

Agenda



AGENDA for a meeting of the DEVELOPMENT CONTROL COMMITTEE in the Council Chamber, County Hall, Hertford on THURSDAY 26 MAY 2016 at 10.00 am.

MEMBERS OF THE COMMITTEE (10) (Quorum = 3)

D J Barnard, D S Drury, G R Churchard, M J Cook, J Lloyd,
M B J Mills-Bishop (substituting for P A Ruffles), M D M Muir (Vice-Chairman),
S Quilty, I M Reay (Chairman), A D Williams

AGENDA

AUDIO SYSTEM

The Council Chamber is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact the main (front) reception.

PART I (PUBLIC) AGENDA

Meetings of the Committee are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting - for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed below under "Part II ('closed') agenda".

MINUTES

To confirm the minutes of the meeting of the Development Control Committee held on 25 February 2016 (attached).

PUBLIC PETITIONS

Any member of the public (who is a resident in Hertfordshire or is on the electoral register for Hertfordshire) may present a petition to the Committee. An authorised representative of any Hertfordshire parish or town council subscribing to a parish charter approved by the County Council may also present a petition to the Committee in relation to matters within that parish. The subject of the petition must be appropriate for the Committee and must be signed by at least 100 residents or business ratepayers of Hertfordshire.

Notification of intent to present a petition must be given in writing to the Chief Legal Officer, (County Hall, Hertford, SG13 8DE) at least five clear days before the meeting where an item relating to the subject matter of the petition does not appear on the agenda for the meeting and at least three clear days before where the item is the subject of a report.

If you have any queries about the procedure please contact Nicola Cahill on telephone no. (01992) 555554

MOTIONS (Standing Order C9)

Motions may be made on a matter relevant to the Committee's terms of reference (other than motions relating to a matter on the agenda, which shall be moved when that matter is discussed).

Motions must have been notified in writing to the Chief Legal Officer by 9 am on the day before the meeting and will be dealt with in order of receipt.

No motions had been submitted at the time of agenda dispatch.

The following reports of the Chief Executive and Director of Environment are attached to this agenda: -

- 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.**

[Local Member: Ralph Sangster]

- 2. PLANNING APPLICATION FOR THE VARIATION OF CONDITION 71, THE PRE-SETTLEMENT CONTOURS IS BEING SOUGHT TO REGULARISE THE TIPPED CONTOURS ON SITE AND ALSO TO PROVIDE DETAILS ON THE LANDSCAPING RESTORATION AND AFTER USE TO REFLECT THE NEW CONTOURS AND TO DISCHARGE CONDITION 73 OF 3/2279-13 AT BUNKERS HILL QUARRY, LOWER HATFIELD ROAD, HERTFORD**

[Local Member: Ken Crofton]

- 3. APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION 0/2529-10 TO PERMIT COMPLETION OF THE ENTIRETY OF FORMER DEFINED PHASE 2, CONSEQUENT UPON ALREADY CERTIFIED COMPLETION OF FORMER DEFINED PHASE 1, INCLUDING THE RE-GRADING OF MATERIALS ON SITE AND IMPORTATION OF SUPPLEMENTARY MATERIALS, AT DYRHAM PARK GOLF AND COUNTRY CLUB, GALLEY LANE, BARNET, EN5 4RA**

[Local Member: Morris Bright]

- 4. APPLICATION FOR THE RESTORATION TO CONSERVATION AFTER USES THROUGH THE IMPORTATION AND FINAL DISPOSAL OF ENGINEERING MATERIALS COMPRISING INERT WASTE AT HATFIELD CEMEX QUARRY, OAKLANDS LANE, ST ALBANS, HERTFORDSHIRE, AL4 0HS**

[Local Member: Geoff Churchard]
Adjoining: Dreda Gordon & Maureen Cook

- 5. APPLICATION FOR THE VARIATION OF CONDITION 5 (TIME LIMIT FOR COMPLETION) AND CONDITION 7 (VEHICLE MOVEMENTS) ON PLANNING PERMISSION 3/0518-11 TO EXTEND THE TIME LIMIT TO 13 SEPTEMBER 2016 AND INCREASE VEHICLE MOVEMENTS TO 48 (24 IN AND 24 OUT) AT WATERFORD LANDFILL SITE, BRAMFIELD LANE, WATERFORD, SG14 2QF**

[Local Member: Ken Crofton]
Adjoining Local Member: Peter Ruffles

- 6. APPLICATION FOR THE VARIATION OF CONDITION 10 (LIMIT OF OPERATIONS CONCERNING IMPORTATION OF MATERIAL) OF PLANNING PERMISSION 1/0993-13 TO REVISE TIME LIMIT FOR IMPORTATION PHASE OF PROJECT UNTIL 23RD JUNE 2015**

[Local Member: Councillor Terry Hone]
Adjoining Members: Councillor Judi Billing

OTHER PART I BUSINESS

Such other Part I (public) business which, the Chairman agrees, is of sufficient urgency to warrant consideration.

PART II ('CLOSED') AGENDA

EXCLUSION OF PRESS AND PUBLIC

Part II business has been notified. The Chairman will move:-

"That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the said Act, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information about the financial and business affairs of the applicant and was given to the County Council in confidence. This information is not publically available and disclosure may prejudice the applicant's business and confidence in the County Council's processes.

PART II AGENDA

- 1. APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION 0/2529-10 TO PERMIT COMPLETION OF THE ENTIRETY OF FORMER DEFINED PHASE 2, CONSEQUENT UPON ALREADY CERTIFIED COMPLETION OF FORMER DEFINED PHASE 1, INCLUDING THE RE-GRADING OF MATERIALS ON SITE AND IMPORTATION OF SUPPLEMENTARY MATERIALS, AT DYRHAM PARK GOLF AND COUNTRY CLUB, GALLEY LANE, BARNET, EN5 4RA**

If you require a copy of any of the reports mentioned above or require further information about this agenda please contact Nicola Cahill, Democratic Services Officer on telephone no. 01992 555554 or email: nicola.cahill@hertfordshire.gov.uk

Agenda documents are also available on the internet

<https://cmis.hertsdirect.org/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/288/Committee/2/SelectedTab/Documents/Default.aspx>

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

Author: Mrs Sharon Threlfall Tel: 01992 556270

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

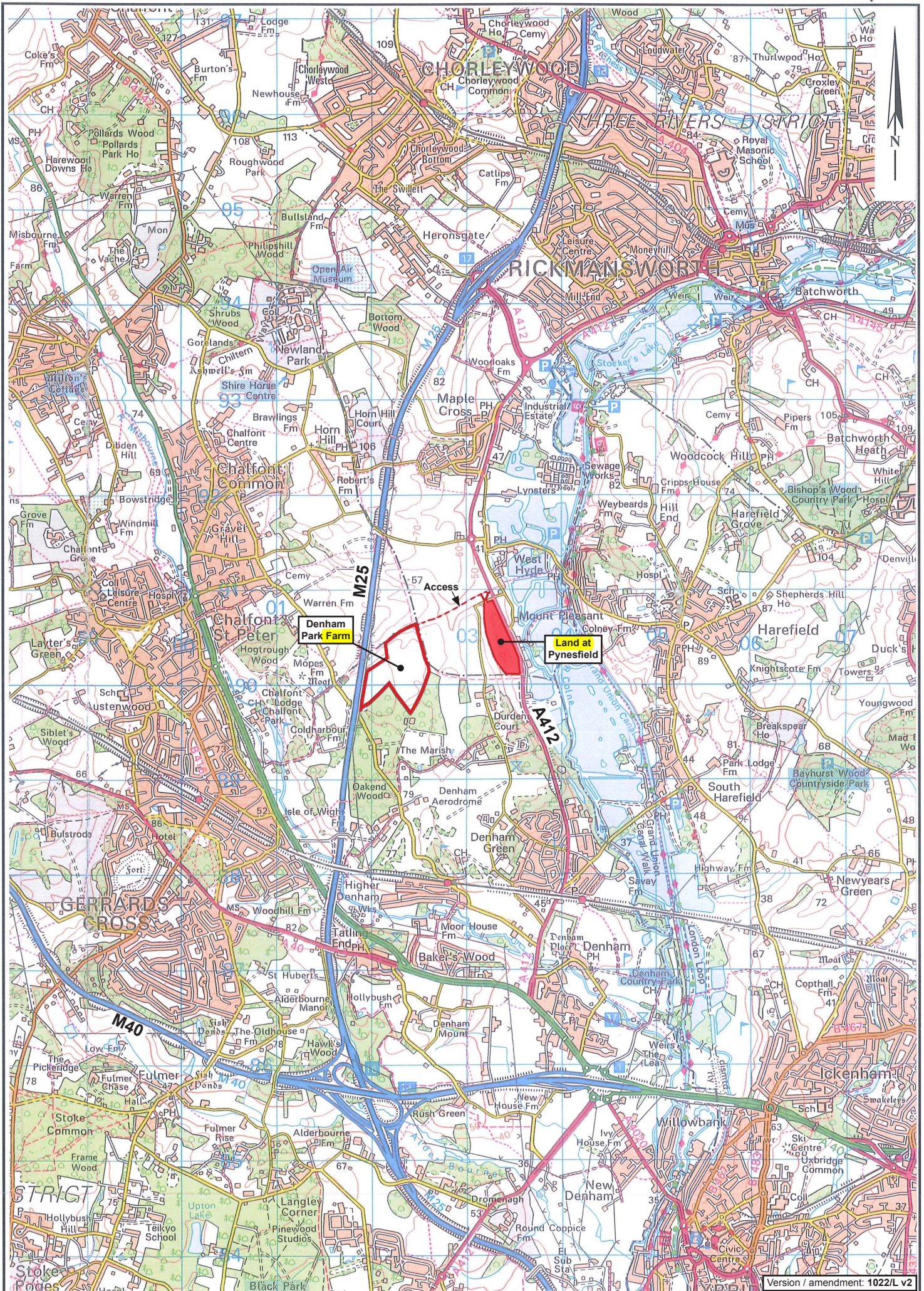
Appendix 5
List of points raised by (non-statutory) respondents

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

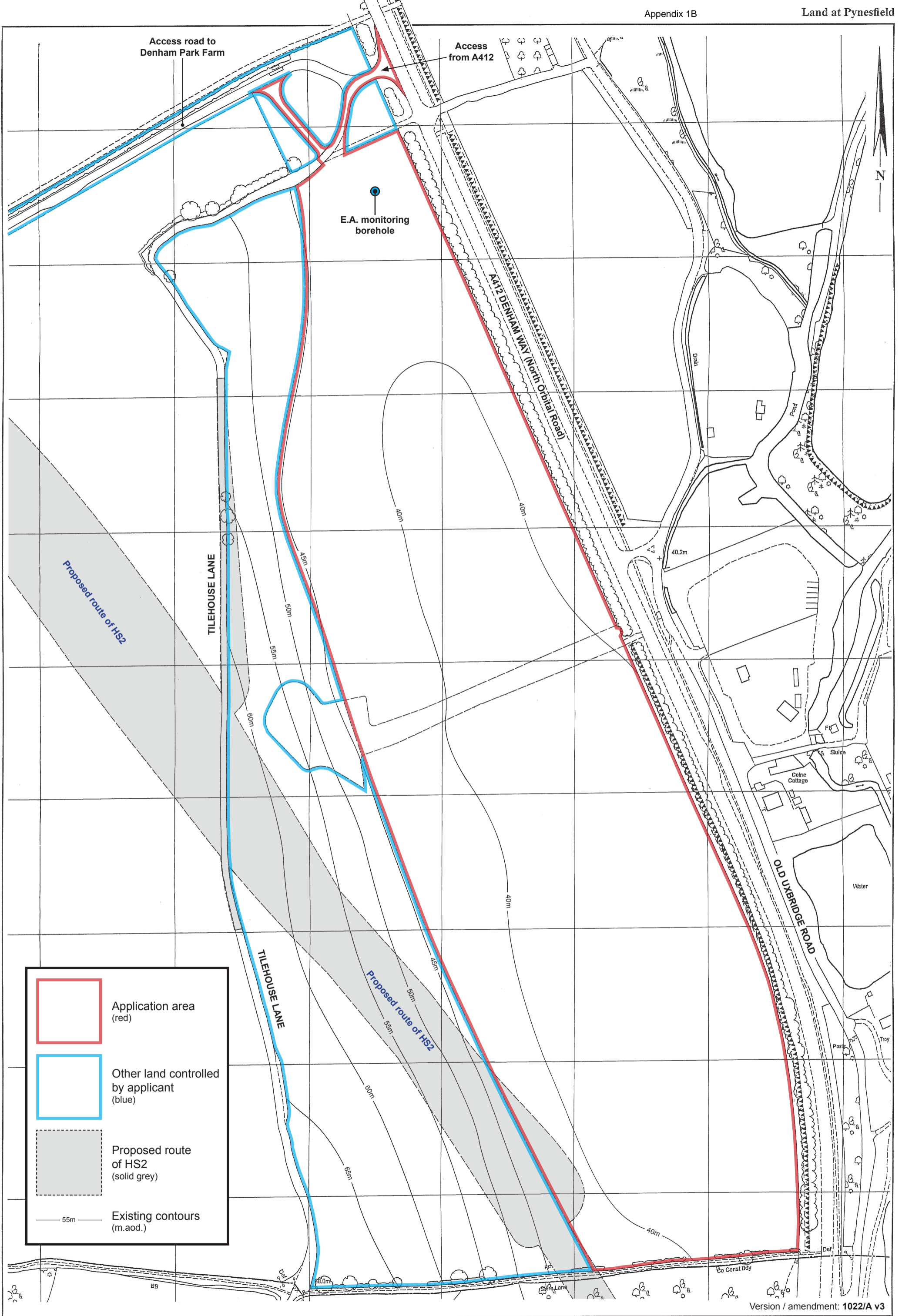
Appendix 7
Non-Technical Summary dated March 2013

Appendix 8

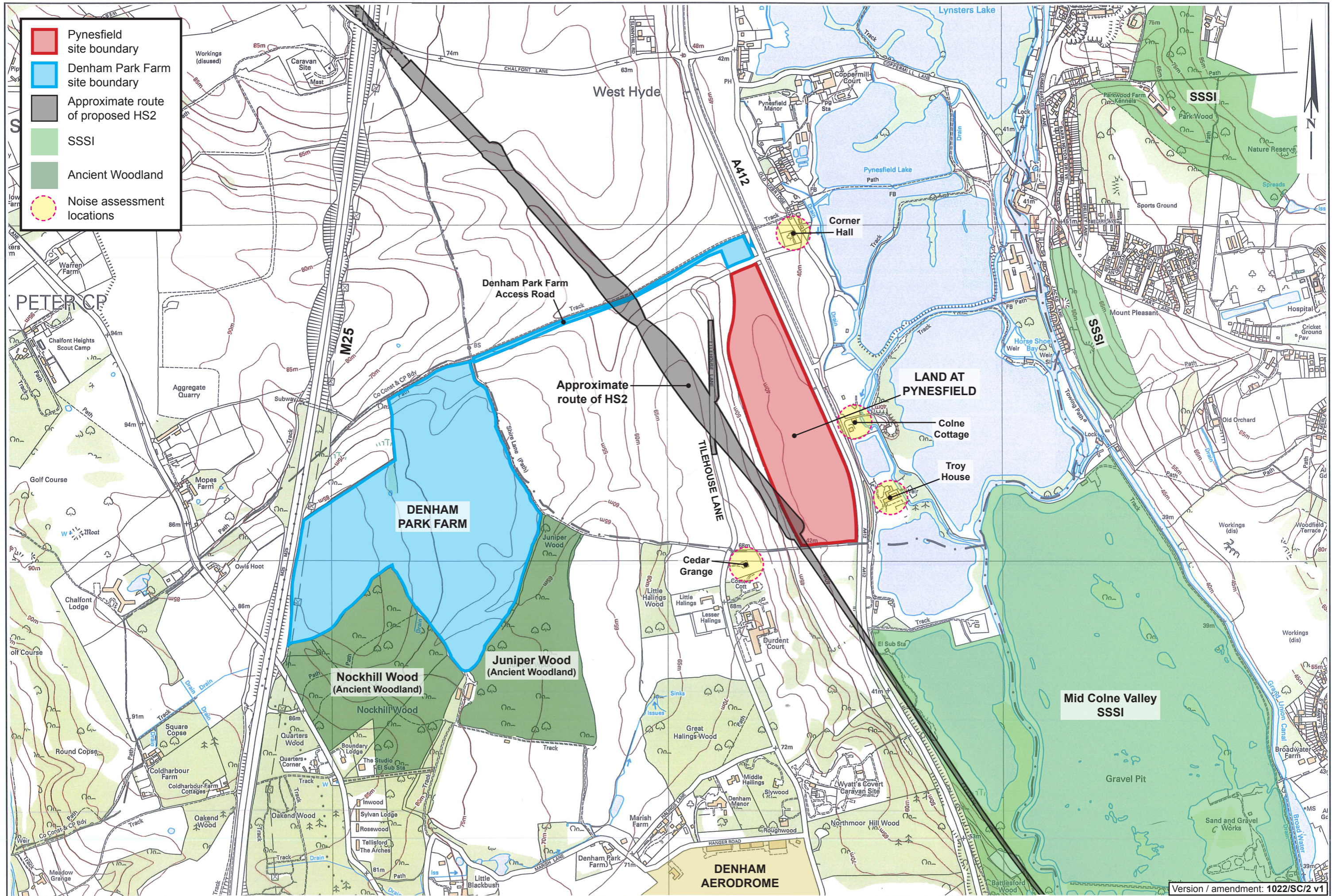
**Letter ref: SJT/13194 dated 2 October 2015 from Simon Tucker
(Transport Planning Consultant)**



Version / amendment: 1022/L v2



Version / amendment: 1022/A v3



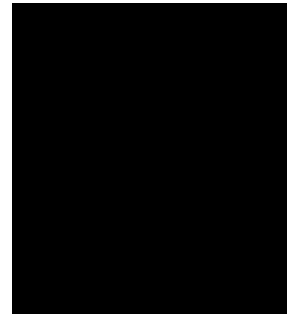
Version / amendment: 1022/SC/2 v1



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Version / amendment: 1022/O/2 v2

Mrs Sharon Threlfall
Spatial Planning and Economy Unit
Hertfordshire County Council
CHN216, County Hall
Hertford, Herts
SG13 8DN



20th November 2015

Our ref: HS2-HCC-SC-002

By Email

Dear Mrs Threlfall

App Ref: PL\0706\15 Application for mineral extraction and importation of sand and gravel and reclamation materials for Denham Park Farm with restoration to agriculture and a small wetland area. At: Pynesfield, off Tilehouse Lane, Maple Cross, Rickmansworth, Hertfordshire.

Thank you for re-consulting High Speed Two (HS2) Ltd on the above application we have the following comments to make on the revised development proposals.

Further to the interface concerns identified in HS2 Ltd's previous response dated 9th July 2015, you will be aware that a meeting took place with the developer on 9th September 2015, which resulted in amendments to the proposed development including the removal of the processing plant and reduced timescale of operations to ensure completion by 31st December 2018 (or earlier).

