conflict with the purposes of including land in it.”
- 7.21 He continued at paragraph 38 that:
“... the creation of haul roads, hard standing, silt ponds and the vehicular access would also not be inappropriate as I consider they would either form an integral part of the mineral extraction or be engineering operations that preserve openness and have no conflict with the purposes of the Green Belt.”
- 7.22 However, the Planning Inspector did find that the originally proposed processing plant would fail to preserve the openness of the Green Belt due its size, height and industrial appearance. This element of the proposal was removed from the revised resubmission received in November 2015 to allow for a shorter operational timeframe in line with the requirements of HS2 Ltd. This limits the ancillary built development to the temporary car park, office and weighbridge; these would be integral to the mineral extraction to allow for appropriate monitoring and reporting.
- 7.23 The Planning Inspector acknowledged that the stocking of stripped soils in bunds could be regarded as engineering works, but that they were *“an integral and necessary part of the mineral extraction.”* He found that for a limited period, the openness of the Green Belt would not be preserved to a modest degree. The bunds would be limited in height in order to prevent the compaction of topsoils and subsoils of which they would be formed. The revised resubmission would require that the land be restored to agriculture, and therefore the bunds removed, not later than 31 December 2018. This is a significantly shorter timeframe than the originally proposed ten year period. Given that one of the most significant features of the Green Belt is said to be its permanence, a short term operation has a comparatively small impact on Green Belt objectives.
- 7.24 However, the Planning Inspector did find that the infilling of the mineral void constitutes inappropriate development, on the basis that it is neither an engineering operation nor an integral part of mineral extraction.
- 7.25 Therefore, the proposal does include an element of inappropriate development, in terms of the infilling process. The NPPF does not provide for an exception to policy for temporary uses. Where inappropriate development in the Green Belt is proposed, such development should not be approved unless very special circumstances can be shown to exist that clearly outweigh the potential harm to the Green Belt and any other harm, based on the *Redhill Aerodrome* decision.
- 7.26 The site forms part of the land safeguarded for the HS2 rail link, and

therefore the high quality mineral within is at risk of sterilisation within a relatively short timeframe. The avoidable sterilisation of the finite resource of mineral is inherently unsustainable and is contrary to national policy. Paragraph 143 of the NPPF encourages the local planning authorities to facilitate the prior extraction of minerals where practicable and environmentally feasible. The applicant finds the mineral resource to be economically viable to extract when considered in the context of the company's local operations, and the revised application has overcome previous objections in terms of the potential for risk to groundwater. The prevention of sterilisation of a finite natural resource clearly outweighs the temporary harm to the openness of the Green Belt and any other harm, as considered below.

Need and Justification

- 7.27 The landbank is the stock of planning permissions for the winning and working of materials. The Minerals Development Framework policies seek to ensure an adequate landbank is provided and identifies preferred sites for this purpose. Pynesfield is not a preferred site, within the existing extant Minerals Local Plan, although it has been promoted as part of the call for sites in the on-going plan review and does fall within a Minerals Consultation Area (which is broadly defined as the 'sand and gravel belt').
- 7.28 The policies therefore have a presumption against approval of new permissions on those sites which are not Preferred Sites, or are outside of Areas of Search. The only exceptions to this presumption in favour of preferred sites are proposals which would not prejudice the timely working of preferred areas and mineral resources at risk of sterilisation, as set out in Minerals Policy 4. Minerals Policy 5 encourages mineral extraction prior to other development taking place, in compliance with the over-arching principles of the sustainable use of mineral resources as set out in Chapter 13 of the NPPF.
- 7.29 The 2015 Local Aggregate Assessment, which provides the most recent calculation of the mineral reserves within Hertfordshire, shows a permitted landbank of 10.4 years for sand and gravel based on the East of England apportionment. Minerals Policy 1 advises that planning permission should only be granted to meet the regional appointment, and this has previously been based on a 7 year supply. However paragraph 145 of the NPPF advises that local planning authorities are to make provision "... of *at least* [my emphasis] 7 years for sand and gravel ... Longer periods may be appropriate ..."
- 7.30 Whereas previously a high landbank could have been a reason for refusal prior to the NPPF, the status of 'need' in determining an application has been lessened. Local planning authorities are now required to give "great weight" to the benefits of mineral extraction (NPPF paragraph 144), and that landbanks should be used "principally as an indicator of the security of aggregates mineral supply." It is

important to note that the existing Mineral Local Plan, while the extant policy document for Hertfordshire, pre-dates the NPPF and therefore caution should be taken in the assessment of the proposal's compliance with Minerals Policies which no longer closely accord with national planning principles.