Following that process of engagement, as a result of further information supplied together with the proposed amendments to the application and associated commitments obtained from the developer, I can confirm that HS2 Ltd is now prepared to remove its previous objection to planning permission being granted subject to the following conditions and informative being placed on any decision notice:

Conditions:

1. *The proposed mineral extraction hereby permitted shall be completed by 31st December 2018.*

Reason: To ensure the development does not conflict with the Government's intention to build and operate a high speed railway in this location.

2. *The proposed mineral extraction hereby permitted shall be progressed in accordance with the applicant's revised Illustrative Operations Plan No. 1022/O/2 v2 dated 2 November 2015, (showing general direction of extraction phased from south to north), the Illustrative Restoration Plan No. 1022/R/1c v1 dated 2 November 2015 and the revised D.K. Symes Associates Planning Statement dated November 2015, unless otherwise agreed in writing by the Local Planning Authority in consultation with High Speed Two (HS2) Limited.*

Reason: To ensure the development does not conflict with the Government's intention to build and operate a high speed railway in this location.

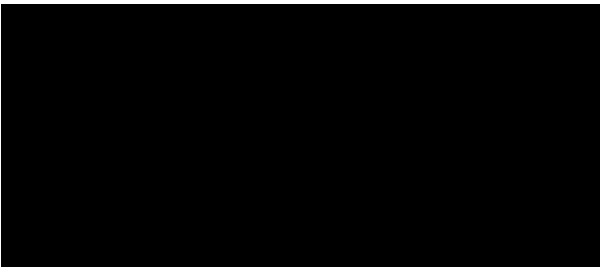
- 3. The land shall be restored with due regard to the geotechnical suitability of such arrangements to the proximity of a High Speed railway, in accordance with a scheme of restoration including specification of backfilling, suitability of materials used, proposed site levels, earthworks / groundworks stability, flood levels and programme, which shall be submitted to and approved in writing by the Local Planning Authority, in consultation with High Speed Two (HS2) Ltd prior to the cessation of sand / gravel extraction. Such approved restoration shall be carried out and completed within 6 months of the date of cessation.*

Reason: To safeguard the land in accordance with the HS2 Phase One Safeguarding Directions issued on 26th June 2014 and to ensure that contaminated materials are not brought in to the site."

Informative:

"The Applicant is advised that the application site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed 2. Powers to construct and operate High Speed 2 are to be sought by promoting a hybrid Bill which was deposited with Parliament on 25th November 2013. As a result the application site, or part of it, may be compulsorily purchased. More information can be found at: www.hs2.gov.uk/hs2."

However, in the event that the local planning authority is minded to approve the application without the above, or similarly worded planning conditions, contrary to the advice of HS2 Ltd, then the application should, in accordance with paragraph 6 of the formal Safeguarding Directions issued on 26th June 2014, be sent together with the material specified in paragraph 7 of the Safeguarding Directions, by first class post to:



We would appreciate receiving a copy of the decision notice for our records once it has been issued. In the meantime should you have any questions regarding the above comments then please do not hesitate to contact me at: [REDACTED]

Yours sincerely,



Safeguarding Planning Manager, HS2 Ltd



Cc: DK Symes Associates

Sharon Threlfall
Hertfordshire County Council
County Development Unit
County Hall
Hertford
Hertfordshire
SG13 8DE

Our ref: NE/2015/123121/02-L01
Your ref: SLUP/ CM0948PL\0706\15
Date: 9 February 2016

Dear Sharon

Pynesfield, off Tilehouse Lane, Maple Cross, Rickmansworth, Hertfordshire

Application for mineral extraction, processing and importation of sand and gravel and reclamation materials for Denham Park Farm with restoration to agriculture and a small wetland area. Revised development proposals.

Thank you for consulting us on the revised application; having reviewed the revised proposals and following discussion with the applicant we are of the conclusion that this will not change our earlier response.

We have had detailed planning and permitting discussions with the applicant following the appeal decision. The submitted hydrological risk assessment has addressed the issue of the safe removal of the historic contamination and our previous concerns over the backfilling of the quarry will now be dealt with under an environmental permit for inert landfill.

We are now satisfied that this development could be acceptable if the conditions set out below are attached to the grant of any planning permission. Without these conditions this activity would pose an unacceptable risk to the environment and we would wish to object.

Condition 1

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

- 1) An options appraisal and remediation strategy is provided (based on the results of the submitted site investigation and detailed risk assessment), giving full details of the remediation measures required and how they are to be undertaken.
- 2) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (above) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.



Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect groundwater. The site is in a highly sensitive environmental setting, partly sub-water table and within the inner source protection zone (SPZ1) for the public drinking water abstraction at Northmoor. Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment.

The Thames River basin management plan requires the restoration and enhancement of the Mid-Chilterns chalk groundwaterwater body to prevent deterioration and promote recovery. Without these conditions, the impact of contamination from historic waste activity could cause deterioration of a quality element to a lower status class or cause deterioration of a protected area (groundwater public drinking water supply) from the chalk because it would:

- result in failure of the prevent or limit objective for groundwater
- cause rising trends in chemicals in the waterbody

The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Condition 2

No mineral shall be won until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect groundwater. This condition ensures that all contaminated material identified on site has been removed or remediated.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development.

Condition 4

The development hereby permitted shall not be commenced until a methodology for retaining 1 metre of in-situ mineral or equivalent protection overlying the Chalk surface has been submitted to, and approved in writing by the local planning authority

Reason

To ensure sensitive groundwater supplies are not compromised, and that the site is performing as intended.

Condition 5

The development hereby permitted shall not be commenced until a groundwater monitoring plan to monitor all activities on site has been submitted to, and approved in writing by the local planning authority.

Reason

To ensure sensitive groundwater supplies are not compromised, and that the site is performing as intended.

To clarify, this will require the groundwater monitoring boreholes associated with the historic landfill to be in place and monitored prior to the start of excavation.

Condition 6

The development hereby permitted shall not be commenced until a surface water management plan for the works and the restored site has been submitted to, and approved in writing by the local planning authority. The base of all constructed soakaways (such as infiltration trenches and ponds) are to be above the water-table.

Reason

To protect groundwater. Direct infiltration into the water table is not acceptable and could compromise sensitive groundwater supplies.

Informative

Any facilities for the storage of oils, fuels or chemicals, shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

This is a requirement of the Control of Pollution (Oil Storage) (England) Regulations 2001; More information on the minimum legal requirements is available in 'Above ground oil storage: PPG 2'.

<https://www.gov.uk/government/publications/choosing-and-using-oil-storage-tanks-ppg2-prevent-pollution>

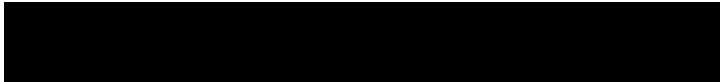
Permit information

We previously had serious concerns with regard to the backfilling of the quarry. Since the previous application we have held a pre-application meeting for an Environmental Permit with the applicant. This concentrated on the treatment of mining waste and backfilling of the quarry. We discussed the appropriate regulatory regime and requirements for the proposed activities. As clarified on the Environmental Permit Pre-application record, the site will require an environmental permit for inert landfilling for the backfill of the quarry. This will be required before the activities subject to this planning application could commence.

Should you have any queries please feel free to contact me

Yours sincerely

Mr Kai Mitchell
Sustainable Places Planning Advisor



Appendix 5

List of points raised by (non-statutory) respondents

Air traffic (Aerodrome)

- Increased risk of bird strike
- Potential reduction in emergency landing sites

Archaeology

- Risk to archaeological assets

Cumulative impact

- Already suffer due to aerodrome, M25, motorists speeding on A412 all of which creates horrendous noise
- Cumulative impact with 200/300 people living in what is currently a field to support HS2 construction
- Local proposals for a new service station, a new school and a nationwide courier service depot
- With this project and the HS2 project we would be taken over and living in a very unwanted area
- There will be years of disruption, which is too much for one area and its community to endure
- Mineral extraction is already at a maximum in this area
- The area is turning into a complete disaster
- The local authorities should be talking to each other

Ecology and Wildlife

- Effect on local wildlife and plants from additional pollution
- Proposal would destroy the gorgeous scenery, peaceful atmosphere and flourishing wildlife
- Area currently has numerous birds
- Environmental impact on a SSSI
- Application is misleading to say that there is no significant wildlife

Economic

- Adverse impact on trade at the local hotel
- Businesses will suffer due to this development and the building of HS2
- Millions will be lost in wasted time due to flooding of A412 or due to traffic jams
- Hertfordshire County Council have got this application completely wrong. It is just not viable

Flooding

- Already had flooding from sewers, which respondent attributes to additional silt from mineral extraction
- Development will add to local flooding problems, including raw sewerage
- Lots of local drains are already blocked
- The restored lake will rise and flood the A412
- Previous poor experience of handling of flooding which included raw sewerage

Green Belt

- Inappropriate development
- Taking away the countryside
- Green Belt land is safeguarded
- Inspector found that processing plant was inappropriate in the Green Belt; it still is
- Residents in close proximity to site, and also in Green Belt are very restricted in what they can do to their properties
- Planning legislation in respect of Green Belt has not been consistently applied to residents as compared to this proposal
- No sane person could truly turn this beautiful location into that [Harefield Quarry] nightmare

Hazardous waste

- Development area includes hazardous waste
- Slurry washed from the gravel may also include asbestos
- Insufficient understanding of the location, volume and risk of asbestos
- Who will monitor it and put the residents' minds at rest?

Health

- Effect on local wildlife and plants from additional pollution
- Life threatening consequences to resident who is ill and disabled
- Concerned as resident's mother died from an asbestos related cancer
- Asthma may be a by-product of the resultant pollution
- Dangerous work site next to an area where children may run and play
- My son suffers from asthma
- Are you aware of the deaths and illnesses that the UK has suffered with over the years due to asbestos
- Isn't this just going to cost the NHS even more
- There are no guarantees that there will be no health issues for local residents during the extraction process

Highways

- Roads are already very busy, without lorries
- Big accident zone, notorious traffic black spot
- Roads cannot cope with additional lorries
- Roads are not big enough to cope leading to congestion
- Further congestion along with planned new school
- Lorries will try to use Tilehouse Lane
- A412 overloaded with lorries when there is an accident on the M25
- Volume of traffic has increased since the traffic surveys were carried out
- Increase in traffic will cause chaos and stress
- Traffic jams make it difficult for residents to access their homes
- Degradation of road surfaces
- Slow vehicles on incline towards Denham Green
- Bottlenecks at Denham Green and Maple Cross traffic lights
- Concern that any restrictions on Tilehouse Lane will be ignored

- Will make it difficult for residents who travel by car (for work, school)
- Road safety concerns in respect of local primary school
- Counted 600 vehicles on Old Uxbridge Road in one hour, on a route used by school children
- A412 has flooded in winter months; HGVs driving through floodwater is a hazard
- Mud from traffic movements will be a constant, unacceptable issue
- Drivers will use Tilehouse Lane as a short cut to avoid congestion
- If I miss the bus, I will have to take a one hour drive to Henley for school
- Recommend installation of barrier gates at Old Uxbridge Road that would allow only local residents through, especially during rush hour
- Private cars have been damaged by increase in traffic
- Rubbish is dropped or thrown from lorries
- The access road to Harefield is already overburdened

HS2

- Area already blighted by proposed rail route
- Application site is part of safeguarded area and HS2 Ltd concerned as to whether land will be restored in time (June 2015)
- Applicant is trying to lower their transport costs due to HS2 safeguarding process
- Applicant is reliant on HS2 and it has not been approved yet

Landscaping and visual impact

- Impact on views of the Colne Valley due to processing plant, parked lorries and floodlighting
- Poor first impression for visitors to the local hotel
- The Chilterns will be made into an industrial site
- Obtrusive development over 5 metres high
- Floodlit operation in the winter
- Machinery and work planned will ruin the Colne Valley Park for 10 years
- A scar on the landscape
- One of the few areas of natural beauty left in the south, particularly close to London
- Applicant will try to retain processing plant at Pynesfield on a permanent basis
- The plan is much improved by the removal of the processing plant from the site

Need

- Volume of gravel is not important in terms of the landbank
- How much gravel is really needed for HS2 construction
- There are other areas in Hertfordshire designated for gravel extraction
- Site would only contribute a two month supply of gravel
- Not justified under the National Planning Policy Framework

Pollution & Environmental Impact

- Noise from processing plant and HGV movements will disturb residents
- Dust and mud generated by the site

- Fumes
- Increased noise on an already busy road
- What risk assessments have been carried out?
- Dust already affects the lakes and the Grand Union Canal footpaths
- Where will air monitoring be carried out? It should be more frequent than 3 times a week
- What Emergency Plan is in place to protect against risks
- We simply do not believe the noise figures
- There should be an independent noise survey of Harefield Quarry to predict the levels that would occur at Pynesfield
- All claims of keeping dust levels down are hogwash
- Inappropriate to extend the operation of already problematic works on [the Moorhall Road] site
- Bunds will not provide a suitable noise reduction
- Revised application does not allow for any improvement

Recreation

- Concern at impact on Rickmansworth Sailing Club; level and quality of the water
- Colne Valley Regional Park is used for walking, cycling, rambling, sailing, canoeing, dog-walking, horse-riding by many people
- A processing plant would certainly put paid to recreational activity

Regulation

- Applicant does not follow planning restrictions at Harefield Quarry
- Will anyone be monitoring this [the development]?
- Unlikely that Hillingdon Council will renew the existing licence at Moorhall Road
- Applicant should apply to Buckinghamshire County Council to have a processing plant at Denham Park Farm instead
- Aftercare should be monitored by an independent body

Residential Amenity

- Quality of life will suffer
- Children will be affected by pollution when playing in the garden
- Peace will be shattered
- Other sites nationally could be mined with little or no impact on communities
- A massive inconvenience for all the locals
- Untold and intolerable disturbance for residents
- Want to raise children in a cleaner and safer environment
- Residents will become isolated due to this development and the building of HS2
- Will be a considerable impact from constant noise and bright lights
- Didn't move to the area to have a gravel plant a few yards down the road
- A relatively quiet and peaceful corner of the County and it would cease to be so
- Traffic noise has worsened over the past 8 years; woken by it
- What will the hours of operation be?

- People have stressful lives now anyway, will we be able to sleep?
- Noise will be 24/7 to meet the reduced deadlines in time for HS2
- Will make our lives a living hell
- We will lose our Human Rights of living in peace and tranquillity
- Moved here in 1970 to get away from the noise and congestion of inner London
- I will personally sue the council for light pollution
- Myself and neighbours feel under siege by the constant threat to our way of life

Restoration

- Same operator has not found suitable sand and gravel at Denham Park Farm
- Processing plant may not be dismantled if HS2 is delayed or cancelled

Water

- Risk to aquifer
- Contamination of the water supply
- There is no guarantee that any operation will not impact the water table
- Any impact on the quality of drinking water is not acceptable
- Nothing in the resubmission fundamentally changes matters of safety
- The water is so pure it is commercially extracted and even sold in California
- We can live without additional gravel, we can't live without water

Other (non-material considerations)

- Will have no option but to sell our property
- Money is more important than protecting the countryside
- Application makes a mockery of planning decision making process
- All a 'done deal'; Tilehouse Lane improvements were done without consent
- Little time to respond to consultation
- Proposal is of no benefit to the taxpayer
- Inappropriate use of taxpayers money
- Failure to include Buckinghamshire residents in consultation process
- Devaluation of homes
- Application has already been turned down and that should be the end of it
- HCC did not communicate effectively with residents about previous sewerage flooding incidents
- Previous objections were justified, as shown by the appeal decision
- Operator will want to transfer Harefield Quarry activities to Pynesfield
- The extraction site is actually in Buckinghamshire, did they even consult Hertfordshire
- Compensation should be paid to residents should any flooding occur
- Unfair that a commercial enterprise will make profits whilst local residents are going to suffer
- Only 13 residents were notified of the application
- Concern that timescales are unachievable and this is a ploy to increase compensation from HS2
- Homes will become far more un-saleable
- The council should think about buying up houses in Tilehouse Lane

- Want to check that full planning permission has been granted for the highway improvements
- How many more times will I have to raise my objections to this development?

Appeal Decision

Hearing held on 24 September 2014

Site visit made on 24 September 2014

by Jonathan G King BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2014

Appeal Ref: APP/M1900/A/14/2218970

Land at Pynesfield, Maple Cross, Rickmansworth, Herts.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Harleyford Aggregates Ltd against the decision of Hertfordshire County Council.
 - The application Ref 8/0761-13, dated 21st March 2013, was refused by notice dated 29th January 2014.
 - The development proposed is mineral extraction, processing and importation of sand and gravel and reclamation materials from Denham Park Farm with restoration to agriculture and a small wetland area.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - (a) *the effect of the proposed development on groundwater quality and quantity; and*
 - (b) *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.*

Preliminary matters

3. The application was accompanied by an Environmental Statement (ES).
4. *Further Information* was submitted by the appellant as the result of a request by the Council under para 22 of the Environmental Impact Regulations 2011. This addressed a number of matters: the impact on HS2 proposals; the nature and extent of waste from past tipping; noise; birds / biodiversity; and need.
5. A draft Statement of Common Ground (SoCG) was submitted prior to the Hearing. A completed version has subsequently been submitted.
6. The Council produced no evidence in relation to the first issue, but chose to rely on the Environment Agency (EA). The EA submitted a written statement and was represented at the Hearing on its own behalf.

7. Both the appellant and the EA made legal submissions at the Hearing primarily with respect to whether the proposed infilling should be regarded as a waste disposal operation.

Reasons

The proposed development

8. As reflected in the description given in the application form, the proposed development includes a number of elements. First, it involves the excavation of sand and gravel from the site. This would be undertaken "wet" – ie without dewatering. An integral part of this operation would be the stripping and storing of soils, and other associated operations and works. Second, the excavated material would be processed, requiring the erection of plant, and the provision of silt lagoons, fuel storage and other ancillary buildings and equipment. Third, the plant would also be used to process sand and gravel excavated from the nearby Denham Park Farm (DPF) quarry, located in Buckinghamshire, which already benefits from planning permission. Fourth, in order to restore the land approximately to its former level, the void excavated on the site would be filled with a clay type material excavated for the purpose from DPF, and re-covered by the stored soils. A new access would be constructed to the A412 to permit export of the processed material.
9. Before proceeding, I propose to set out certain conclusions as to the nature of the fourth of these elements: the filling of the void. I seek to clarify this because at the Hearing there was considerable debate on the subject and because my conclusions have a bearing on the consideration of the main issues. Of particular dispute was the question as to whether the fill material should be considered as "waste" in the context of applying the planning and environmental protection regimes; and consequently whether the infilling should be regarded as a waste disposal operation.
10. The EA takes the view that the material must be considered as waste; and the operation as waste disposal. This is based on the definitions contained in the European Waste Framework Directive 2008/98/EC (WFD) and on judgments in the Court of Justice of the European Union (ECJ), notably the *Arco* judgment (joined cases C-418/97 & C419/97). The EA acknowledges that its argument involves a degree of circularity. "Landfill" is defined in the WFD as a waste disposal site for the deposit of the waste onto or into land. But this is on the premise that what is being deposited is waste.
11. The WFD defines "waste" as any substance or object which the holder discards or intends or is required to discard. In *Arco*, the judgment self-evidently states that the scope of the term "waste" turns on the meaning of the term "discard". Unhelpfully, however, that term is not itself defined. While a number of judgments have addressed the nature of discarding, it is an understatement to say that considerable uncertainty still exists. The Supreme Court judgment in the *R(OSS) Group Limited* case (C1/2006/2545) states that, while the ordinary English meaning of the word is an imperfect guide to its significance in the definition of waste, the term "discard" is used in a broad sense equivalent to "get rid of". But it is later concluded that "a search for logical coherence in the Luxembourg case-law is probably doomed to failure"; and that the ECJ has consistently declined invitations to provide a definitive "end of waste test". The judges in that case also considered that it is not the function of a domestic court to fill the gap. Still less is it the function of a planning appeal decision.