- 7.31 The NPPF also states that minerals planning authorities should plan for the supply of aggregates by ensuring that large landbanks bound up in a very few sites do not stifle competition. There are currently four main operational sand and gravel sites in Hertfordshire; Hatfield Symondshyde, Westmill – both operated by Cemex; Tyttenhanger (Coursers Road) and Panshanger to the west of Hertford both operated by Tarmac. Water Hall Quarry does have nominal reserves of sand and gravel though none is being dug at this time. Preparatory works, in advance of the permitted extraction, have recently started at Thorley Hall Farm.
- 7.32 Although the small scale of the deposit means that the proposal would do little to diversify the supply of sand and gravel within the county, similarly, it is unlikely to prejudice any of the Preferred Areas coming forward.
- 7.33 In the first quarter of 2016, the county council has experienced an increase in the level of pre-application enquiries and applications related to mineral extraction. This may be a response to proposed changes in the Housing and Planning Bill to set a 2017 deadline for Local Plan production, and thereby seeking to avoid sterilisation of the county's mineral assets. Minerals Policy 5 states that mineral extraction will be encouraged prior to other development taking place where any significant mineral resource would otherwise be sterilised, to prevent permanent loss.
- 7.34 Pynesfield is at some risk from sterilisation; the most immediate threat is from the construction of HS2, who originally objected to the resubmitted application. As a result, the applicant negotiated a revised proposal which allowed for the extraction of the mineral, and restoration, prior to a 31 December 2018 handover deadline. Further risk of sterilisation arises from the small size of the deposit, which results in the high quality deposit only being economically viable when considered in conjunction with the applicants existing infrastructure and extant planning permissions. The quality of the sand and gravel deposit is good, having a high stone content and can be used to enhance an already permitted supply by blending of materials.
- 7.35 Attaching positive weight to the risk of sterilisation and the quality of the mineral resource, the proposal does not conflict with Minerals Policy 4.

Impact on Highways and Traffic

- 7.36 The application has been made on the basis of requiring 200 HGV movements (100 in, 100 out) per day. Similarly, a section 73 application

has been made to Buckinghamshire County Council to amend the level of HGV movements at Denham Park Farm (DPF) from a daily limit of 124 to 200.

- 7.37 The applicant has clarified that permission is sought for up to 200 daily HGV movements across the two sites (DPF and Pynesfield) to allow for flexibility to reflect both market and weather conditions, and focus activity accordingly. It is recommended that if planning permission were to be granted that a S106 agreement limiting the total number of HGV movements generated across the DPF and Pynesfield sites, accessing and egressing via the A412, should be limited to a daily maximum of 200 movements. A protocol for monitoring and enforcement should be established between the two mineral planning authorities.
- 7.38 Following the refusal by Three Rivers District Council of the concurrent planning application to increase HGV movements along the haul road from DPF onto the public highway network, a meeting was held with the agent for the applicant. As set out at paragraph 5.11 above, it is confirmed that the extraction of mineral, and subsequent restoration of Pynesfield, is deliverable within the deadlines set by HS2, through 76 daily HGV movements at Pynesfield, in addition to the existing permitted 124 daily HGV movements at DPF.
- 7.39 Therefore, the application is considered on the basis of a maximum of 200 HGV movements onto the A412, generated by the aggregate development, and joining the public highway network through the previously improved Tilehouse Lane junction. On that basis, it was determined that there was no requirement to reconsult on highway grounds, and that the previously resubmitted traffic assessment remained valid.
- 7.40 The March 2013 transport assessment was resubmitted with the application. The original traffic assessment found that the A412 was considered wholly appropriate and of a sufficient standard for the level and type of traffic generated by the proposed development. The report found that there would be a proportional increase in total traffic on the A412 of less than 3% generated by DPF and Pynesfield, based on a combined total of 124 HGV movements per day. This is considered immaterial.
- 7.41 In support of the revised resubmission, a further analysis of the traffic impact based on the increase in daily HGV movements from 124 to 200 was provided, by way of a letter dated 2 October 2015 (Appendix 8). This further assessment found that HGV traffic will not increase, when running DPF and Pynesfield concurrently with up to 200 HGV movements per day, by more than 10%. 10% is the level of change at which a traffic impact assessment may be required.
- 7.42 Accordingly, the response from Hertfordshire Highways is that the increase in HGV movements “will not have a detrimental effect on the highway network”, and therefore the Highway Authority does not object