12. I have, therefore, not sought to provide a definitive answer to all of the matters canvassed at the Hearing, but only to consider those matters which may have a bearing on the outcome of this appeal. I have taken into account the detailed submissions made to me at the Hearing but, in the absence of any definitive guidance in the WFD or in case law, I am obliged to take a pragmatic approach in the context of the appeal before me and the issues in this case.
13. First, having regard to the normal meaning of the word, I am satisfied that the proposed infilling of the void should be regarded as "landfill". This is consistent with the inclusion of landfill in the WFD definition of "disposal operations" as an example of "deposit into or on to land". Second, however, as that definition has been drawn up in the context of waste disposal, I do not believe that one must thereby consider all landfill as the disposal of waste; or that all material used for landfill must be considered as waste for the purposes of applying planning law. I appreciate that the EA may wish to take a different view when exercising its particular functions; and I support the desirability of operating environmental and planning controls consistently, but I do not feel constrained by that view.
14. In this case, the proposed fill material would be imported from outside the site, but that does not imply that it should be regarded as waste. Indeed, its geographical origin seems to me to be irrelevant. Of greater importance are its nature; the context of its production; the purpose for which it was produced; and the purpose for which it will be used. I reach this view largely on the basis of the appellant's submissions. They argue that the material would be procured specifically for the particular purpose of filling the land. It would be a natural primary material excavated from DPF. That is not in dispute. If it were not to be used for the purpose of filling the Pynesfield void, it would remain in the ground as there would be no imperative to excavate it. Having regard to the *Palin Granit Oy* case ([2002] 1 WLR 2644), it would not be "what falls away when one processes a material or an object". Although it would be got from a sand and gravel quarry, it would not be a by-product of the winning and working of the mineral; and it would not be processed or the product of processing. To my mind, when in the ground it is not a waste; and once excavated it would not become a waste; and nothing would be done to it in the way of processing that might render all or part of it as waste. Using the normal English use of the term, it would not be discarded; there would be no intention to discard; and no requirement to discard. Similarly, by reference to the *R(OSS) Group Limited* case, it would not be "got rid of"; and there is no intention and no requirement that it should be got rid of.
15. At Pynesfield, the material would clearly be "deposited into or on to land", constituting landfill. But the purpose of filling the land is not the disposal of the material: it is the reclamation of the land. The material would be disposed of only in the sense of being put in a different place. In this, the operation may be distinguished from the type of landfill where the purpose of filling has a dual purpose: the reclamation of the land and discarding or getting rid of waste. As concluded above, the material could not reasonably be described as waste when it has been excavated; and there is nothing intrinsic in the act of moving it and placing it in the ground that would transform it into waste.
16. I acknowledge that what is proposed has similarities with the use of material in the course of an engineering operation - such as the building of a road embankment - with the material having been chosen and procured for the

specific purpose. But I do not consider it to be directly comparable. Its purpose is to fill an excavation as part of a quarry restoration exercise rather than as part of an engineering construction.

17. I conclude that, in these specific circumstances, the proposed infill material would not be waste; and its deposit into and on to the ground, though landfill, would not be a waste disposal operation. For the purposes of its own legislation and applying its own controls, the EA may take a different view, but that is a decision for it to make.

The effect on groundwater

18. The site is situated on a Principal Aquifer within an Inner Source Protection Zone (SPZ1). Areas so designated by the EA are the most vulnerable and 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. EA states that the Principal Aquifer is a significant resource capable of sustaining large abstractions, sustaining nearby rivers, lakes and wetlands and is an important source of drinking water. There are a total of 4 licensed abstraction points within a kilometre of the site, including the Northmoor boreholes, which are within 500m. EA formally objects to the proposed development.
19. The applicant considers that the perceived impacts of the proposal would be modest and could be mitigated during working by good site practice, and that at completion there would be no residual risk. But EA identify 4 main potential sources of contamination. I consider these in turn.

Excavation of the mineral and disturbance of the existing historic landfill

20. The appeal site includes within it a strip of land which has in the past been landfilled with waste. It has been suggested that this channel was a former canal or that it was a water-cress bed, or possibly the former converted to the latter. What is not in doubt is that, probably in the early 1970s, it was filled with waste, though no record exists of what particularly was placed in the ground. 6 test pits undertaken on behalf of the appellant and included in its *Further Information* has provided some information about the nature of the waste. 5 of the pits revealed the presence of asbestos. Also found in subsoil was scrap metal, plastic, rotten wood, concrete, and "general rubbish". In 2 pits a hydrocarbon odour was detected, one described as "strong". Discoloured soil was found in one pit. Regrettably, although samples of the asbestos were analysed and, from the material submitted, it was clearly the intention that further chemical analysis would take place, the appellant's agent was unable to say at the Hearing whether any such analysis had been undertaken. I have not been provided with any other information about the nature of the waste. Nonetheless, the limited information available suggests strongly that the waste includes, or is likely to include potentially contaminating or polluting material.
21. The intention would be to excavate the waste and to take it off-site for disposal elsewhere at a suitably licenced facility. I agree with the EA that digging out the waste "wet" in the same way as the mineral would disturb the material and could, potentially, mobilise or release contaminants into the groundwater. At the Hearing, alternatives were suggested: either leaving the material in situ or locally dewatering the affected area so that the waste could be dug out "dry". Although I acknowledge that the waste in its undisturbed state could in any

event pose a risk to groundwater, both approaches appear to raise additional risks. Leaving the waste in the ground but extracting mineral from beyond the affected area could locally alter groundwater flows during mineral extraction, as could the filling of the mineral void by clay material having significantly lower permeability. That could lead to the waste-filled channel becoming a permeable route for groundwater. On the other hand, local dewatering to enable more controlled excavation could also alter groundwater flows through the waste.

22. The channel leads from "The Dell", a former chalk pit which has also been filled historically, but again the nature of the fill is unknown. It is possible that digging out the channel could open up groundwater pathways, possibly with contamination from any waste in the Dell. However, I am reasonably satisfied that the appellant's suggestion of sealing any such pathways with clay would most likely be sufficient to prevent this happening; and that this could be assured by condition.
23. The trial pits have revealed material with the potential to cause groundwater contamination; and although the amount of waste is fairly limited, there must be a risk of causing such contamination either through disturbance of the waste or of groundwater flows. The nature or severity of the risk cannot be assessed in the absence of any proper analysis of the waste. Little can be inferred from the fact that presently there is no record of contamination, including at the borehole to the north. However, that borehole is upstream of the groundwater gradient. It cannot be assumed that any contamination has already been dissipated over the time that the waste has been in the ground; and it would be complacent to do so.
24. The EA has not proved that the proposed development would cause unacceptable pollution to groundwater. But neither has the appellant satisfactorily shown that the risks would be negligible, as claimed. Insufficient evidence is available to prove either case beyond doubt. The risk is therefore unquantifiable. However, on the basis that potentially-polluting waste exists and that the site is within an area having the highest level of groundwater protection, I consider that it would be highly imprudent to carry out the development without undertaking a considerably more detailed analysis of the nature of the waste and the detailed consequences for groundwater.

Processing activities

25. The processing of sand and gravel includes the use of water for washing the mineral and the production of silt, which would settle out in lagoons. The potential exists for silt to enter groundwater, but I am satisfied that, provided the management of processing water is undertaken appropriately and that the lagoons are lined, then there should be no significant risk of silt reaching groundwater in quantities likely to affect its value.

Storage of fuels & oils / use of vehicles

26. Storage of fuels and oils for use by site vehicles and plant is commonplace at minerals sites. The main risk of pollution to groundwater would be from spillages; and for this reason storage tanks and refuelling areas generally have impermeable bases and are surrounded by impermeable containment bunds. Site drainage may be fitted with oil traps. I see no reason to suppose that such

precautions, which could be required by condition, would be ineffective at this site.

27. There would also be the risk of spillage on the wider site in the event of a leakage from a fuel tank or a vehicle accident. Such accidents are likely to be very rare, localised, and would involve small quantities of pollutant. However, they cannot be ruled out. Procedures to minimise the effects of any spillage could be required to be put in place by condition, but in my view they would be largely ineffective owing to the porous nature of the ground. Spilled pollutants would disperse rapidly into the sand and gravel beds and some could make their way into groundwater.
28. Although I do not in any way underestimate the importance of seeking to protect vulnerable groundwater, I take the view that it would be unreasonable to oppose this development by reference to such an eventuality. It would amount to an effective embargo on all mineral extraction in groundwater protection zones. Yet these zones already include the use of land for purposes that could give rise to an equal if not greater risk of accidental spillage of fuels and oils. I have in mind commonplace activities such as agriculture and roads. In that context, I do not believe that the additional potential for spillage is sufficient reason to oppose the development.

Infill material

29. The material to be imported from DPF for infill purposes is described as clay or clay / silt, with low permeability. It presently lies beneath the sand and gravel which it is proposed to excavate commercially. There is no evidence that it is anything other than entirely naturally-occurring and hitherto-undisturbed; or that it is contaminated. However, no analysis has been undertaken of its chemical composition to show that it would be suitable for placing in and above sensitive groundwater. At the Hearing I heard from the EA about the potential for commonly-occurring chemicals, for example iron, to affect groundwater adversely. I have no reason to believe that the material would harm groundwater by reference to quality or quantity though, in the absence of analysis, adverse consequences cannot be ruled out.

Effect on groundwater - conclusion

30. I believe that the potential exists for groundwater to be polluted or contaminated by any of the routes identified by the Environment Agency. For some: the spillage of fuels and oils, and the handling of processing water and silt, I am reasonably satisfied that the risks are minor and largely capable of being mitigated by the imposition of conditions.
31. I acknowledge that, as a naturally-occurring material with low permeability, the clay that it is intended to use as backfill material probably poses little threat to the quality of the groundwater. However, in view of the large quantity involved and, as it has not been tested for suitability, I have some sympathy with EA's caution. The backfilling operation has the potential to contaminate groundwater, but the level of risk is unquantifiable.
32. The greatest risk would appear to come from the disturbance of the pre-existing waste within the channel and any associated excavation of sand and gravel. There is clear evidence that the waste contains potentially-polluting material, but no analysis has been made available of its composition.

Moreover, there is no evidence that any potential for contamination has been dissipated over time. In the absence of such information I am unable to reach an informed conclusion as to the level of risk that would be posed or the severity of the impact resulting from disturbance. In that context and in view of the sensitivity of the groundwater resource, I consider that it would be highly imprudent to disturb the waste, either directly through removal or indirectly by altering groundwater flows.

33. I conclude that the excavation and disturbance of pre-existing waste on the site and the associated excavation of mineral has the potential to harm groundwater quality. In view of the sensitivity of, and the level of protection afforded to groundwater within the SPZ, I consider that unacceptable, and contrary to Mineral Policies 17(iv) and 18(ix) of the Hertfordshire Minerals Local Plan Review 2003-2016. The potential for the imported fill material to affect the quality of the groundwater, though probably lower, adds some limited weight to this conclusion.

Green Belt

Legal position

34. The site lies within the Green Belt. Green Belt policy at the national level is set out in the National Planning Policy Framework (NPPF). In considering planning applications, substantial weight should be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Certain forms of development are not considered inappropriate, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Amongst these are mineral extraction and engineering operations.
35. The Council's decision was issued and the statements for the appeal were prepared prior to the High Court judgment ([2014] EWHC 2476 Admin) in the *Redhill Aerodrome* case which, in short, limited the "any other harm" in the NPPF balancing exercise to harm to the Green Belt. That was the position at the time of the Hearing. Subsequently, that judgment has been overturned by the Court of Appeal ([2014] EWHC Civ 612). As a consequence, "any other harm" is presently held to encompass any harm, whether to the Green Belt or otherwise. I have approached this decision on that basis.

Inappropriate development

36. With respect to the development plan the Council relies on Policy CP11 of the Three Rivers Core Strategy. Although adopted prior to the publication of the NPPF, its provisions remain in line with national Green Belt policy.
37. 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.
38. Having regard to my earlier identification of the various elements which make up this application, the creation of haul roads, hard standings, 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.

39. It could be argued that the stocking of stripped soils in bunds should also be regarded as engineering works, or simply as an integral and necessary part of the mineral extraction. But, albeit modestly and for a limited period, the openness of the Green Belt would not be preserved.
40. Processing plant, although commonly associated with mineral extraction, cannot be regarded as an integral part of it. Some quarries operate without on-site plant, for example. In any event, it would fail to preserve openness, owing to its size, height and industrial appearance. I am less certain that this aspect of the development would conflict with the purpose of assisting in safeguarding the countryside from encroachment, as argued by the Council, but that does not affect my conclusion that they would be inappropriate.
41. Finally, I regard the infilling of the mineral void as inappropriate. I take this view irrespective of whether it should be regarded as landfill or some other operation, or whether the material should be categorised as waste, and notwithstanding that the openness of the Green Belt would be preserved. I do not consider it to fall within the category of engineering operations, even though it may share some characteristics. Neither is it an integral part of mineral extraction. Though clearly consequent upon the extraction, the operation would be necessitated by the chosen restoration strategy rather than the extraction itself.
42. Taken as a whole, and notwithstanding that mineral extraction alone is not inappropriate in the Green Belt, I take the view that the application includes inappropriate development.

Other matters

Flooding

43. I have heard from a number of local residents about serious flooding, including by sewage, that has taken place on, and in the vicinity of the site in recent years. A sewer in Old Uxbridge Road, which carries both foul and surface water drainage, is presently being pumped out continuously in an attempt to reduce the possibility of a recurrence, though the cause of its failure to handle the present flow is uncertain. I do not doubt that the consequences of the flooding have been unpleasant, but there is no evidence to suggest that this has been as a result of any activities by the site owner or the appellant.
44. The infill material, would be of a clay, or clay-like substance with much lower permeability than the present ground surface. This would be likely to lead to greater, and quicker run-off of rainwater from the land; and it is understandable that there should be concern about the potential for increased surface water flood risk. However, this has been taken into account in the design of the site, and I have no reason to believe that the development would make matters worse.

Traffic

45. There is considerable local concern at the potential for the development to lead to a greater number of vehicles using the A412, with consequential adverse effects on road safety, and the use of the unsuitable Old Uxbridge Road as an

alternative route. The A412 in the vicinity of the site is a lit, straight, single carriageway road with a 50mph speed limit. I did not observe it at the busiest times, but I noted that traffic speeds were generally high. At the Hearing I was told about a number of serious accidents that have taken place on this stretch in recent years.

46. The appellant's intention is to import sand and gravel into the appeal site "as dug" from the DPF quarry and for the proposed plant to process the mineral from both sites. One beneficial consequence of this compared to the permitted DPF extraction alone would be that it would not be necessary for the unprocessed DPF mineral to be transported by road to another processing site (Harefield) to the south, via Denham Green. Moreover, as the market for the mineral is estimated to extend roughly equally to both north and south, the distance travelled by vehicles carrying processed material to the market area to the north would be reduced; and the use of the A412 to the south of the site by north-bound mineral-carrying vehicles would be avoided, together with the impact on Denham Green in both directions. These benefits would last for as long as the proposed plant was operational.
47. Set against that would be the increase in the overall number of heavy vehicles using and turning on and off the A412 as a result of the overall greater quantity of mineral produced. Further, the extraction of the clay material from DPF to provide fill for the Pynesfield void would give rise to a need for compensating fill material to be imported to, with consequent additional heavy vehicle movement and turning on the main road, albeit spread over a longer period, when mineral extraction at Pynesfield had ceased.
48. The Highway Authority has not raised any objections to the proposed development. Although it will give rise to more heavy traffic on what is already a busy road, the proportional increase would not be substantial compared to the DPF site being worked alone. I have some sympathy with the concerns of local residents, but I agree with the Council that there is no strong basis on which to reject the proposal on highway safety or amenity grounds.

Other environmental matters

49. I am satisfied from the evidence available 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. Conditions have been put forward by the Council, and agreed by the appellant, that would place reasonable limits on noise.
50. Representations have been made following the Hearing regarding the noise assessment in relation to "The Bungalow", Old Uxbridge Road. It has been confirmed on behalf of the appellant that noise readings were not taken directly at the Bungalow, but they were taken elsewhere on Old Uxbridge Road at an equivalent distance from the site. I do not believe that the occupier of The Bungalow has been disadvantaged thereby.
51. The plant site would be illuminated when required during operational hours. But the lighting would be of fairly short duration and for only part of the year. A condition has been agreed by the appellant to limit the hours of illumination and light spillage. The light would have some adverse impact on the rural

character of the locality, but it would be limited and experienced in the context of an illuminated main road running alongside.

52. A condition has been agreed by the appellant for schemes to limit the production of dust on the site and the taking of mud and dirt on to the highway. I have no reason to conclude that these would not be effective.
53. The site is largely screened by mature trees along the A412, though their effectiveness would diminish in the winter time. The creation of screening bunds and planting of hedging would go a substantial way towards limiting its visual impact. However, the appellant acknowledges that the top of the plant, some 7 metres in height, would be visible, notably from the north.
54. The site is an arable field with little ecological value. The proposed restoration, incorporating a small wetland area and additional hedging, would be likely to have greater value. No mature trees would be lost as a result of the development. Subject to the agreed conditions concerning landscaping; tree replacement; and the provision of an ecological and wildlife habitat management plan, I am satisfied overall that there would be little or no harm to nature conservation interests, with the potential for some gain.
55. I have considered all other matters raised by interested persons, but I do not find any, individually or collectively, to be of sufficient weight to justify refusing planning permission, especially in view of the temporary nature of the development.

The balancing exercise and Very Special Circumstances

56. The site lies within the limits of land subject to the adopted HS2 Safeguarding Direction (Phase One) for a new high speed railway line. The development which is the subject of the appeal takes account of the railway proposals, the line of which passes to the west of the site. The HS2 promoters wish to use some of the appeal site for the deposit of spoil from tunnelling operations. Under latest available projections, they are seeking to use the land from 2022, but will need to take occupation beforehand. However, petitions have been made against the hybrid bill that is before Parliament and these are currently being heard. As things stand, there is no certainty that the rail project will go ahead or, if it does, that the appeal site will be required for that purpose.
57. If HS2 proceeds as planned and if the appeal site is required in connection with it, the presently proposed development would permit the extraction of a quantity of mineral that otherwise would be sterilised. Hertfordshire presently possesses an adequate landbank of sand and gravel; and there is no pressing need to release new sites. However, the landbank is bound up in only a few sites operated by even fewer companies, which is contrary to the aim of the NPPF that competition should not thereby be stifled. The quantity of mineral that would be extracted, some 300,000 tonnes, or possibly less if the extraction were to be curtailed by the needs of HS2, is not substantial, amounting to only a few months' supply for the county. Its extraction would have little impact on the availability of aggregates or on commercial competition. Nonetheless, the avoidable sterilisation of mineral is inherently unsustainable and contrary to national policy. The NPPF specifically encourages the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place.

58. The NPPF says that substantial weight should be given to harm to the Green Belt. In this case the duration of the harm would be limited. Nonetheless, there is harm by reason of inappropriateness; and there is no general exception to the policy for temporary uses.
59. In addition, and by far the greatest area of concern to me, is the potential for the development to give rise to pollution or contamination of highly sensitive groundwater. It should also be noted that in setting out the balancing exercise, the NPPF does not refer simply to harm to the Green Belt and any other harm, but to "potential harm ...". There is potential harm arising from this proposed development; and it is potentially serious.
60. The appellant has not provided sufficient information to demonstrate that harm to groundwater would not be caused, or that it could be mitigated. This is not a case where it would be acceptable to grant permission effectively "in principle" confident that unresolved issues such as this could be addressed satisfactorily by the imposition of conditions. Rather it is a case where caution should be exercised having regard to the potential seriousness of the consequences. In so saying, I note the statement of the EA at the Hearing that it would have no powers to control the excavation or disturbance of the existing waste on the site. Protection of the groundwater relative to the excavation would therefore be entirely the responsibility of planning.
61. In its favour, the development has some sustainability credentials. The NPPF includes a presumption in favour of sustainable development, but this is not unconstrained. For example, some elements of renewable energy projects will comprise inappropriate development in the Green Belt and developers are required to demonstrate very special circumstances even though the development may be considered intrinsically sustainable. The proposed extraction of mineral from the site would be sustainable development because it would avoid its sterilisation. However, the quantity is fairly small and would make negligible contribution to the supply of mineral. Also sustainable would be the avoidance of traffic from DPF to the Harefield processing site but, to my mind, any benefits would be largely outweighed by the additional traffic which the development would generate. The restoration might, in time, provide additional wildlife interest. But again, the benefit would not be great. The restoration by infill, without significant open water, would avoid the potential for birdstrike for aircraft. But that does not represent a benefit, simply the avoidance of a problem.
62. I conclude on the second issue that these other considerations do not outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm. Very special circumstances do not exist.

Overall conclusion

Having regard to my conclusions on the main issues, I conclude that the proposed development is unacceptable; and consequently the appeal is dismissed.

Jonathan G King

Inspector

APPEARANCES

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Kai Mitchell Sustainable Places Planning Advisor.

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Jonathan Hofton Solicitor.

INTERESTED PERSONS:

County Cllr Ralph Sangster Herts County Council.
Sylvia Ball Resident of West Hyde.
David Griffin Resident of West Hyde.
Michael Fosbury Resident of Tilehouse Lane.

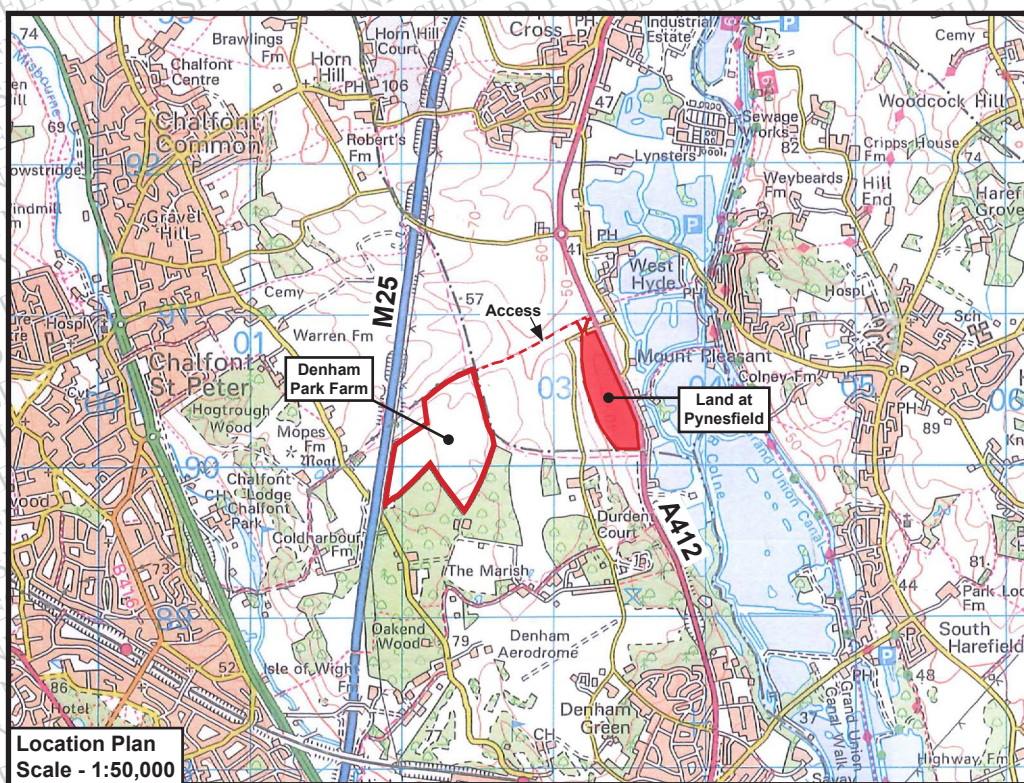
DOCUMENTS SUBMITTED AT THE HEARING

- 1 Email dated 22.09.14 from Paul Bryant, via 3 Rivers District Council.
- 2 Conditions suggested by the Environment Agency.
- 3 Appellant's submissions re the legal definition of waste: R O'Sullivan and attachment.
- 4 Revised draft schedule of conditions (further amend by Mr Symes 23.09.14).
- 5 Plan showing main rivers; authorised and historic landfill sites; & SSSIs, submitted by the Environment Agency.

LAND AT PYNESFIELD MAPLE CROSS, HERTS

**Application for
mineral extraction, processing and
importation of sand and gravel and reclamation materials
from Denham Park Farm
with restoration to agriculture and
a small wetland area**

NON TECHNICAL SUMMARY



*on behalf of
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PLANS:

- 1022/L** - Location Plan (on front cover)
- 1022/A** - Application Plan
- 1022/SC/2** - Site Context
- 1022/O/1c** - Illustrative Operations Plan
- 1022/R/1a** - Illustrative Restoration Plan

LAND AT PYNESFIELD MAPLE CROSS, HERTS

Application for mineral extraction, processing and importation of sand and gravel and reclamation materials from Denham Park Farm with restoration to agriculture and a small wetland area

NON TECHNICAL SUMMARY

1. EXECUTIVE OVERVIEW

1.1 The sand and gravel deposit at Pynesfield is uneconomic to develop in its own right due to the small size of the reserve combined with the capital investment required for the infrastructure.

1.2 The development of the site in association with the permitted Denham Park Farm Quarry allows the cost of infrastructure to be shared. In addition there are sustainable benefits as a processing plant can be established at Pynesfield that makes use of the availability of water and by blending the two deposits will ensure that high quality aggregates are produced.

1.3 There is also the benefit of being able to source reclamation material from Denham Park Farm to ensure high quality restoration back to agriculture with a small area of wetland on the Pynesfield site. The relationship between the two sites is shown on the attached Site Context plan.

1.4 The overall timescale for the development of Pynesfield is approximately 10 years.

2. THE APPLICATION

2.1 The application is for mineral extraction, processing and the importation of sand and gravel and reclamation material from Denham Park Farm with restoration to agriculture and a small wetland area, the application area being shown on the attached plan.

2.2 The approved access for Denham Park Farm requires a short section of Tilehouse Lane to be realigned and a new bellmouth entrance will be constructed to gain access to Pynesfield. This is shown on the attached plan as well as a cross-over entrance which will be used when materials from Denham Park Farm are delivered.

2.3 The application area extends to some 17 hectares although minerals are only extracted from about 8 - 9 with the reserve being 350,000 - 400,000 tonnes.

2.4 The overall life of the Pynesfield development is anticipated to be 10 years with the site being restored to good quality agricultural land together with a small area of wetland to ensure greenfield runoff rates for future drainage.

3. JUSTIFICATION/NEED

3.1 The principal justification for the application is that the reserve at Pynesfield would become sterilised if not worked in association with Denham Park Farm. This is due to the small size of the reserve combined with the high cost of development. There is also the further risk of sterilisation as a result of the HS2 proposals.

3.2 By working the two sites together results in considerable synergies as establishing a low profile processing plant at Pynesfield with an adequate water supply enables the deposit at Denham Park Farm and Pynesfield to be blended to produce high quality aggregates.

3.3 The third aspect of the justification is that Pynesfield needs to be restored back to high quality agricultural land as it cannot be left as a water body due to aircraft safety issues. As it is in a Groundwater Protection Zone only naturally occurring materials are suitable to enable restoration and these can be sourced from the adjoining Denham Park Farm site.

4. ALTERNATIVES

4.1 Apart from the current use of the site for agriculture, the size and location of the site is unsuitable for other 'countryside' uses that would be acceptable within the Green Belt (e.g. golf course, equestrian, etc.).

4.2 Regarding the supply of minerals, Hertfordshire are required to maintain a landbank of permitted reserves that will contribute towards meeting the need. It is recognised there are alternative sites but if this site does not come forward now it will be sterilised in future. Further, the size of reserve is modest and will not have an impact upon the development of the other identified sites in Hertfordshire.

5. PLANNING POLICY

5.1 The National Planning Policy Framework (NPPF) sets out the Government policy towards development. The golden thread that runs through the policy is that sustainable development should be permitted without delay.

5.2 In relation to minerals the NPPF notes that mineral extraction is not inappropriate within the Green Belt, that minerals are essential to support economic growth, to ensure high quality restoration takes place at the earliest opportunity, to safeguard the long-term potential of best and most versatile land and to ensure when granting permission for mineral development there are no unacceptable adverse impacts. The NPPF also notes that authorities should ensure that the mineral landbank does not stifle competition and that planning authorities should approach decision making in a positive way to deliver sustainable development.

5.3 At a local level the Hertfordshire Minerals Local Plan Review is the relevant document. The policies seek to ensure that there is an adequate landbank and have identified three preferred sites to achieve this, Pynesfield is not an identified site.

5.4 In terms of the landbank the level is currently above the minimum of 7 years and therefore the policies have a presumption against new planning permissions being refused. However, one of the clear exceptions is that mineral permissions will be granted in order to avoid the mineral becoming sterilised which is the case at Pynesfield.

5.5 Regarding the impacts of development, the design of the mineral working and more importantly the shared use of the access ensures there are no unacceptable impacts demonstrating compliance with the policies.

6. DESCRIPTION OF DEVELOPMENT

6.1 Alternatives

6.1.1 In preparing the working design the alternatives of using a field conveyor or vehicles was considered. For a conveyor to be successful the material it carries has to be free-flowing which is the case for excavated sand and gravel but does not apply to the materials required for restoration.

6.1.2 As a result there will need to be vehicle movements on site to achieve restoration so there will need to be good internal roads which can be used for both reclamation materials and minerals. Therefore a conveyor system is not warranted as there need to be good internal roads.

6.1.3 Regarding the location of the processing plant, it makes good economic sense to locate it at the north of the site as this is closer to the source of the Denham Park Farm material for processing as well as being near the access. It is also further removed from properties.

6.1.4 In terms of restoration because of the high quality of the existing agricultural soils policy encourages restoration back to agriculture. To do this requires reclamation material which can only be naturally occurring material in view of the location of the site in a Groundwater Protection Zone. This dictates that reclamation material needs to be sourced from Denham Park Farm.

6.2 Overview

6.2.1 The development of Pynesfield needs to be considered with that of Denham Park Farm. To make best use of both deposits there needs to be a processing plant and associated activities, an acceptable access onto the A412 and a working programme that allows blending of the minerals as well as importation of reclamation material from Denham Park Farm.

6.2.2 The recoverable reserve at Pynesfield is 0.350 - 0.400 Million tonnes and that at Denham Park Farm is 0.500 Million tonnes making a total of 0.900 Million tonnes. This will be worked over an 8 to 10 year period. When the sand and gravel is worked out the area at Pynesfield will be fully restored to good quality farmland and a small area of wetland while the operations at Denham Park Farm continue to their completion.

6.3 Access

6.3.1 The access into the site will be from the short section of realigned and improved Tilehouse Lane as shown on the plans. The location of the bellmouth provides adequate sight lines in both directions that meet criteria for safe use.

6.3.2 There will be a second 'internal' access for material from Denham Park Farm to be delivered to Pynesfield. This is shown as a straight 'cross over' of Tilehouse Lane. It is likely that this material will be delivered on a 'campaign' basis which means there will be active concentrated activity over short periods between which there will be no cross over movements.

6.3.3 The internal arrangements at Pynesfield are to keep the incoming Denham Park Farm vehicles separate from those vehicles delivering the processed product. This is designed to separate the 'clean' activities from the 'dirty' activities.

6.3.4 The internal road leading to Tilehouse Lane will be concreted for the last 50 metres and there will be an internal wheel washing facility. This is designed to ensure that no mud or debris is carried onto the public highway. In addition, road cleaners will be used to ensure that the highway in the vicinity of the site is kept clean.

6.4 Traffic

6.4.1 The Denham Park Farm permission anticipated that the sand and gravel reserve would be removed at approximately 100,000 tonnes p.a. The output from Pynesfield will be of a similar order (possibly less) so in overall terms there is no change to the traffic movements at the permitted Tilehouse Lane/A412 junction.

6.4.2 The traffic movements associated with the output from Pynesfield needs to be assessed in the overall context of the usage of the Tilehouse Lane/A412 junction. This has been the subject of a traffic statement based on 80 movements (40 in, 40 out) a day with the maximum being in the order of 124 movements (62 in, 62 out). The conclusion of the traffic statement is that there will be no adverse impact.

6.4.3 It should be noted that the Denham Park Farm proposal (if developed in isolation to Pynesfield) would have delivered all the sand and gravel to the quarry at Harefield thereby resulting in a very large number of lorry movements at the traffic lights in Denham Green. The combination of the two sites noticeably reduces movements through Denham Green.

6.5 Hours of Operation

6.5.1 The hours of operation will be

0700 - 1800 Monday to Friday

0700 - 1300 Saturday

with no operation on Sundays or Bank Holidays.

6.6 Site Development/Soil Handling

6.6.1 All soils will be handled when in a suitably dry and friable condition and when weather and ground conditions are dry. The Good Practice Guides for Soil Handling produced by DEFRA will be followed throughout the operation to ensure that minimal harm is done to the soil resource.

6.6.2 The topsoil will be stripped separately from the subsoil. The topsoil will be used to create a perimeter screening bund around the site with the subsoil being stored separately adjacent to each of the phases as shown on plan 1022/O/1c attached. The topsoil bunds will be 3.0 metres high and the subsoil bunds will be between 3.0 metres and 5.0 metres high.

6.7 Plant & Operations

6.7.1 The processing plant will be of modular low profile design with the height being kept below 7.5 metres. Because of the nature of the deposit there needs to be a crusher in closed circuit which is located on the far side of the plant to the A412. The ancillary operations will include a surface mounted weighbridge and a site office, a container security store/workshop as well as bunded fuel tanks within a securely fenced area. In addition, there will be a small car park for site personnel.

6.7.2 The operations will be worked on a phased basis, starting to the south of the plant site and progressing southwards as shown on the plans. The plant site itself will be excavated as the final phase during which time the processing plant (being modular) will be located on part of the reclaimed land.

6.8 Lighting

6.8.1 Mineral working is mainly a daylight activity so artificial lighting is only required for limited periods within the operating hours. Generally this is for the first hour in the morning during Winter and occasionally the last hour although generally processing activity stops when it gets too dark for safety reasons.

6.8.2 Floodlights will be mounted on short poles on the top of the processing plant with the light directed downwards towards the stockpiles to avoid any spillage. There will be a floodlight on the office to light up the weighbridge, again pointing downwards together with a floodlight within the security store. The floodlight on the office and security store will be intruder linked.

6.8.3 The design will ensure this no risk of any light spillage outside the plant and operations area to avoid any impact on ecology or residential properties.

6.9 Water Management

6.9.1 Because the site is in a Groundwater Protection Zone it is not proposed to carry out any dewatering. The mineral will be worked using a long reach excavator.

6.9.2 In order to protect the underlying chalk aquifer the basal layer of sand and gravel will be left undug. This layer contains a higher proportion of chalk and is generally of a distinctly paler colour to the main deposit.

6.9.3 Water for processing will come from the excavated area. Processing recirculates water through a series of small settlement ponds which will be regularly cleaned out.

6.9.4 The water retained within the product stockpiles will drain through the surface of the operations area thereby recharging back into the gravel groundwater.

6.9.5 The placing of reclamation material will be done of a controlled basis to ensure that the water level within the excavation does not 'spill out'. This will be managed by regular visual inspection with the water level naturally balancing itself through the unlined faces of the excavation.

6.9.6 The design of the working demonstrates that there is no requirement for any controlled discharge of water with all the water being managed within the site.

6.10 Mobile Plant

6.10.1 The mobile plant employed at the quarry will comprise wheeled loaders, hydraulic excavators and articulated dump trucks as well as the normal road lorries.

6.10.2 The wheeled loaders will be responsible for feeding the plant and managing the stockpiles with the hydraulic excavator digging the mineral and loading it to articulated dump trucks for delivery to the plant.

6.10.3 The delivery of the materials (minerals and reclamation) from Denham Park Farm will be done by articulated dump trucks or road lorries.

6.11 Restoration

6.11.1 The reclamation of the site is viewed as the placing of the material delivered from Denham Park Farm up to the basal level of the soil profile.

6.11.2 The investigation showed that the topsoil and subsoil on average is 1.1 metres, and as referred to above all of this is stripped and stored on site for reuse.

6.11.3 At completion of the reclamation 'platform' the surface will be ripped to ensure no compaction as this will be the lower subsoil layer. The restored soil profile will then be built up with 0.8 metres of subsoil followed by 0.3 metres of topsoil following the Good Practice Guides for Soil Placement. This will ensure the land is restored to a high quality for future farming.

6.11.4 In the south of the site an area will be restored to slightly lower levels to produce a wetland area which forms part of the drainage scheme for the site to ensure that runoff rates into the future meet greenfield standards. The restoration is shown on the attached plan.

6.12 Aftercare

6.12.1 The objective of the aftercare scheme is to bring the land back to good heart and the work will be carried out in association with the farming of the undisturbed part of the site which will be consolidated with the restored land to make one field. The scheme will include,

- soil sampling to establish fertilizer/nutrient requirements,
- applying fertilizer/nutrient as specified,
- carrying out the necessary cultivations to provide a good tilth for seeding,
- agreeing a cropping programme,
- reviewing drainage and carrying out remedial works or installing drainage,
- preparing an annual report detailing cultivations, fertilizer application, works and cropping details,
- meeting with the MPA annually,
- the scheme will be for a period of 5 years.

7. ENVIRONMENTAL IMPACTS

7.1 Landscape and Visual

7.1.1 The application site forms the lower part of a large rectangular field which is located between the A412 and Tilehouse Lane. The lower lying land is at around 40 metres a.o.d. with Tilehouse Lane being some 15 - 20 metres higher.

7.1.2 The site is located within the wider landscape setting of the Colne Valley and is seen as open agricultural landscape with large arable fields and some linked woodlands.