to the application, subject to conditions in respect of the number of movements and the prevention of the deposit of mud and debris on the road.

7.43 The London Borough of Hillingdon objected to the development due to potential use of roads in its borough which are already used to capacity. However, the export of material from Pynesfield to the existing site in Hillingdon would have to be carried out within the limitations of any existing planning control applied to Harefield Quarry, and regulated by the London Borough of Hillingdon. It would therefore be unreasonable to impose additional conditions to restrict access to an existing authorised processing site.

7.44 Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the cumulative impact of the development is “severe”. A severe impact has not been demonstrated and therefore, in seeking to transport mineral via Primary Roads, the application is compliant with Minerals Policy 16.

Mud on roads

7.45 The hard surfaced roads within the development and the adjacent public highway will be kept clean through the use of a road sweeper. This will remove debris from the road and keep it free from any dust or discolouration.

7.46 It has been alleged that there have been issues of mud on the road relating to the existing Denham Park Farm facility. It is understood that the specific incident of concern was the result of activity by the local farmer, in which the applicant assisted by offering use of their road sweeper, as observed by the Environment Agency.

7.47 The Pynesfield site will have its own dedicated wheel wash facility, adjacent to the weighbridge. A condition should be applied to ensure management of this issue, in line with requirements of Minerals Policy 18 (part xi).

Environmental Statement

7.48 An Environmental Statement has been submitted to accompany the application. This is as the development falls within Schedule 2 of the Environmental Regulations as an extractive industry greater than 1 hectare in size and the characteristics, location and potential impacts are determined to be potentially significant. The Non-Technical Summary is attached at Appendix 8.

Environmental Statement – Landscape and Visual Impact

7.49 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This considers the effect of the development on

landscape and visual amenity.

7.50 The LVIA concludes the development will have a short term adverse effect on character and this should be balanced by the benefits of the proposed planting of copses, hedgerows and trees for mitigation purposes. The proposal is therefore in compliance with Minerals Policies 12, 17 and 18.

Landscape Impact

7.51 The site is described as being situated within the eastern side of the Colne Valley, occupying some of the valley bottom and the sloping western valley sides. The site is separated from the Mid Colne Valley SSSI by the A412 and it is considered that there will not be significant impacts on its landscape setting. There are pockets of Ancient Semi Natural Woodland and a Local Nature Reserve which, along with the SSSI, would be considered Critical Capital or Environmental Assets, although they are approximately one kilometre from the site. The immediately adjacent woodland has no formal designation.

7.52 Pynesfield lies within the Landscape Character Area Maple Cross Slopes, which is recognised for its large arable fields with minimal hedgerows, and described as “*generally unremarkable but some aspects are valued for their distinctiveness*”. Therefore, while there will be a temporary impact on the landscape character, development is confined to the valley bottom, and it will be possible to restore and enhance the existing landscape character which has been shaped by the process of farm modernisation with wide sweeping contours.

Visual Amenity Impact

7.53 The LVIA considers each receptor and assesses the net effects (i.e. after mitigation usually by planting, existing tree screening or bunding) of the proposal against the visual amenity of each viewpoint, based on the assertion that views into the site are limited due to the surrounding roads and footpaths.