7.1.3 The Mid Colne Valley SSSI is located approximately 0.25 kilometre to the east (see Site Context plan). The site is also located within the Green Belt and in the landscape character area of Maple Cross slopes.

7.1.4 In terms of the impacts the landscape report notes that it is a small part of a very large and wide landscape. The visual impacts are limited due to the sunken nature of Tilehouse Lane, the tree belt along the A412 and the woodland along the southern boundary. This results in views being glimpsed both in relation to properties and to public rights of way. There is no landscape or visual impact on the Mid Colne SSSI owing to it being separated from the site by the A412 and the distance.

7.1.5 In order to mitigate any impacts the site will be surrounded by grassed perimeter bunds which reduce the visual impact but which in themselves are an impact on the landscape. However, this landscape impact is considered modest due to the small size of the site combined with its location on the edge of the rising ground so there is no impact on the key characteristics of the Maple Cross slopes.

7.1.6 Regarding views into the site, these are currently filtered by the woodland belt along the A412 and along the southern boundaries but there are views across the area from the higher ground. However, to reduce the visual impact a new hedge is proposed along the A412 to strengthen the visual filter. In addition a new hedge and trees is proposed along Tilehouse Lane which is considered to support the reconstruction objectives. It should be noted that Tilehouse Lane is due to be severely affected by the HS2 proposals.

7.1.7 The completed site returns the area to broadly the same level and landform as existing other than the area of wetland in the southern part of the site. Therefore there is no residual impact on completion.

7.2 Ecology

7.2.1 The area to be disturbed is all in arable use and therefore has a low ecological value. The boundary trees and hedgerows are of greater interest.

7.2.2 Regarding the presence of protected species the report noted the following,

- no evidence of any badgers
- there is no suitable habitat for dormouse,
- the mature tree along the northern margin and adjacent to Tilehouse Lane may have potential for roosting bats,
- the site as a whole provides poor habitat for breeding birds although the marginal trees and hedgerows offer better habitat,
- there is an absence of habitat and the site has low potential for any reptiles,
- the site lacks any water bodies and suitable terrestrial use for Great Crested Newts.

7.2.3 Regarding the impacts of the development as there will be no dewatering there will be no risk of impact on the Mid Colne Valley SSSI. Whilst areas of ancient woodland have been identified they are too distant and far away to be affected.

7.2.4 In order to ensure there is no impact on the adjacent vegetation a 10 metre undisturbed margin will be maintained to the woodland to the south of the site as well as the woodland strip along the A412 with 5.0 metres being left to hedgerows.

7.2.5 There will be a very minor impact to the field margin against Tilehouse Lane as a result of the new access.

7.2.6 In overall terms the site development will have little impact on any of the protected species and no trees are to be felled or hedgerows removed. The undisturbed margins will also provide adequate mitigation on the temporary impacts of the development to birds and any bats

which may forage or use the margin. There is a small temporary benefit through the creation of the grass perimeter bunds which are of interest to ground nesting birds.

7.2.7 As referred to under the section on lighting this is all confined within the active plant and operations area so there will be no adverse impact.

7.2.8 At completion the site will be fully restored back to agriculture so there will be no residual impact on the ecology. The small area of seasonal wetland will provide additional wildlife habitat that is well linked to the existing framework of trees, woodlands and hedgerows. This will provide a permanent benefit.

7.3 Water

7.3.1 The surface and groundwater baseline position has been assessed by consultants. In terms of surface water the site lies in the catchment of the River Colne much of which has been worked and is now left as a series of water bodies.

7.3.2 The site itself has no water body or any surface drainage which is considered due to the nature of the underlying gravels.

7.3.3 The gravels rest on the chalk which is seen to outcrop on the rising western flank of the field.

7.3.4 The underlying chalk is classified as a major aquifer and there are a number of public water supply boreholes located within the main valley of the River Colne.

7.3.5 The absence of any surface water drainage on the site means that there will be very limited impact as a result of the development. The main area of impact will be on the groundwater in terms of levels, flows and quality during the operations.

7.3.6 Recognising the sensitive nature of the site being in the Groundwater Protection Zone it is proposed that all operations take place without dewatering. This noticeably reduces the risk of any adverse impact on the groundwater resource.

7.3.7 In terms of quality, there is a small impact that water discoloured by suspended silts could be carried via pathways within the chalk to the abstraction points within the Colne Valley, the nearest being 0.4 kilometres to the east. In order to ensure this does not happen the basal layer of sand and gravel would be left undisturbed to act as a natural filter.

7.3.8 In terms of the silt settled out from the washing, this will be done by ponds excavated into the upper part of the sand and gravel seam so that any recycled water reaching the excavation will have settled first.

7.3.9 In terms of restoration, the use of naturally occurring materials from a single source (Denham Park Farm) will ensure that there is no risk to the water quality. There is evidence that there may have been some old 'landfilling' of a canal in the centre of the site. Should this be excavated and any of the material is retained for use in restoration it will be subject to an appropriate testing regime to ensure that it does not pose a risk and if it does it will be removed from site.

7.3.10 In terms of accidental risk from fuel spillage it is no different to most other mineral/construction sites and good practice will be followed through the use of fuel clean-up kits.

7.3.11 At completion there will be a small residual impact on the storage capacity as the infill materials will not be porous. This impact is considered negligible in relation to the overall size of the aquifer which supplies the abstraction boreholes.

7.3.12 The infill material will have a different characteristic to the sand and gravel and is likely to have a slightly higher run-off rate even though the soil profile will be the same. In order to balance any changes a linear ditch will be constructed along the eastern margin to act as balancing/soakaway feature. This ditch will feed to the wetland area which provides further capacity for balancing to ensure greenfield runoff rates.

7.4 Flood Risk Assessment

7.4.1 A flood risk assessment has been carried out and in view of the lack of any dewatering or water discharges required as part of the development there will be no change to the flood risk locally.

7.4.2 There is a slight change to the drainage characteristics on completion and the management proposals of a linear balancing soakaway ditch combined with the wetland area in the south of the site provides sufficient storage capacity that can handle the rainfall runoff for a one in a hundred rainfall event. These measures will ensure that there is no impact on the risk of flooding as a result of the development.

7.5 Transport

7.5.1 The site is located adjacent to the A412 which is part of the strategic highway network and prior to the construction of the M25 formed part of the northern orbital route for London. It is constructed to a high standard being over 9.0 metres in width, it is lit and is subject to a 50 mph speed limit.

7.5.2 As explained earlier, the development at Pynesfield does not increase any traffic movements to those already permitted for Denham Park Farm. What it does is extends the period of removal of sand and gravel due to the Pynesfield reserve. Therefore there is no impact in terms of traffic capacity and the safe use of the Tilehouse Lane/A412 junction.

7.5.3 In order for the materials from Denham Park Farm to be safely delivered to Pynesfield a separate 'crossing' is required to Tilehouse Lane. This has been designed to meet current criteria and when in use (noting it will be used on a campaign basis) the road will be kept clean through the use of a road sweeper.

7.5.4 The access into Pynesfield itself is from the realigned Tilehouse Lane and no traffic associated with the development will use Tilehouse Lane beyond the junction, i.e. to the west. Again, measures are in place to ensure that the road is kept clean.

7.5.5 At the completion of the Pynesfield development the access onto Tilehouse Lane will be removed and the verge reinstated and planted as will the bellmouth and access to the north. It should be noted that Denham Park Farm will continue to operate for a further 10 or so years.

7.6 Archaeology

7.6.1 A desktop study was carried out to establish the likelihood that archaeological features of more than local significance would be present. The conclusion was that only features of local interest may be present and recommended that a further field evaluation was carried out comprising a geophysical survey followed by a series of field trenches.

7.6.2 Some 81 trenches were excavated of which the majority did not find any archaeological features. Where features were found they comprised of isolated tiny amounts of pottery with the conclusion that the archaeological potential of the site is low to moderate.

7.6.3 Mineral extraction will destroy any archaeological features that may be present. Whilst the work to date found nothing of significance further mitigation is proposed by carrying out an archaeological watching brief when the soils are removed, the details being agreed with the County Archaeologist prior to development commencing. This should ensure that an appropriate level of investigation and recording can be undertaken of any features that may be found.

7.7 Agriculture

7.7.1 An agricultural soil survey has been carried out of the site which shows that it comprised mainly best and most versatile quality soils.

7.7.2 In order to ensure that this resource is not lost the full thickness of the top and subsoils will be removed and stored on site (as referred to earlier). Because of the high quality of the land the area will be restored back to agriculture following the Good Practice Guides for Soil Handling. The working design enables soils and subsoils from each of the individual phases to be replaced on the same phase from which they have been extracted, thereby ensuring no inadvertent mixing of materials.

7.7.3 At completion there will be a small loss of agricultural land due to the creation of the low wetland area in the south of the site. This equates to approximately 10% of the overall area but will add biodiversity to the agricultural landscape.

7.8 Noise

7.8.1 A noise survey has been carried out which shows a range of background levels at the nearest properties all of which are affected by traffic noise from the A412 and the M25. In order to assess the impacts modelling has been carried out based on actual noise measurement from other similar excavation and processing activities.

7.8.2 The impacts have been assessed against the guidelines set out in the technical annex to the NPPF and at the five nearest properties (groups of properties) are seen to comply.

7.8.3 In order to ensure that the modelling is robust monitoring will be carried out once the site is developed to ensure that levels remain in the guidance. Should they be found to fail then the cause will be investigated and additional mitigation will be agreed.

7.8.4 At completion of the development the area will return to agricultural use and there will be no additional noise impacts.

7.9 Dust

7.9.1 Currently the site does not generate any dust other than through the agricultural operations. This is normally associated with harvesting which is 1 - 2 days in any year.

7.9.2 In terms of the development dust is unlikely to be generated as the excavation and treatment is a wet process and the stockpiles of material will have a natural background moisture content. Similar comments apply to the reclamation of the mineral void.

7.9.3 However it is acknowledged that dust can be generated by the movement of vehicles over unsurfaced roads. Widespread practice within the sand and gravel industry (and at construction sites) is to use a water bowser and spray to dampen these areas to ensure dust is not generated and this will be carried out as part of the management at the quarry. It should also be noted that dust particles will be coarse in size and so do not travel more than 100 metres so will be contained within the site both by distance and the perimeter bunds.

8. COMMUNITY CONSULTATION

8.1 Unfortunately Maple Cross does not have an active Parish or Community Council. In order to inform the nearby residents of the application a leaflet explaining the development was hand delivered to the houses within a reasonable distance of the site.

8.2 In addition a Liaison Committee has been established for Denham Park Farm and it is proposed that a representative of the local community is appointed to the committee. There will be a specified site contact (expected to be the Quarry Manager) whose contact details will be made available to all nearby occupiers as well as the Liaison Committee. This is to ensure there is a direct line of contact if and when needed.

9. CONCLUSIONS

9.1 The small deposit of high quality sand and gravel at Pynesfield is uneconomic to be developed on its own and unless worked in conjunction with the adjoining Denham Park Farm, would be sterilised.





9.2 Working the two sites together results in a number of benefits which include making best use of the mineral deposit in both sites, ensuring restoration back to agriculture using acceptable naturally occurring materials, utilising the same access, etc. These benefits demonstrate a sustainable approach.

9.3 The development is located away from any residential properties and has been designed to ensure there are no unacceptable impacts both during the period of development and at completion.

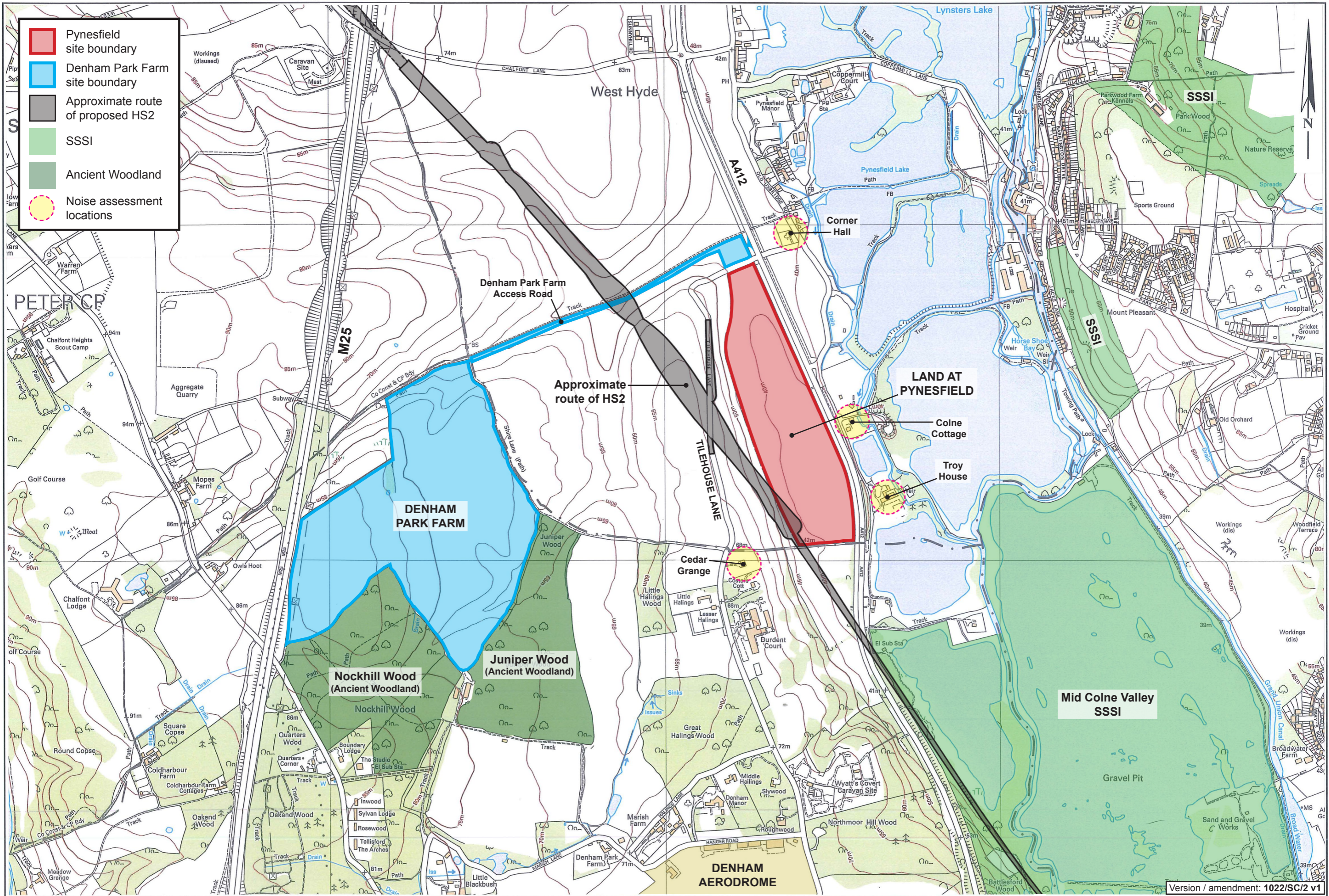
9.4 In summary, the proposals are in accordance with the development plan and represent a very sustainable approach to developing this otherwise uneconomic deposit of sand and gravel.

PLANS



	Application area (red)
	Other land controlled by applicant (blue)
	Proposed route of HS2 (solid grey)
	Existing contours (m.a.o.d.)

Version / amendment: 1022/A v2



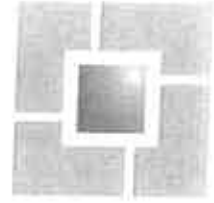
Version / amendment: 1022/SC/2 v1



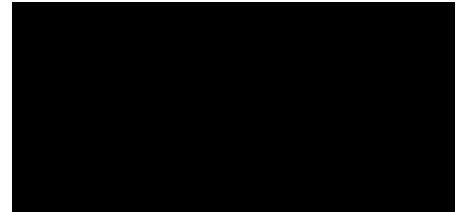
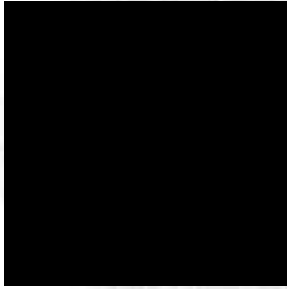
Version / amendment: 1022/O/1c v4



Version / amendment: 1022/R/1a v2



david tucker associates
transport planning consultants



Our Ref: SJT/13194
2nd October 2015

Dear Douglas

Denham Park Farm Quarry, Denham Green -- Permission 11/01260/CM

I refer to the above scheme requiring supporting information for the Section 73 application to vary the working programme and phasing of works.

It is understood that Denham Park Farm contains a total reserve of 1.7 million tonnes of sand and gravel broken down into 500,000 tonnes of sand and gravel and 1.2 million tonnes of sand. Should Pynesfield be approved the annual daily traffic movements would increase by 14 loads per day for approximately 5 years. A summary of the Denham Park Farm traffic movements based on the new working scheme and the total traffic movements for both schemes is summarised in Table 1 below.

Table 1 – Denham Park Farm and Denham Park Farm with Pynesfield

	Daily Loads	Two-way Daily Loads
Denham Park Farm		
Years 1 – 5	80	160
Years 6 – 12	60	120
Years 13 – 15	40	80
Denham Park Farm and Pynesfield		
Years 1 – 5	94	188
Years 6 – 12	60	120
Years 13 – 15	40	80

Continued/ . . .

.../2
SJT/13194
2nd October 2015
Douglas Symes



In order to meet with deadlines from HS2, it is anticipated that Denham Park Farm and Pynesfield would generate 200 HGV movements per day between Years 1 – 5, as a worst case scenario.

The increase in traffic movements (assuming 200 movements per day) have been assessed against Section 3.15 of the Institute of Environmental Assessment Guidance Note No 1 "Guidelines for the Environmental Assessment of Road Traffic". The Note sets out when traffic related environmental impacts can be scoped out for further assessment. It notes that's:

"To assist the assessor it is suggested that two broad rules of thumb could be used as a screening process to delimit the scale and extent of the assessment. The rules are described and justified in the following paragraphs:

Rule 1 include highway links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%)

Rule 2 include any other specifically sensitive areas where traffic flows have increased by 10% or more."

Table 2 below summarises the baseline traffic flows along the A412 and percentage impact of the increase in traffic movements.