7.54 The net visual amenity effects are concluded to be:

- An effect on glimpsed views from the A412 through the tree belt alongside the road that is low or insignificant.
- An effect on glimpsed views from Tilehouse Lane that is low to beneficial with benefit derived from biodiversity improvements from remediation planting.
- An effect on views from the Old Uxbridge Road that are considered to be low to moderate.
- An effect on glimpsed views through gaps in the hedgerow along the public footpath along the southern boundary that is moderate.
- Glimpsed views from upper floor windows of Colne Cottages on Uxbridge Road is low to moderate, due to temporary nature and potential for screening bunds.

- Long distance view south from Corner Hall along Old Uxbridge Road would low through careful planting and bunding.
- Glimpsed views from the east west by-way to the north of the site that are low to insignificant.
- Glimpsed view through vegetation from upper floor windows of Cedar Grange to the southwest of the site that are low to moderate, with planting rather than bunding.
- Minor long distance views from the east valley sides of the Colne Valley which are insignificant due to the distance involved and the vegetation present.

7.55 Indicative landscaping proposals submitted with the application indicate that substantial tree and hedgerow planting would be undertaken.

7.56 It is understood that during the determination of the original application, concern was raised that sufficient consideration had not been given to the views from the property on Chalfont Lane, located approximately half a mile to the north of the proposed development. The LVIA has not been revisited as part of the resubmission process, therefore, the view of the County Landscape Officer is considered.

7.57 The County Landscape Officer comments will be reported at the Development Control Committee.

Environmental Statement – Ecology and Biodiversity

7.58 Overall, the site is considered to be of generally low ecological value, as the land is currently in arable use and subject to modern farming methods. The boundary trees and established hedgerows provide greater ecological and biodiversity interest. The development will have no impact on nearby designated nature conservation sites, due their distance from the proposed development.

7.59 A Phase 1 habitat survey, incorporating a desk based and field survey, was carried out in June 2011. The ecological survey found that:-

- The site was considered to have low potential for badgers, breeding birds, common species of reptile, great crested newts, and foraging and commuting bats.
- The site is considered to have medium potential for dormouse and roosting bats.
- The development will have no effect on the Mid-Colne Valley SSSI as no dewatering will be taking place.
- The vegetation of greatest ecological value is the hedgerow and woodland bordering the south of the site, the row of trees located along the eastern boundary and the mature oak trees located along the western site boundary.
- Gravel extraction on the site and the installation of the proposed access road could potentially have an impact upon the vegetation on the site.

- The development would have minimal impacts on badgers, and no or negligible impacts on reptiles and newts.

7.60 The applicant has proposed buffer zones to the site boundaries in order to support a habitat suitable for foraging and nesting, sett building and roosting of breeding birds, bats and dormice which have the greatest potential to their patterns disturbed. Additionally, 10 metre buffer strips of undisturbed ground are recommended between the woodland and the proposed development, with particular attention paid to the mature oak trees along the western site boundary, which have the potential for bats.

7.61 Hertfordshire Ecology did not object to the proposal the basis of ecological constraints, but welcomed the provision of remedial planting that may benefit the 'red book' species, the Corn bunting. Corn Bunting like habitat similar to other songbirds, i.e. a mix of scrub, hedgerow and arable, with a preference for stubble or bare land that will establish ephemeral weeds and other seed bearing species. This can be delivered by leaving some of the screening bunds unseeded, although the revised scheme is looking to a much shorter development timeframe than at the time that the ecological impact assessment was prepared.

7.62 The habitat protection measures and the proposed improvements including the provision of a new wetland area to provide a terrestrial habitat for amphibians, reptiles and ground nesting birds would be secured through a condition requiring the submission of a wildlife habitat management plan. In this way, it can be ensured that the working and remediation schemes deliver biodiversity improvements in line with the provisions of Minerals Policy 9, which in turns meets the over-arching principle set out in the NPPF to conserve and enhance the natural environment.

Environmental Statement – Flood Risk

7.63 The land is zoned Flood Zone 1. This is defined in the NPPF as land with a low probability (less than 0.1% annual probability) of flooding from fluvial (i.e. river) sources. Flood risk management policy tries to steer development into Flood Zone 1. Flood Maps are indicative only and can be inaccurate, especially at the margins of flood zones but irrespective of this, sand and gravel working are categorised as water-compatible development and are therefore considered to be acceptable uses in all flood zones.

7.64 A Flood Risk Assessment (FRA) was prepared, in accordance with the National Planning Policy Framework, as the proposed development is in excess of 1 hectare.

7.65 Residents of the area had experienced sewer flooding in 2013 as a result of a burst sewer main. While residents have attributed this to the activities at Denham Park Farm, this should not be taken as an indicator of potential flood risk, as sewer flooding can occur anywhere. Indeed the rural location of the application site means that the risk of flooding

from sewers and water mains is considered 'no risk'.

7.66 The FRA concluded that as the mineral is to be worked wet below the watertable, the groundwater can be readily managed within the resultant quarry void. The Environment Agency has also agreed that groundwater can be suitably protected through the imposition of robust conditions, and has withdrawn its previous objection.

7.67 It was also concluded that the quarry void would be able to accommodate a 1 in 100 year flood to address surfacewater runoff. Further, it was determined that while the longer term infiltration potential of the land would decrease due to the impermeable nature of the restoration material, it would remain in compliance with Minerals Policy 18 (part ix).

7.68 Mitigation is proposed through the installation of a linear ditch which, with the seasonally wet area, would have to the capacity to accommodate the forecast increased run-off from the restored site. The Lead Authority on Flood Risk Management requires that the surface water drainage scheme be agreed and implemented by condition.

Environmental Statement – Noise

7.69 The NPPF technical guidance advises on acceptable levels of noise from minerals operations. The NPPF advises the following limits should not be exceeded:

- 10dBA above the background noise level; subject to
- A maximum value of 55 dBA².

7.70 All mineral workings have some particularly noisy short term activities that cannot meet the 55 dBA limit. These include bunding, soil stripping and construction of new landforms. The NPPF suggests a limit of 70 dBA for these activities for up to 8 weeks in any year, with some provision to exceed this period if absolutely necessary but with a lower noise limit required.

7.71 The applicant resubmitted the original noise assessment in support of the application. The Planning Inspector was satisfied that, "*other than operations of short duration including soil stripping and the creation of perimeter bunds, the proposed development would not lead to unacceptable noise being experienced by residents living closest to the site.*" Given that the revised resubmission now excludes the processing plant, the forecast level of noise would be further reduced, and therefore continue to be in compliance with Minerals Policy 18 (part viii).

7.72 Noise mitigation for nearby properties was proposed in the assessment in the form of perimeter earth bunds.

7.73 It is good practice to carry out noise monitoring once a site is

² 55 dBA is the average noise level for a domestic dishwasher.

operational. The assessment advises that noise levels are monitored three months after commencement of full operations and the readings compared against existing levels. Subject to the findings, a noise monitoring programme can be agreed to ensure that noise from the operations is performing within the noise criteria. This can be secured by condition, and the Planning Inspector had previously found these measures to be acceptable.

7.74 Further, a condition should require that noise levels do not exceed the background by more than 10dBA or an absolute level of 55dBA, with an exception in respect of short term activity where this should be restricted to a maximum of 70dBA for a period of no more than 8 weeks.

7.75 Given the proximity of residential properties, the hours of operation will be reduced slightly to a 7:30 am start on weekdays (in line with that permitted for Denham Park Farm) and a 8:00 am start on Saturdays. This will be secured by way of condition, and represents a change of weekday start times, as compared to the application.

Environmental Statement – Dust and air quality

7.76 It is anticipated that dust generation would be unlikely, as the excavation of the mineral is a wet working process, similarly the reclamation mineral will have a high moisture content.

7.77 The applicant acknowledges that the movements of HGVs along the road network can be a source of dust. These can be dampened down with a bowser and spray as is accepted practice. Accordingly, a condition can be applied to ensure management of this issue.

7.78 While it is acknowledged that vehicle movements can have an adverse impact on air quality, as set out above (paragraph 7.36 – 7.44), the proposed HGV movements are not considered to make a significant or severe contribution or detriment to the highway conditions. Accordingly, as the site is not designated by Three Rivers District Council as an Air Quality Management Area, there are no additional air quality restrictions.