Table 2 – A412 Percentage Impact

A412	Traffic Flows	Percentage Impact
Total Vehicles		
12 Hours (07:00-19:00)	10,186	0.39%
24 Hours (00:00-24:00)	12,447	0.32%
HGVs		
12 Hours (07:00-19:00)	560	7.14%
24 Hours (00:00-24:00)	610	6.56%

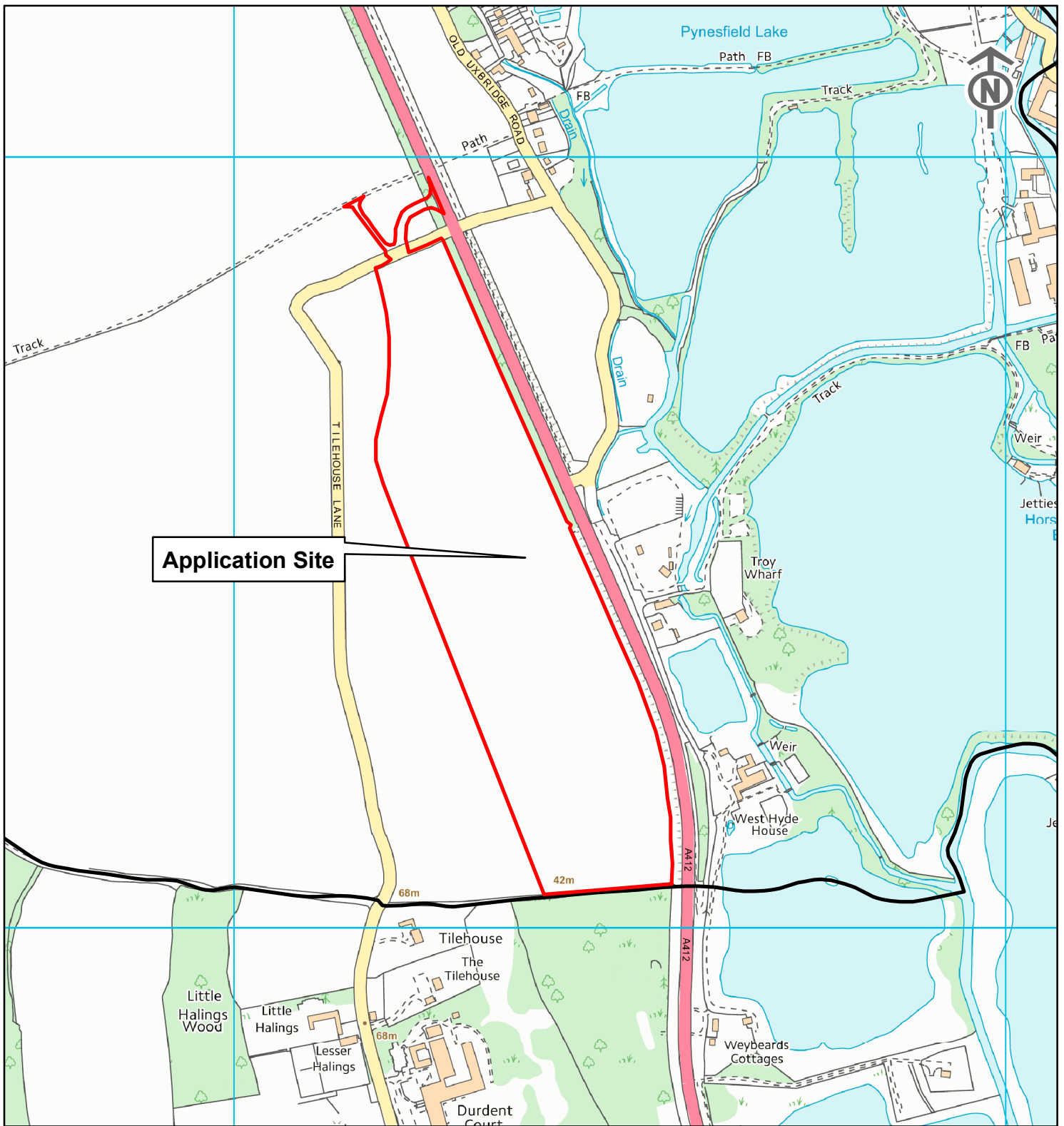
The table shows that the increase in HGV flows will not result in an increase of more than 30% (Rule 1) or on sensitive areas (Rule 2). It is concluded that the increase in flows does not warrant the need for an Environmental Assessment.

Yours Sincerely

Simon Tucker
David Tucker Associates

Appendix 5 (DPF Traffic – Table 1)

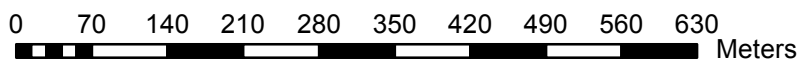
	Reserve Million Tonnes	Output Million tonnes per annum	Years	Daily Loads Years 1 - 5	Daily Loads Years 6 - 17	Daily Loads Years 18 - 20
Sand and Gravel	0.5	0.100	5	20		
Sand	1.2	0.100	12		20	
Tipping - Need to finish			3	40	40	40
Total 1			20	60	60	40
If run in parallel these times reduce by			5	Daily Loads Years 1 - 5	Daily Loads Years 6 - 12	Daily Loads Years 13 - 15
Total 2			15	80	60	40
With Pynesfield						
Sand and Gravel	0.5	0.100	5	20		
P/F	0.35	0.070	5	14		
Sand	1.2	0.100	12	20	20	
Tipping - Need to finish			3	40	40	40
Total 3			20	94	60	40
Together less 5 years			15	94	60	40



DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th May 2016

Proposed application for mineral extraction, processing and importation of sand and gravel and reclamation materials for Denham Park Farm with restoration to agriculture and a small wetland area at Pynesfield, off Tilehouse Lane, Maple Cross, Rickmansworth, Hertfordshire



Landscape Report		17th May 2016
From: HCC Landscape Officer, Natural Historic and Built Environment Advisory Team		To: HCC Planning Officer, Spatial Planning
Application No.	8/1254-15	
Location:	Pynesfield, off Tilehouse Lane, Maple Cross, Rickmansworth, Hertfordshire	
Proposal:	Application for mineral extraction, processing and importation of sand and gravel and reclamation materials for Denham Park Farm with restoration to agriculture and a small wetland area	

Landscape Policy & Guidelines¹

National Planning Policy Framework

The NPPF² promotes the conservation and enhancement of the natural environment and good design, ensuring that developments respond to local character and are visually attractive as a result of good landscape design.

Minerals Local Plan

Minerals Policy 12 - Landscape

All mineral extraction and related development proposals will be required to take account of existing and, where appropriate, historic landscape character and maintain its distinctiveness. Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features.

Development proposals will be expected to:

- i. respect landscape character both during operations and in proposals for reclamation;
- ii. ensure that any distinctive landscape features are protected from the impact of development;
- iii. be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.

The County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) on sensitive landuses, including areas of public access.

Particular regard will be had to the Hertfordshire Landscape Strategy in assessing proposals.

¹ The policy and guidance listed is not exhaustive, refer to NPPF and relevant Local Plans

² National Planning Policy Framework (7 Requiring Good Design & 11 Conserving and Enhancing the Natural Environment)

Submitted Landscape and Visual Impact Appraisal (LVIA) dated April 2012

The following comments are given with reference to the submitted Landscape and Visual Impact Appraisal (LVIA) dated April 2012. On reviewing the assessment, several limitations have been identified and are summarised below for clarity:

- The assessment has not been carried out in line with current best practice guidance. The assessment was carried out in line with Landscape Character Assessment Guidance 2002 that was superseded in 2013 by the 'Guidelines for Landscape and Visual Impact Assessment Third edition.'
- The assessment is based on development within the '*flat low-lying part (of the site) below 40m adjacent to the A412*' (para 7.1). This may be a typing error, however, it should be clarified that the development actually covers the area up to the 45m contour.
- There is no distinction between the landscape/visual effects at each stage of the development lifecycle. Landscape and visual effects as a result of the enabling works stage (access, haulage road and ancillary facilities), the operational stage (extraction/importation activity), and the restoration stage (implementation of landscape strategy) should be assessed separately.
- There is no reference to the cumulative effects of the development in combination with similar development at Denham Park Farm, or HS2.
- The visual baseline does not include a plan clearly showing the 'zone of visual influence' (the area from which the development is potentially visible). This has resulted in the omission of potential views from receptors, for example the property on Chalfont Lane.
- In making judgements there is a lack of clarity and consistency in statements of magnitude/sensitivity that combine to give an overall measure of significance.
- The LVIA is based on a previous scheme that included a power plant. The current proposal does not include a power plant and it is suggested that the omission of this significant industrial element, that is several meters high, is likely to affect the findings of the assessment.

Landscape and Visual Assessment³

Reversibility & Duration

In determining the significance of landscape and visual effects the reversibility and duration of the development is a key consideration.

With regards reversibility, on completion of the development it is proposed to return the site to its original land use as agriculture.

With regards duration, from the submitted 'Revised Development Proposals for Mineral Extraction and Restoration' the actual proposed timescale for the development is not clear, however, it is stated that restoration should be completed by December 2018 for the commencement of HS2.

Based on the above, the reversibility and duration of the proposed development is considered temporary and short term.

Cumulative Effects

The site lies within the 'Maple Cross Slopes' landscape character area⁴ that is under continuing pressure from widespread land use change. In determining the landscape and visual effects of the proposed scheme at Pynesfield, the cumulative effect of the development in conjunction with other development should be considered.

Denham Park Farm

The cumulative effect of the proposed development in combination with the similar existing development at Denham Park Farm is a consideration. (Refer to comments under *landscape effects* and *visual effects*.)

HS2

Where the Local Planning Authority deems that it is 'reasonably foreseeable'⁵ that HS2 will go ahead, then the cumulative effect of the proposed development in combination with the development of HS2 (due to commence in 2018) is a consideration.

The proposed route of HS2 crosses the southern and western corner of the site, the scheme comprises the introduction of a high-speed railway and associated structures, and extensive land-raising restored to 'Country Park'.

HS2 is a significant national infrastructure project that is likely to result in permanent significant landscape and visual effects. HS2 (in combination with the existing M25) is likely to detract from the amenity of views and change the landscape character, to one dominated by linear transport infrastructure.

³ Comments are given in line with current best practice guidance "Guidelines for Landscape and Visual Impact Assessment Third edition, Landscape Institute and Institute of Environmental management and Assessment" (GLVIA3)

⁴Southern Hertfordshire Landscape Character Assessment, The Landscape Partnership 2001

⁵"Guidelines for Landscape and Visual Impact Assessment Third edition, Landscape Institute and Institute of Environmental management and Assessment" (GLVIA3)

Landscape and Visual Effects - Enabling and Operational Stage

The landscape and visual effects of the enabling/operational stage of the development are discussed below and include the following elements:

- **Enabling and Operational Stage**

- Advanced planting*

- Haulage roads and ancillary facilities (office/weighbridge/carpark)*

- Soil screening bunds*

- Subsoil storage areas*

- Extraction / Importation activity (Noise, dust and artificial light)*

Landscape Baseline

The Pynesfield site lies within the 'Maple Cross Slopes' landscape character area as defined within the relevant local Landscape Character Assessment.⁶ The area is described as *'An area of strong east-facing slopes that ease down towards the level valley of the River Colne. A series of dry tributary valleys extend westwards into the plateau area of the Chilterns dip slope. Large open arable fields characterise the area. The impact of 20th-century development at Maple Cross and other adjacent areas is a significant impact on the otherwise open landscape.'*

The area has a weak strength of character and is in poor condition, therefore the strategy for managing change in is to **reconstruct**. In order to achieve this, the following guidelines should help shape the proposed development:

- Promote hedgerow restoration and creation throughout the area to provide visual and ecological links. Pattern to follow minor roads, rights of way, green lanes, county boundaries, e.g. Old Shires Lane, or historic field boundaries
- encourage effective management along transport corridors to ensure thinning, selective felling and replanting is undertaken to achieve a varied age structure and locally indigenous species mix

Landscape effects

The site is well contained within a single field unit, helping to maintain the existing field pattern and sense of scale. The introduction of new planting along field boundaries, highways and public rights of way, should provide a landscape enhancement in the long term.

Despite the above, the proposed development results in negative landscape effects due to the introduction of an intrusive industrial activity into an agricultural landscape. The presence of utilitarian ancillary facilities/haulage roads/contrived storage bunds and extraction/importation activity are in stark contrast to the characteristic landcover of arable fields.

The cumulative effect of the proposed development and the existing similar development at Denham Park Farm results in the more widespread fragmentation of local landscape character.

⁶Southern Hertfordshire, The Landscape Partnership 2001

Visual Baseline

The submitted LVIA does not include a plan showing the 'zone of visual influence'⁷ (ZVI), the area from which the development is potentially visible. The ZVI is an important tool that should help guide the identification of visual receptors and representative viewpoints that require assessment.

Based on a brief survey of the site, the ZVI appears to be relatively well contained by the sloping landform to the north-west, and the existing vegetation associated with Durdent Court to the south. In addition to the viewpoints identified in the submitted LVIA, it is suggested that there are potential viewpoints from the property on Chalfont Lane to the north, and additional views from across the Colne Valley to the east.

Visual effects

Overall views of the site are relatively well contained due to the screening effect of the sloping landform, existing vegetation and proposed screening bunds, with the exception of some short distance elevated views across the site from Tilehouse Lane, some potential medium distance views from the property at Chalfont Lane, and potential longer distance views from across the Colne Valley to the east.

Visual mitigation

With regards visual effects it should be noted that any proposed planting will provide limited visual mitigation in the short term. New hedgerow/tree planting generally takes 3-5 years to become established and provide an effective screen to views. In this case it is proposed to work and restore the site in less than 3 years *before* the planting has time to become established and provide an effective screen.

Rights of Way

The most sensitive views of the development are from users of recreational routes, as their focus is on the enjoyment of the countryside.

From the **bridleway to the north**, views of the site are generally well screened by the sloping valley sides. The bridleway is currently used as a haul route between Denham Park Farm and the A412. It is proposed to use the haul route to transfer restoration materials between Denham Park Farm and Pynesfield. The cumulative effect of lorry movements (up to 200 HGV movements per day), and associated noise/dust/erosion, continues to detract from views and the amenity of the route.

Old Shire Lane is an important historic route; from here views of the development are generally screened by the bunds along the southern site boundary. The opportunity to restore and enhance the vegetation along Old Shire Lane should be taken in order to foreshorten views and improve the amenity of the footpath.

Highways

Tilehouse Lane is considered to be of moderate sensitivity due to its historic rural character, it is also likely to provide a link for walkers/horse riders within the wider network of public of rights of way.

⁷ Area from which the development is visible

From the lane there are clear views into/across the site. Due to the elevated nature of views, the soil screening bunds provide limited visual mitigation.

The **Denham Way A412** is considered to be of low sensitivity due to the transient nature of drivers, passing at speed and focused on the road ahead.

From here views are well screened by the existing roadside vegetation and the screening bunds beyond.

Views from across the Colne Valley to the east

The submitted LVIA acknowledges that there are views from across the Colne valley to the east; however in the absence of a ZVI, and an assessment of any representative viewpoints, it is difficult to establish their significance.

In particular it would be beneficial to understand whether there are any views from along Park Lane, Breakspear Road, Hillingdon National Trail and the area of open access land adjacent to (Mount Pleasant). In particular Hillingdon National Trail and the area of open access land are highly sensitive receptors, due to their recreational function.

Overall, views are likely to be partial, of the western portion of the site, due to the screening effect of the vegetation in the foreground associated with the existing waterbodies.

There are potential viewpoints from which both the Land at Pynesfield and the existing minerals development at Denham Park Farm are visible within a wider panorama of the valley. The sites are highly visible due to the area of exposed ground, contrasting with the muted colours of the surrounding landscape that is characterised by large open arable fields and woodland blocks.

Properties

Views from properties are generally of moderate sensitivity. The proposed development is generally well screened to views from properties in close proximity.

There are potential views from the dwelling on Chalfont Lane, from here there are partial views of the development, as a slither of land between the vegetation along Tilehouse Lane in the mid-distance, rising up to the well wooded horizon of Old Shire Lane.

Landscape and Visual Effects - Restoration stage

Overall the submitted 'Illustrative Restoration Plan' is supported. The restoration and conservation of landcover and vegetation should help strengthen local landscape character and improve condition, providing a landscape enhancement in the long term.

Landform and land use

Restoration to original ground levels is fully supported and reflects the local topography of the sloping valleys side transitioning into the flat valley bottom.

Restoration to agriculture is fully supported and reflects the existing land use. The introduction of a new wetland area is also supported.

Planting strategy

The proposal to remove the main access and restore the hedgerow is supported.

The majority of new planting should take place in advance of the development so that at the restoration stage, it is beginning to become established, this is discussed in more detail below.

Advanced planting

The submitted 'Illustrative Operations Plan' (1022/O/2) indicates new planting at the main access, alongside the A412, and along the majority of Tilehouse Lane. This approach is fully supported in principle, however confirmation is required that this planting will take place in advance of the operational stage of the development.

With regards the new planting along Tilehouse Lane, this should be extended along the entire length of Tilehouse Lane and along Old Shire Lane. Tilehouse Lane and Old Shire Lane are important historic features of this landscape, in line with the guidelines for managing change in this area,⁸ the creation and restoration of hedgerows (hawthorn, hazel and beech) along these routes is a key priority.

Conclusion

Overall the proposed development results in negative landscape and visual effects due to the introduction of further intrusive industrial activity into an agricultural landscape that detracts from the quality of views and amenity of local public rights of way and historic routes in close proximity.

However the significance of this is reduced due to the limited scale of visual effects (relatively well contained ZVI), the short term and temporary nature of the scheme, and the delivery of some landscape enhancements.

In the long term, it is suggested that any negative effects of the scheme are substantially outweighed by the development of HS2 that is likely to result in permanent significant negative landscape and visual effects, changing the character of this area to one dominated by linear transport infrastructure.

⁸ Landscape Character Assessment, Southern Hertfordshire 2001

HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE
THURSDAY 26 MAY 2016 AT 10AM

Agenda No.

2

EAST HERTS DISTRICT

PLANNING APPLICATION FOR THE VARIATION OF CONDITION 71, THE PRE-SETTLEMENT CONTOURS IS BEING SOUGHT TO REGULARISE THE TIPPED CONTOURS ON SITE AND ALSO TO PROVIDE DETAILS ON THE LANDSCAPING RESTORATION AND AFTER USE TO REFLECT THE NEW CONTOURS AND TO DISCHARGE CONDITION 73 OF 3/2279-13 AT BUNKERS HILL QUARRY, LOWER HATFIELD ROAD, HERTFORD

Report of the Chief Executive & Director of Environment

Contact: Chay Dempster Tel: 01992 556211

Local Member: Ken Crofton

1. Purpose of report

1.1 To consider application 3/0927-16 for the variation of Condition 71, the pre-settlement contours to regularise the tipped contours on site and to provide details of landscaping restoration and after use to reflect the new contours and to discharge Condition 73 at Bunkers Hill Quarry, Lower Hatfield Road, Hertford

2. Summary

2.1 The application site is located on the Lower Hatfield Road approximately 1km south west of Hertford, as shown on the Ordnance Survey extract in Appendix I.

2.2 The application seeks to supersede the approved pre-settlement restoration contours with a plan showing raised contours and alternative landscaping proposals.

2.3 In summary the application proposes to carry out development without complying with Condition 71 of 3/2279-13, which limits the pre-settlement contours to a maximum of 76m AOD, to allow the retention of deposited material to a maximum of 77m AOD, and to regularise the deposit of waste on the land without planning permission. The application also provides landscaping details seeking to discharge condition 73 of 3/2279-13.

2.4 Condition 71 of 3/2279-13 reads:

Before the fill material (including the capping layer) in any area of Bunkers Hill Quarry is within 1.2 metres of the pre-settlement levels (as shown on Plan Number SQE/BHQ/05a dated 19 October 2000), profile boards shall be set up in that area to show the final levels of fill material (capping), subsoil overburden and topsoil respectively. Remedial action shall be taken if the results of the monitoring of settlement show that the predicted post-restoration design contours are not likely to be achieved.

Reason: to ensure the proper restoration in accordance with the submitted plan.