Environmental Statement – Archaeology

7.79 The applicant has undertaken a desktop analysis and carried out an extensive trial pit survey, and concluded that the archaeological potential of the site is low to moderate. As mineral excavation would destroy any archaeological features, the Historic Environment Unit has recommended the imposition of a condition to allow a watching brief and thereby protect any archaeological assets in compliance with Minerals Policy 17, and paragraph 141 of the NPPF.

Environmental Statement – Agriculture

7.80 The soil has been found to mainly be of the best and most versatile

quality, which Mineral Policy 18 (part iii) seeks to protect and, where possible, enhance. The proposed working scheme includes the storage of soils and subsoils in stockpiles on site, the height of which can be limited by condition to protect against compaction.

7.81 While the provision of a low wetland area will reduce the overall amount of agricultural area, although this is balanced against the increased biodiversity this habitat provides.

Other issues - Floodlighting

7.82 Mineral working is predominantly a daylight activity and artificial lighting is only required for limited periods in winter. The lighting design has been designed to minimise the effect of lighting on birds or bats. It is intended that directional lighting would be used for any floodlights. At the previous appeal, the Planning Inspector found that the lighting (including that of the previous proposed processing plant) would have a limited impact on the rural character of the locality, when experienced in the context of an illuminated main road running alongside.

7.83 A condition requiring approval of the details of lighting should ensure that any sensitive areas such as bat flight paths, tree lines, and hedgerows are protected.

Other issues - HS2

7.84 The site lies entirely within the limits of land subject to the adopted HS2 Phase One Safeguarding Direction issued 26 June 2014, and it required, as part of the removal of the objection by HS2 Ltd, that the land be appropriately restored and made available for not later than 31 December 2018.

7.85 While the construction of HS2 has been approved, the final route has not yet been identified. The site, or part of it, may be compulsorily purchased and used to house part of a construction compound, a significant landscaping mitigation bund and a large balancing pond.

7.86 A number of objections were received regarding the effect, and particularly the cumulative effect of HS2 with the development. However, the applicant has negotiated an operational solution to extract the mineral and restore the land in advance of any handover required by HS2 Ltd. Therefore, the two projects would not be active concurrently.

Other issues - Birdstrike

7.87 The operators of Denham Aerodrome encourage the consideration of the South Bucks District Local Plan Policy EP17 Aerodrome/Air Traffic Safeguarding, which states: "The District Council will not permit development which would interfere with the safe operation of an aerodrome or with the movement of air traffic over the District."

7.88 The extraction and restoration of the site will take place in a progressive manner, in such a way that the whole site will not be open at any one time, thereby continuing to provide a potential emergency landing site. The provision of the restored low, seasonally wet, balancing pond should be considered in the context of the numerous waterbodies in the Colne Valley, and that the scale of wildfowl attracted to the restored site will be limited in comparison to the adjacent habitat.

Other issues - Recreational Users and Rights of Way

7.89 The area of working has been moved away from the South Bucks Way bridleway to accommodate HS2, since the original application. This reduces the impact of the development on users of the bridleway. There is still potential for sudden noise to scare horses using the bridleway so a barrier will be required to be installed on the A412 end, by way of condition to be removed at the end of the proposed development.

8 Conclusion

- 8.1 This report has identified a number of impacts that could occur but which can be adequately managed by the imposition of appropriate conditions.
- 8.2 The principal issues of concern which are to be considered in the planning balance when determining the application, and which were identified by the Planning Inspector in his consideration of the appeal against the previous refusal, are:-
- Green Belt: the proposal would have a relatively small impact upon openness, but does incorporate elements of inappropriate development, in terms of the restoration operation and the bunds. This impact would be short term and in the longer term there would no impact upon the openness of the Green Belt, as the land would be restored to an agricultural use with an improved level of biodiversity. The impact upon the Green Belt would be small, and significantly reduced in terms of scale (due to the removal of the processing plant) and time (with the reduction of the programme from ten to approximately two years). However, the NPPF requires that substantial weight should be given to any harm to the Green Belt in decision making.
 - Groundwater: the site is located within a Source Protection Zone 1 on a principle aquifer and would pose a high risk to ground water quality, without the imposition of robust conditions as recommended by the Environment Agency. This is a potentially significant impact and should be given some weight.