2.5 Condition 73 of 3/2279-13 reads:

A detailed landscaping, restoration and afteruse scheme shall be submitted to the Mineral Planning Authority for approval, within 3 months of the date of this notice and shall specify the following:

- a) details of existing and proposed perimeter screenbunds, including levels, contours, peak heights, slopes, stability treatment, grass seeding, maintenance and phased removal as restoration proceeds with timescales for the restoration of each phase;
- b) the phased restoration of Bunkers Hill in accordance with the Plan Number SQE/BHQ/05a dated 19 October 2000, or other such plan as may be approved by the Mineral Planning Authority with timescales for the restoration of each phase;
- c) the final afteruse of Bunkers Hill, which shall include agricultural and woodland restoration; d) methods of soil handling and replacement, and depths of soils to be replaced on the agricultural and woodland restoration areas; e) for areas of agricultural restoration, the methods of soil cultivation; f) for woodland areas, the planting specification, including species mixes, spacing, size and number of plants.

Reason: to ensure Bunkers Hill is restored in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenity of local residents.

Levels

2.6 The submitted topographical survey shows the levels on the upper part of the landform is currently 79.5m AOD, which is approximately 2m above the levels of the adjoining land to the south.

2.7 The proposed development, shown on drawing referenced 1743-01-01 Rev K (Appendix II) shows the proposed final contours:

2.8 The proposed landform would have a high point of 77m AOD extending for approximately 150m north towards the centre of the site. The landform slopes towards the Lower Hatfield Road to 50m AOD on the northern edge of the site. The fall in levels from 77m AOD to 50m AOD occurs over a distance of 250m. The proposed landform has two distinct ridges on the north east and south west corners created by the mass of material in the upper sections of the landform. The retention of

the excess material creates steeper flanks, particularly on the west side of the landform.

- 2.9 The overall impression is that of a significantly raised landform extending with a flattish top for a distance of approximately 150m with two distinct ridges and a steep west flank adjoining Stockings Lane.
- 2.10 Drawing SQE/BHQ/05a (Appendix III) shows the approved pre-settlement contours maximum of 76.4m. The levels fall towards the centre of the site to approximately 73m AOD. Overall, the landform is more rounded than the proposed scheme with less pronounced ridges on the north east and south west corners and gentle flank elevations.

3. Background

- 3.1 Members will be familiar to the background to this case having been reported to the Development Control Committee on 23 June 2015 when planning permission was refused for a similar description of development to regularise the tipped contours on site. The reasons for refusal are set out in the attached decision notice (Appendix IV). No appeal was made against the refusal.
- 3.2 The previous refusal is a material consideration and the same considerations therefore apply. Members should also consider whether the current proposal would overcome the reasons for refusal and whether the proposal would be acceptable on its own merits.
- 3.3 The site operates under the planning conditions modified by the Planning Inspector's decision in September 2014. That decision (3/2279-13) sets the following timescales for completion:
- South Field Wood – December 2014
 - Bunkers Hill Quarry - December 2017
 - Water Hall –December 2019.
- 3.4 The conditions attached to 3/2279-13 control the final phases of restoration of Southfield Wood, Bunkers Hill Quarry, the haul road and Water Hall, including details of final levels, the submission of detailed schemes, and control the operation of the quarry i.e. noise and air quality.
- 3.5 Officers have been undertaking a review of the site operations with regarding to compliance with planning control.
- 3.6 The County Council issued an Enforcement Notice dated 6th May 2016 setting out the steps it considers necessary to provide for an acceptable restoration of Bunkers Hill Quarry. The Enforcement Notice requires the Operator to comply with the approved pre-settlement contours shown on drawing SQE/BHQ/05a.

4. The site and local area

- 4.1 Bunkers Hill Quarry forms part of the Water Hall complex which is divided by the Lower Hatfield Road. 'Bunkers' is the only active area to the south of the Lower Hatfield Road. South Field Wood, the haul road, and the plant and operations areas are all located on the north side of the Lower Hatfield Road.
- 4.2 The site is on the southern edge of the Essendon: Brickenden farmed slopes landscape character area 47 as defined in the Hertfordshire Landscape Character Assessment, which is characterised by gently undulating arable slopes and extensive mineral extraction. To the north of the Lower Hatfield Road the Water Hall complex falls within the Middle Lea Valley West landscape character area 65 which is characterised by the flat pastoral valley and shallow valley slopes.
- 4.3 The site is located within the Metropolitan Green Belt.

5. Proposed development

- 5.1 In summary the application proposes:

- The retention in situ of some 200,000-280,000m³ of waste
- removal of 80,000m³ of 'unsuitable' waste
- upper contour of between 77 and 78m AOD
- woodland planting of woodland on east, south and west boundaries
- hedgerow planting to establish historic field pattern

- 5.2 Paragraph 9.2 of the Planning Statement states:

The proposal would remove over-tipped waste from the top of the Bunkers Hill landfill and place this in existing void areas and on landfill flanks. The revised proposals could require the removal of c.80,000m³ of unsuitable material to enable the soil restoration profiles suitable for agricultural uses to be established and landform to be achieved. The flanks of the proposed landform would be higher than the consented flanks, but the maximum height of the landform would remain as consented.

- 5.3 The application includes a topographical survey of the site dated April 2016 which records the maximum (existing) upper level at 79.5m AOD. The landscape proposal drawing shows levels reduced to a maximum of between 77 and 78m AOD. For comparison purposes, the approved pre-settlement contours are a maximum of 76m AOD.
- 5.4 The planning statement puts the case for the proposed development:
- Bunkers Hill Quarry is an existing permitted minerals and waste site, now a former mineral extraction site which is being restored through importation of waste materials. The sites' restoration will ultimately

have a positive and enhancing effect on the openness of the Green Belt and represents restoration of previously used land.

- The restoration of the site including the retention of an additional volume of soil materials in site at the site, when re-graded to the proposed new restoration contours, will provide positive and beneficial aspects to outweigh any perceived harm to the openness of the green belt and to amenity. Retention of the additional soils on site will have an imperceptible or modest impact on the landscape and the openness of the Green Belt will not be compromised. The site is surrounded on two sites by mature woodland and hedgerows. The enhanced amenity tree and hedgerow planting agreed after consultation with the Hertfordshire Minerals Officer and Landscape Officer will positively contribute to the local landscape and enhance the adjacent woodlands. Restoration of the site to the revised landform is therefore not considered to be a material change that would impact the openness of the Green Belt, and when completed with restoration landscaping, screening and planting it will provide positive long term beneficial aspects to enhance the Green Belt setting and which will outweigh any perceptible harm.
- Conversely the alternative option of removal of the overtopped material would have significant short term impacts on the Green Belt while operations were carried out and would be in conflict with the objectives of Green Belt policy which recommends managing waste as close as practicable to its origin, which in this instance the waste is on site and would be retained on site.
- The retention of materials on site is a sustainable option which retains waste within the consented landfill site, reduces potential transport impacts, avoids unnecessary consumption of limited landfill voids at other sites and is a means of achieving final restoration of the site which will enhance the Green Belt in the vicinity of the site.
- The Bunkers Hill site is not widely visible due to the landform and vegetation cover in the surrounding area. Where views are available, the most elevated parts of the existing landform tend to be visible i.e. the areas of over-tipping. The proposed restoration landform would be lower in elevation than the existing, and would have the same maximum height as the consented landform, although the proposed flanks would generally be higher than the consented flanks due to the steepened gradients;
- The differences between the proposed development and the consented scheme would be apparent from few locations. The proposed landform would appear incrementally higher in some views, due to the placement of over-tipped material on the flanks of the landfill, increasing the height of the flanks. The change would be limited in scale and the make-up and characteristics of the views available would be maintained. In the long term the restored landform would appear as a natural farmed hillside whose gradients are similar to adjacent slopes, and with areas of woodland cover similar to those that can be found in the surrounding area.
- It should also be recognised that while the assessment of visual effects has been made against a baseline including the consented landform, the visual changes resulting from the proposed development would

actually be experienced in the context of the reduction in height of the existing over-tipped landform i.e. the proposed landform would be lower than the landform that is currently present.

- The proposed development would have short-term temporary effect upon the openness of the Green Belt, deriving from the movement of vehicles required to re-profile the landform. This effect would cease following the restoration of the site to a combination of woodland and agriculture.
- Unlike the previous application the proposed development would not increase the maximum height of the consented landform. The gradients of the landform would be typical of those found in the surrounding landscape and the increased levels on the flanks of the landform would not materially reduce the openness of any of the views compared to the consented scheme. In this respect the proposed development would differ little from the consented scheme, and it can be concluded that once restored, there would be no material effect upon the openness of the Green Belt, or upon any of the five purposes of the Green Belt. The proposed re-profiling would occur for a shorter period than that required to achieve the consented scheme, and as such, the proposed development would represent an improvement in this regard.

6. Site History

- 6.1 The site history is set out in full in the attached committee report for the previously refused scheme (3/0785-15) attached as Appendix V.

7. Statutory Consultation

- 7.1 East Herts District Council has not responded to the consultation.

- 7.2 Bayford Parish Council objects to the application for the following reasons:

- The application is merely a re-hash of the unanimously refused planning application of April 2015 with the recommendation for enforcement to remove the significant overtipped waste on the site. We consider this enforcement should be made, else Hertfordshire County Council will be condoning illegal tipping literally in our back yard.
- We do not consider that there is any justification both in principle and from the Agricultural Assessment provided for any changes to the landscape that requires any form of landraise for improved agricultural performance other than that which may have come about through the inadequate management and control of the operator. We note the assessment was carried out after the original refusal when the issue was first raised. We consider as well that clarification should be sought as to what land was assessed as there are anomalies that would imply that this assessment has not been solely carried out in relation to the application site.
- There are various discrepancies with the Planning Support Statement not least of which includes comments in relation to the statement of need for restoration soils with no indication of how these will be

sourced (as via current methods this will mean yet more waste imported to the site) contradicted elsewhere in the statement that recovered will be made from previously deposited soils. This is at best ambiguity or deliberate misleading in the operation's intentions.

- The Parish Council strongly object to the Operator implying that there are appropriate dust mitigation schemes in place when it is known that there are breaches of conditions in relation to both these impacts.
- The Parish Council strongly object to the Operator's statement that a drainage management system is installed when it is known that this scheme was never submitted and is a breach of consent.
- The Parish Council questions what the 80,000m³ of 'unsuitable' material is what the operator intends to do with that material.
- The applicant has provided no indication of the timescales associated with the application and the final restoration date.
- The parish Council remains sceptical that the operation would have any intention to implement the proposed landscape plan submitted as part of the application, due to its inability to implement or comply with numerous conditions of permission that has been requested of it during its management of the site.
- The Flood Risk Assessment submitted with the application is a draft version and the Parish Council would question the validity of the date provided.
- The Parish Council recommends the immediate area is surveyed to establish the exact amount of materials on this site over and above planning consent, its commercial value and approved enforcement followed through immediately.

7.3 The Environment Agency has no objection but offers the following permit advice:

- This development must comply with the Environmental Permitting (England and Wales) Regulations 2010 (as amended) and will require an Environmental Permit for Landfill issued by the Environment Agency. The application for the Environmental Permit will need to demonstrate the development will comply with the Landfill Directive and relevant sector guidance and will not pose a risk to the environment or human health. The removal of any waste must be recovered or disposed under the duty of care requirements to a suitable permitted facility.

7.4 The Highway Authority notes the proposed development will not result in a significant change to the amount of traffic generated by the development permitted under 3/2279-13, therefore provided that Condition 1 (HGV movements) of 3/2279-13 remains in force the Highway Authority has no objection.

Third party representations

7.5 The application has been advertised by press notice, site notice and notification letters sent to 100 individual properties within 250m of the

site. There have been 21 letters of objection raising the following points:

Unauthorised waste disposal

- The decision to import such significant volumes of waste was taken in the full knowledge of the approved pre-settlement contours. This shows disregard for planning controls;
- The justification for importing material was to generate restoration soils. However the low topsoil content of the imported material is the cause of the over tip; The Operators actions appear to be quite deliberate and for profit;
- The Operator has disposed of waste outside of application site boundary raising the levels of adjacent land. This does not have planning permission. The Operator must be made to correct the unauthorised tipping on adjoining land;
- The Operator has failed to remove the excess material. This is in breach of a decision of the Development Control Committee in June 2015;
- Enforcement action should be taken to remove the excess material, which should never have been taken onto the site in the first place;
- The County Council is being asked to condone illegal tipping;
- Granting this application would set a dangerous precedent that unauthorised tipping is allowed in Hertfordshire;
- The County Council should fully investigate the overtipping and insist upon carrying out a new survey;
- The Operator has never put in place any noise or dust mitigation controls. There is much anecdotal evidence that dust in Bunker's Hill towards the houses at Broad Green has been a nuisance for some time;
- The Operator is in breach of conditions for failure to submit noise and dust management schemes;
- The Operator has failed to comply with planning conditions in the past. Residents nor the County Council can be confident the company will comply with any approved plans or conditions in future;
- Quarry companies should be allowed to profit from breaking rules and conditions
- It would be wrong to allow the Operator to dictate any terms for the completion of this site due to lack of management and inability to comply with conditions;

Revision of previous scheme

- The current application is the second retrospective application to retain excess material and is very similar to the application refused last year, albeit with revised landscaping proposals;
- The current application proposes a lower final contour but the proposed contour is still far in excess of the approved pre-settlement contours;

Delay

- Current and previous applications have only served to delay restoration;
- The County Council must stand firm and commence enforcement proceedings to avoid setting a precedent for other sites/ operators in Hertfordshire;
- The Operator appears to be making a series of applications simply to delay restoration;
- The Operator appears to want to delay final closure of Bunkers in order to justify retaining the processing plant as long as possible. If granted this would inevitably lead to an application to extend timescales for restoration and to retain the processing plant site beyond the current end date. The County Council should resist such a piecemeal approach;

Afteruse

- The County Council should question the validity of the Agricultural Assessment which is given as the primary reason for retention of waste on site, however there are discrepancies in the information provided suggesting this is a generic document that was not specifically carried out for the site in question;
- There is no justification for "agricultural improvement". This land, with its original contours, was successfully farmed previously. Any problems are the result of poor working practices and waste acceptance criteria. To use this as an excuse to justify the excessive over-tip is wrong;

Sustainability

- The sustainability rationale behind the scheme is a misrepresentation of the purposes of environmental management and legislation, which is to protect the environment, comply with the law and prevent pollution. The removal of the illegal tipping outside of consented areas could be the most sustainable option;

Alternatives

- The County Council do not know where this excess material should be taken to; clearly none should be taken to Water Hall;
- The operator should be faced with transporting all the overtipped material to another location that does have planning permission;
- There is no valid reason to permit the additional material. There is no benefit to the landscape, no agricultural benefit and no benefit to the local community from the additional material.

Highways

- The County Council in its role as Highway Authority should assess the impact on the road caused by lorries associated with the operation.

Anyone can see the damage caused to verges, kerbs and the carriageway surface itself by the excessive number of HGV's that are associated with all the quarry operations plus the danger of collisions with other, normal traffic.

- We are already plagued by excessive lorry traffic on our country lanes which is dangerous and a menace to local drivers. The roads themselves have been severely damaged with pot holes and dust everywhere. It's time to stop.

7.6 The University of Hertfordshire objected on the following grounds

- Bayfordbury Observatory is one of the UK's leading astronomical and atmospheric observatories providing undergraduate teaching and research of national and international importance. The key attribute of Bayfordbury as a location for the Observatory is its rural character, far from urban or industrial areas, yet well positioned to provide the key reference point against which to monitor London's atmosphere.
- The work undertaken by the Observatory is of international significance and depends upon existing air quality to be maintained in order to continue successful research activities. The proposed development has the potential to create dust which could severely damage the activities at Bayfordbury Observatory as they currently exist.
- From reviewing the current application documentation, we understand Bunkers has been overtipped by approximately 200,000-280.000m³ of material, however we would suggest this figure should be clarified.
- In light of this proposal and the creation of dust as a result of moving material within the site, we are surprised to see little reference to dust mitigation/ management in relation to sensitive receptors. This was a significant factor in the previous Appeals and therefore should be given due consideration as part of this application.
- We respectfully request this concern to be taken seriously by Hertfordshire County Council and suggest there is currently inadequate information in relation to Air Quality / Dust Management to assess the impact on sensitive receptors.

8. Development Plan

- 8.1 The development plan for the area comprises the East Herts Local Plan Second Review 2007, The Hertfordshire Minerals Local Plan Review 2007; Hertfordshire Waste Development Framework: Core Strategy & Development Management Policies: November 2012.

East Herts Local Plan

SD1 Making Development More Sustainable

GBC1 Appropriate Development in the Green Belt

GBC14 Landscape Character

TR2 Access to New Developments

TR3 Transport Assessments

TR20 Development Generating Traffic on Rural Roads

ENV2 Landscaping
ENV10 Planting New Trees
ENV11 Protection of Existing Hedgerows and Trees
ENV21 Surface Water Drainage
ENV24 Noise Generating Development

Hertfordshire Minerals Local Plan Review (Adopted March 2007);

9 – Contribution to biodiversity
12 - Landscape
13 – Reclamation
14 - Afteruse

Hertfordshire Waste Core Strategy & Development Management
Policies: Adopted November 2012

4: Landfill and landraise
6: Green Belt
7: General criteria for assessing planning applications outside of
identified locations
11: General criteria for assessing waste planning applications
12: Sustainable design, construction and demolition
13: Road transport & traffic
14: Buffer Zones
15: Rights of Way
16: Soil, Air and Water
19: Protection and Mitigation

National Planning Policy Framework (November 2012)

9 – Protecting Green Belt Land
11 – Conserving and enhancing the natural environment
13 - Facilitating the sustainable use of minerals

Other policy considerations

Hertfordshire Landscape Character Assessment 2001

9. Planning Issues

9.1 The main planning issues relate to:

- Green Belt
- Landfill and Landraise
- Landscape
- Restoration and Afteruse
- Highways
- Amenity – noise and air quality

Green Belt

- 9.2 The NPPF identifies mineral extraction and engineering operations as not inappropriate in the Green Belt, provided it does not conflict with the purposes of including land within the Green Belt and where openness would be preserved (Paragraph 90).
- 9.3 Policy 6 of the Hertfordshire Waste Core Strategy states new or expanded waste management facilities in the Green Belt will be required to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt together with any other harm identified.
- 9.4 The disposal of waste in the Green Belt is regarded as inappropriate development. The restoration of former mineral workings should seek to preserve the openness of the Green Belt.
- 9.5 The planning statement comments in respect of the Green Belt:
- the sites restoration will ultimately have a positive and enhancing effect on the openness of the Green Belt and represents restoration of previously used land;
 - the restoration of the site including the retention of an additional volume of soil materials at the site, when re-graded to the proposed new restoration contours, will provide positive and beneficial aspects to outweigh any perceived harm to the openness of the green belt and to amenity;
 - retention of the additional soils on site will have an imperceptible or modest impact on the landscape and the openness of the Green Belt will not be compromised
 - restoration of the site to the revised landform is not considered to be a material change that would impact the openness of the Green Belt, and when completed with restoration landscaping, screening and planting it will provide positive long term beneficial aspects to enhance the Green Belt setting and which will outweigh any perceptible harm;
 - the alternative option of removal of the overtipped material would have significant short term impacts on the Green Belt while operations were carried out and would be in conflict with the objectives of Green Belt policy which recommends managing waste as close as practicable to its origin;
 - the retention of materials on site is a sustainable option which retains waste within the consented landfill site, reduces potential transport impacts, avoids unnecessary consumption of limited landfill voids at other sites and is a means of achieving final restoration of the site which will enhance the Green Belt in the vicinity of the site;
 - the proposed development would have short-term temporary effect upon the openness of the Green Belt, deriving from the movement of vehicles required to re-profile the landform. This effect would cease following the restoration of the site to a combination of woodland and agriculture;

- the proposed development would differ little from the consented scheme, and it can be concluded that once restored, there would be no material effect upon the openness of the Green Belt, or upon any of the five purposes of the Green Belt
- 9.6 The claim that retention of the excess material on site would have a positive and enhancing effect on the openness of the Green Belt cannot be accepted. The proposed development would result in significant landraising and have a significant adverse impact upon openness in this part of the River Lea Valley. The proposal would therefore conflict with the important aspects of Green Belt policy.
- 9.7 The statement 'when re-graded to the proposed new restoration contours, will provide positive and beneficial aspects to outweigh any perceived harm to the openness of the green belt and to amenity' cannot be supported because: (a) the harm is real, not perceived, (b) the harm is significant, (c) there are no positive or beneficial aspects to the proposed landform.
- 9.8 The statement 'retention of the additional soils on site will have an imperceptible or modest impact on the landscape and the openness of the Green Belt will not be compromised' cannot be substantiated. The proposal involves significant landraising and would clearly compromise the openness of the Green Belt. The reference to retention of additional soils is misleading. The Operator has disposed of significant volumes of waste at the site. The deposited imported material is mainly clays or excavation waste and not a suitable soil. The application acknowledges that additional topsoil will be required. The openness of the Green Belt would not be compromised only by the removal of the excess waste.
- 9.9 The application claims that the revised landform is not a material change that would impact the openness of the Green Belt. The proposed landform is clearly a material change in terms of its mass and shape, significantly larger and with steeper slopes. The final landform would appear out of keeping with the gentler slopes of the River Lea Valley. It would not be possible to fully mitigate the impact by woodland and hedgerow planting.
- 9.10 The alternative option of removing the excess material is not without its impacts, and it is acknowledged that there would be some disruption in the short term, not dissimilar to the disruption caused by the Operator in bringing the material to the site in the first place. However there are alternative sites with planning permission to accept inert waste within 5-10 miles of the site. The alternative option of removing the material would not cause significant conflict with the principle of treating waste as close as practicable to its origin.
- 9.11 It is an incorrect statement to say the proposed development would differ little from the consented scheme, when clearly it would have a far greater negative visual impact. It is also incorrect to say that the

restored site would cause no material effect upon the openness of the Green Belt, or upon any of the five purposes of the Green Belt, when clearly the proposed development would cause significant permanent harm to the Green Belt and conflict with the purposes of the Green Belt.