8.3 The positive aspects of the development to consider in the planning balance are:-

- The NPPF says that great weight should be given to the benefits of mineral extraction, and prior to the review of the Minerals Local Plan, this should be considered to have the same weighting.
- The proposal would avoid the sterilisation of a resource primarily on the basis of the economics of working in conjunction with Denham Park Farm that would not otherwise occur. The construction of HS2 would also limit the availability of the deposit being worked. However, the deposit would still be available and workable to some extent in the much longer term. Small positive weight is given to this factor.
- The proposal would provide a further small mineral site within Hertfordshire contributing towards ensuring that the landbank is not bound up in very few large sites, this is given small positive weight.

8.4 In final consideration of this application, the Green Belt balance requires that very special circumstances have to be shown to exist that clearly outweigh the harm to the Green Belt and any other harm. In this instance, it is considered that the temporary and reduced impact on the openness of the Green Belt and any other harm are clearly outweighed by the sustainable use of the finite mineral resource that is otherwise at risk of sterilisation on an economic and locational basis.

8.5 The original application was refused by the Development Control Committee largely on the basis of the potential harm to the Source Protection Zone 1 (SPZ1), which was considered to be more than great. This decision was upheld on appeal, on the basis that there was insufficient information on which the protection of the SPZ1 could be assured. The applicant has now addressed the risk of harm to the SPZ1 to the satisfaction of the Environment Agency, and therefore the weight given to this risk is significantly reduced.

8.6 It is assessed that other material planning considerations, including, but not limited to noise, dust, floodlighting, harm to wildlife, etc. can be either be regulated by the imposition of robust conditions, or appropriate mitigation can be provided to either maintain or improve the net environmental conditions at the conclusion of the development.

8.7 Therefore, it is considered that the very special circumstances clearly outweigh the harm to the Green Belt and any other harm. It is recommended that planning permission be conditionally granted, subject to a S106 agreement (in respect on cumulative HGV movements and the monitoring and enforcement of Pynesfield and Denham Park Farm) and dependent on the referral of the application to the Secretary of State.

9 Conditions

9.1 The recommendation to approve the proposed development is subject to condition, a S106 agreement and referral to the Secretary of State.

9.2 The conditions would address the following areas:-

General

- Time limits for commencement
- Time limits for completion
- Removal of Permitted Development rights
- Approved plans
- Decision Notice for inspection
- Hours of operation
- Noise: pre-commencement monitoring scheme
- Noise: monitoring exercise once operational
- Noise levels
- Reversing alarms
- Haul roads

Extraction

- Notification of commencement
- Programme Phasing and Working
- Details of all equipment
- Stockpile heights

Pollution Prevention and Control

- Environmental Management Strategy
- Emergency spill response
- Storage tanks and refuelling areas
- Asbestos removal plan
- Fencing details
- Lighting

Landscape and Planting

- Landscaping scheme
- Perimeter bunds
- Planting
- Tree replacement
- Birdstrike

Air Quality

- Dust monitoring and management scheme

Archaeology

- Written scheme of investigation

Ecology

- Ecological and wildlife habitat management plan

Water

- Flood Risk Assessment
- Surface Water Drainage Scheme
- Groundwater extraction
- Origin of fill material
- Fill source check
- Revised scheme of working

Access and Vehicles

- Rights of Way – warning signs
- Horse Barrier
- Vehicle Movements
- Mud on the road
- Access via A412
- Covered lorries
- Automated traffic counts

Restoration and Aftercare

- Restoration scheme
- Aftercare scheme

Soil Handling

- Soil stripping and handling
- Compaction
- Soil stockpile heights
- No topsoil or subsoil exported

Monitoring

- Annual report and plan
- Records of tonnage import and export material

9.3 The proposed S106 agreement would need to address the following areas:-

- Combined number of HGV movements across Denham Park Farm and Pynesfield
- Routing agreement to prohibit the use of Tilehouse Lane, Old Uxbridge Road and Coppermill Lane by HGVs in relation to Denham Park Farm and Pynesfield
- A protocol of monitoring and enforcement between the planning authorities

Background information used by the author in compiling this report

Planning application reference 8/1254-15 including supporting documents, environmental statement and revisions to these documents

Consultee responses

Relevant policy documents:

National Planning Policy Framework 2012;

Hertfordshire Minerals Local Review 2007;

Three Rivers Emerging Local Plan 2012;

South Bucks District Plan

Thames River Basin Management Plan

Groundwater Protection: Principles and Practice document (GP3) 2012

Appendices

1. Site plans
2. Email dated 27 April 2016 from Douglas Symes (Agent) (to follow)
3. HS2 Ltd consultation response dated 20 November 2015 (to follow)
4. Environment Agency consultation response dated 9 February 2016
5. List of points raised by (non-statutory) respondents
6. Appeal Decision ref: APP/M1900/A/14/2218970 dated 21 October 2014
7. Non-Technical Summary dated March 2013
8. Letter ref: SJT/13194 dated 2 October 2015 from Simon Tucker (Transport Planning Consultant) (to follow)

Appendix 1
Site plans

Appendix 2
Email dated 27 April 2016 from Douglas Symes (Agent)

Appendix 2
Email dated 27 April 2016 from Douglas Symes (Agent)

From: Douglas Symes
Sent: 27 April 2016 10:56
To: Sharon Threlfall
Cc: Sierakowski, Andrew
Subject: Pynesfield / Denham Park Farm Quarry - 1022 & 8224

Sharon,

Many thanks for organising the meeting at short notice to discuss the decision of Three Rivers regarding increasing the traffic movements along the 'concrete' access road to Denham Park Farm Quarry.

Whilst I have yet to receive the refusal notice, my understanding of the discussion at Committee is that the grounds for refusal will be impact on the Green Belt, there being no highway issues.

When we met we discussed whether a condition could be placed on the Pynesfield development that controlled the traffic movement onto the redesigned section of Tilehouse Lane (noting that this is a separate access to that for Denham Park Farm Quarry). This approach would enable the mineral reserve to be recovered before being sterilised by HS2, but you raised the pertinent question of whether there was sufficient 'capacity' within the currently approved Denham Park Farm Quarry movements of 124 per day to deliver the reclamation material. At the meeting I believe we concluded that this would work, but I undertook to check this with the company.

In short, the answer is that it will work based upon the additional daily average of 76 movements for Pynesfield as set out below.

Pynesfield mineral reserve 300,000 – 350,000 tonnes

Lorry movements at 20 tonnes per lorry over 500 days (2 years) = 30 – 35 loads or 60 – 70 movements

Remove 'as dug' at an average density of 1.8 tonnes per cubic metres

Void created (300,000 – 350,000 tonnes ÷ 1.8 tonnes per cubic metre) = 167,000 – 194,000 cubic metres

Capacity of ADT delivering reclamation material 15 cubic metres per ADT

Movements at 15 cubic metres per ADT over 500 days = 23 – 25 loads or 46 – 50 movements

Remaining Denham Park Farm Quarry daily movements 74 – 78 movements

I hope the above makes sense and the request for 76 movements provides some flexibility as well as demonstrating that the remaining 'permitted' movements are sufficient for Denham Park Farm Quarry to operate.

I have copied in Andrew Sierakowski of Bucks C.C. who I spoke with on Tuesday as this suggested approach would enable both sites to operate, but I recognise that there still needs to be a change in condition to allow export of the reclamation material.

From my last meeting with HS2 they advised they had no objection to Pynesfield, nor to the export of the reclamation material, but were reserving their position on bringing forward commencement of the sand reserve in the eastern part of the site as this area is within the safeguarded zone. Whichever way it resolves itself, it should not affect the ability to deliver Pynesfield fully restored by December 2018.

I trust I have summarised the position correctly and please let me know if you (and/or Andrew) need anything further.

Regards
Douglas Symes

Appendix 3
HS2 Ltd consultation response dated 20 November 2015

Appendix 4
Environment Agency consultation response dated 9 February 2016

Appendix 5
List of points raised by (non-statutory) respondents

- **Appendix 6**
Appeal Decision ref: APP/M1900/A/14/2218970 dated 21 October 2014

Appendix 7
Non-Technical Summary dated March 2013

Appendix 8

**Letter ref: SJT/13194 dated 2 October 2015 from Simon Tucker
(Transport Planning Consultant)**