- 9.12 The retention of such a significant volume of material on site would be allowing inappropriate development in the Green Belt on a significant scale, cause permanent harm the openness of the Green Belt, and adversely affect the landscape character of the area. There are no very special circumstances apparent or other material considerations sufficient to clearly outweigh the harm.

Landfill and landraise

- 9.13 Minerals Policy 15 (Landfill) of the Hertfordshire Minerals Local Plan states reclamation of mineral workings with waste will only be permitted where it can be demonstrated that the disposal of waste is necessary to achieve the restoration proposals.
- 9.14 Policy 4 (Landfill and Landraise) of the Hertfordshire Waste Core Strategy 2012 states the disposal of waste and restoration with inert material by raising the level of the land will only be granted where:
- it would assist the preparation of land for other approved development proposals;
 - the land is derelict or degraded;
 - it would result in significant other environmental benefit;
 - it can be demonstrated that it is necessary to achieve restoration of mineral voids; and
 - it can be demonstrated that it will not give rise to unacceptable implications to human health, amenity, landscape and the environment.
- 9.15 The application proposes the retention of 200,000-280,000m³ of material already on site whilst at the same time suggesting that 80,000m³ of 'unsuitable material' could be removed. The application does not give reasons for the material being unsuitable or explain where it would be removed to. The application fails to demonstrate that the proposed contours could be achieved without the need to remove additional material from site.
- 9.16 The application does not accurately record the imbalance of material on site i.e. the excess of material above the approved pre-settlement contours. The topographical survey of April 2015 records over 390,000m³ of material above the pre-settlement contours. The application proposes 200,000-280,000m³ of material would be retained without accounting for the remaining balance. Officers are not convinced that the proposed landform could be achieved without removing more material from the site.
- 9.17 The approved pre-settlement contours allow for some level of waste importation and landraising. However, the retention of excess material

is not necessary in order to achieve a satisfactory restoration of the site. The proposal is considered to contrary to Minerals Policy 15 of the Hertfordshire Minerals Local Plan Review 2007.

Landscape

- 9.18 Minerals Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan 2007 states development proposals will be required to take account of existing and where appropriate historic landscape character and maintain its distinctiveness. Development proposals will be expected to:
- i) respect landscape character both during operations and in proposals for reclamation
 - ii) ensure that any distinctive landscape features area protected from the impact of development;
 - iii) be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.

The County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) and sensitive land uses, including areas of public access.

- 9.19 The planning statement claims:

- The Bunkers Hill site is not widely visible due to the landform and vegetation cover in the surrounding area. Where views are available, the most elevated parts of the existing landform tend to be visible i.e. the areas of over-tipping. The proposed restoration landform would be lower in elevation than the existing, and would have the same maximum height as the consented landform;
- The differences between the proposed development and the consented scheme would be apparent from few locations;
- In the long term the restored landform would be appear as a natural farmed hillside whose gradients are similar to adjacent slopes, and with areas of woodland cover similar to those that can be found in the surrounding area
- The gradients of the landform would be typical of those found in the surrounding landscape and the increased levels on the flanks of the landform would not materially reduce the openness of any of the views compared to the consented scheme.

- 9.20 The Landscape and Visual Impact Assessment suggests the proposed development would create a landform that:

- is suitable for arable farming;
- does not increase the overall maximum height of the landform compared with the consented scheme;
- reflects the gradients of adjacent slopes, surrounding the site; and

- represents an incremental change to the consented landform when viewed from the outside.
- 9.21 The Landscape and Visual Impact Assessment claims that ‘the maximum height of the proposed landform would not exceed that of the consented landform, with the top contour for both schemes being 77m AOD. The statement is misleading, and it is not the case. The upper contour of the approved pre-settlement contour is 76m AOD over a very small part of the site adjoining the southern boundary. The upper contour of the proposed landform is 77m AOD but extends at that elevation for approximately 150m across the site creating a flat top platform, rather than a rounded shape hillside provided for by the approved pre-settlement contours.
- 9.22 It is estimated that approximately 400m² of land is above 76m AOD in the approved pre-settlement scheme. It is estimated that well over 1 hectare of the proposed landform would be above 77m. The 78m contour is close to the southern edge of the site suggesting that parts of the proposed landform would be above 77m.
- 9.23 The high steep sided landform would not be in keeping with the gentler slopes of this part of the valley, which would have existed prior to mineral extraction, and would have a negative impact upon the local landscape character.
- 9.24 It would not be possible to mitigate the negative landscape impacts of the landform by woodland planting to disguise the steeper slopes. The only acceptable resolution in landscape terms would be a significant reduction in the mass of the landform by removing the excess material. The harm could not be mitigated by condition.
- 9.25 The proposed landform would not be in keeping with the existing landscape and would not provide suitable measures to strengthen or enhance the condition of the landscape, contrary to Minerals Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan.

Restoration and Afteruse

- 9.26 One of the justifications behind the application is the Operators wish to use the restored land for agricultural production, whereas the approved restoration scheme was intended to be for grazing. An agricultural afteruse would tend to require better soils, drainage and more intensive management to sustain agricultural production.
- 9.27 The application includes an Agricultural Suitability Assessment which identifies the characteristics of the soils and suggests ways in which the land could be improved:

- Original soils would comprise a mix of (a) Lime-rich loamy and clayey soils with impeded drainage and (b) free draining slightly acid loamy soils;
- The site is being restored using imported reclaimed soils;
- The topsoil and subsoil layers appear consistent across the site;
- The soils observed at the site, could be considered largely suitable for agricultural use;
- The key limitations of the restored soil structure for arable and grassland uses are:
 - (a) the topsoil profile has a higher silt and loam content and has a significant quantity of small stones in the profile. These characteristics may cause seasonal drought particularly during spring and summer when cereal crops are at key growth stages; and
 - (b) the clay subsoil could create an impermeable layer restricting root penetration. Wheat and other cereal crops typically root to at least 1m in order to reach moisture throughout the growth cycle. At 50cm depth, the subsoil could prevent roots achieving the optimum depth which could heighten the effects of droughtiness. Options include the use a subsoiler or ripper to break up compacted soils during restoration, and, establish a longer term crop such as ryegrass to create a greater root system, which will improve rooting for subsequent arable crops.
- The nutrient analysis confirms the chemical composition of the restored soils limits the potential for agricultural production. The most significant issue is that both the topsoil and subsoils have a pH of above 8.0 making the soils very alkali. Alkali soils can cause vital nutrients to become unavailable to growing crops, commonly termed 'locking up'. Treatments include sulphur applications which become Sulphuric Acid when digested by soil bacteria and replacing locked up nutrients by applying soluble nutrients to growing crops.
- The restoration scheme does not include a field drainage system. Drainage would be provided by a ditch system draining to the River Lea. The system would remove excess water from soils but would increase the risk of soil erosion through run-off. The key to prevent run-off is through the use of deep rooting plants across the whole site. Hedgerows and trees are arguably the most effective, although slow growing and therefore appropriate agricultural crops should be included to reduce the risk in the short to medium term.

9.28 The assessment concludes:

- The site at Bunkers is not a natural landscape, having been significantly altered by past industrial processes. It is therefore to be expected that there would be limitations to the use of the site for agriculture. Perhaps the most significant limitation is the soil structure, which although not unsuitable for cropping, will require careful

management and patience to become an economically viable agricultural unit.

- An appropriate planting scheme for boundary hedges and native trees should be considered to further improve soil structure and drainage and help to prevent soil erosion. The removal of grass in favour of arable cropping should only take place on more level areas of the site once grass margins, trees and hedges have become established.
- 9.29 The assessment identifies that reclaimed soils are not ideally suited to agricultural production, in terms of nutrients or composition and are susceptible to droughtiness and erosion from surface water run-off. Whilst it might be possible to address some of the issues through the application of soluble solutions careful long-term management would also be required. It would not be possible to plant cereal crops for a number of years, and steeper slopes would need to be planted with grass crops, hedges or trees to minimise soil erosion.
- 9.30 There are clearly a number of constraints to the potential of the land to be used for agriculture, not least that the existing soils are not of sufficient quality.
- 9.31 The landraising as a result of the retention of excess material on site does not improve the condition of the land for agriculture. The steeper slopes would reduce the area available for cereal crop production and it is questionable whether the restored site would be a viable agricultural unit, individually or as part of a larger holding as part of the Water Hall complex.
- 9.32 The proposed agricultural afteruse appears marginal and would not be assisted by the retention of the excess material on site.
- 9.33 The application does not demonstrate that a reclamation scheme would achieve a sustainable afteruse, contrary to the objectives of Minerals Policy 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007.

Transport

- 9.34 The Lower Hatfield Road has a number of industrial uses, including:
- Water Hall Quarry complex;
 - Aggregates Industries Asphalt Plant;
 - Bedwell Park Quarry
- 9.35 Of these, Water Hall has historically been the biggest generator of HGV movements. The road between Water Hall and Holwell Lane has been damaged by HGVs mounting kerbs and running up banks in order to pass one another.

- 9.36 Condition 1 of 3/2279-13 restricts the number of HGV movements to 400 per day (200 in/ 200 out) Monday to Friday and 200 per day (100 in/ 100 out) on Saturdays between 07:00 and 12:30pm on Saturdays.
- 9.37 The high number of HGV movements has been accepted in the past in order to provide the Operator with flexibility to enable the site to be restored at earliest opportunity. In the longer term such high levels of HGV traffic on the Lower Hatfield Road may not be acceptable to the local community
- 9.38 The NPPF (Paragraph 32) states 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.39 The Highway Authority raises no objection noting that the proposal would not increase the number of HGV movements and the development could be completed by the scheduled date.
- 9.40 If the Operator were required to remove the excess material from site and in so doing generate additional HGV movements on the Lower Hatfield Road, so long as it could be achieved without exceeding the permitted HGV movements and without extending the lifetime of the operation it is anticipated that the Highway Authority would be unlikely to object.

Residential amenity

- 9.41 The potential impacts are anticipated to be in terms of noise, disturbance from vehicles, and air quality
- 9.42 Minerals Policy 18 of the Hertfordshire Minerals Local Plan Review 2007 requires proposals to demonstrate that there would be no significant noise intrusion or degradation of air quality arising from the development.
- 9.43 The current planning permission for the site requires the operator to submit schemes for the management of noise and dust from the earthmoving operations. These matters remain outstanding and are recorded as a breach of planning control.
- 9.44 The importation of waste to the site has resulted in noise, dust and general disturbance to residents of the Lower Hatfield Road, and particularly properties near the site entrance.
- 9.45 The restoration of mineral voids will have some negative impacts on local communities in terms of noise, dust and general disruption from earthmoving and lorry movements. The removal of the excess material from the site would cause further disruption to residents and users of the Lower Hatfield Road. However, the site still requires final restoration and some level of disruption is inevitable.

9.46 Final restoration can be achieved within a reasonably short timeframe i.e. by the scheduled completion date of December 2017. It will be necessary to manage operations through best practice to minimise noise and dust. Subject to the proper controls being in place during restoration, the impacts in terms of noise and air quality impacts should be at an acceptable level.

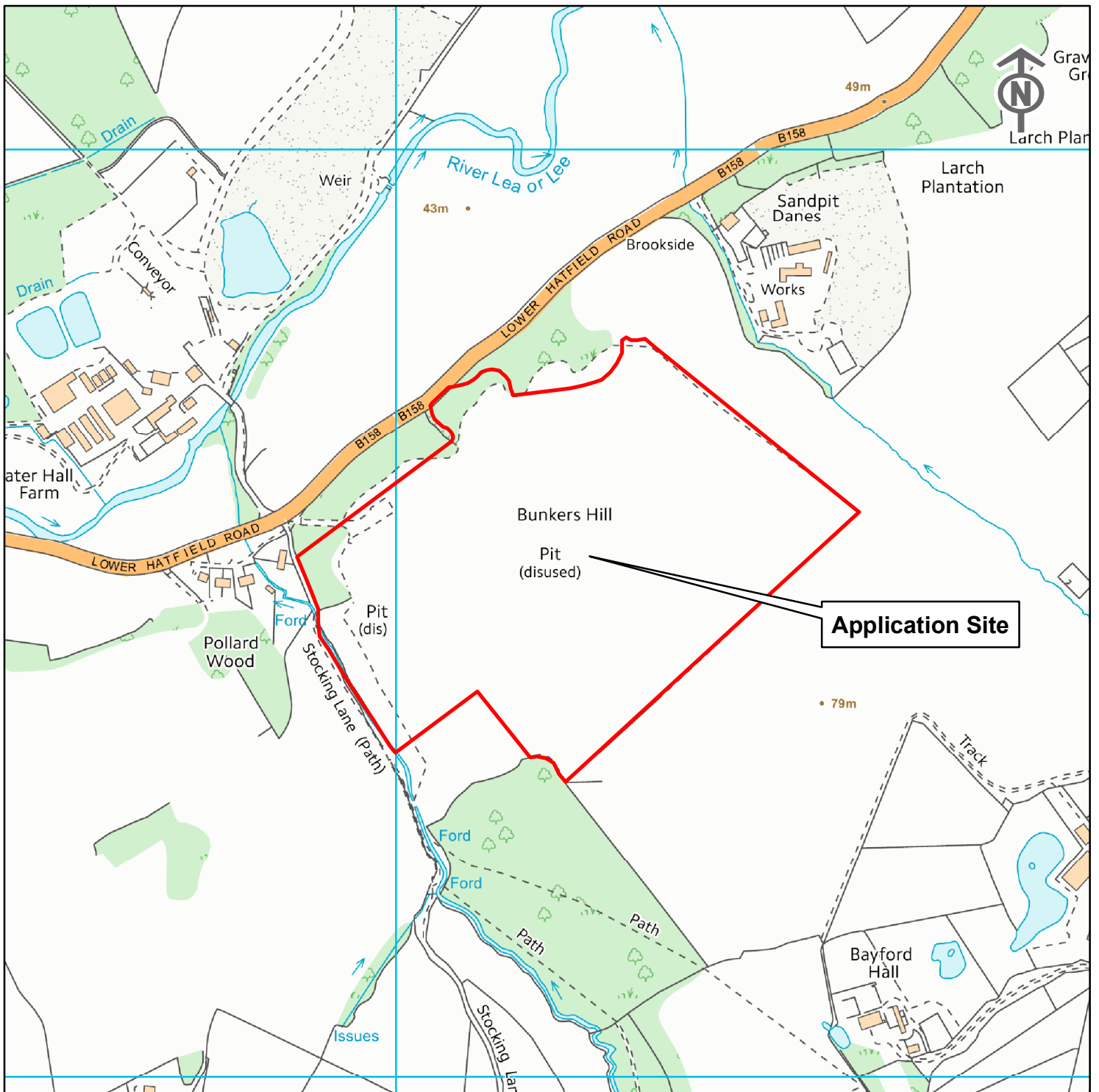
10. Conclusion

10.1 The proposed development would provide for an alternative restoration of Bunkers Hill Quarry involving the retention of a significant volume of excess material on site to be included as part of the final landform.

10.2 The proposed scheme would result in a number of unacceptable impacts upon the local environment, and therefore it is recommended that planning permission should be refused for the following reasons:

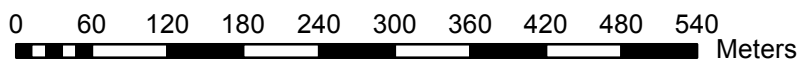
- The proposal constitutes inappropriate development in the Green Belt. There are no very special circumstances apparent to outweigh the harm to the Green Belt and other harm identified. The proposal is thereby contrary to the provisions of the NPPF (Paragraphs 87 and 88), Policy 6 Green Belt of the Hertfordshire Waste Development Framework: Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 Adopted November 2012, and Policy GBC1 of the East Herts Local Plan Second Review 2007.
- The proposed development by reason of the scale and mass of the landform would harm the openness of the Green Belt. The essential characteristics of Green Belts are their openness and their permanence (NPPF, Paragraph 79). The proposal would thereby be contrary to the provisions of the NPPF and of Policy GBC1 of the East Herts Local Plan Second Review 2007.
- The proposed landform would be out of character with the landscape character area contrary to Minerals Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan Review 2007.
- The retention of the excess material on site is unnecessary for the appropriate restoration and afteruse of the site. The proposal is thereby contrary to Minerals Policy 15 (Landfill) of the Hertfordshire Minerals Local Plan Review 2007 and Policy 4 (Landfill and Landraise) of the Hertfordshire Waste Development Framework: Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 Adopted November 2012.
- The application fails to demonstrate that a sustainable agricultural afteruse would be achieved, or to provide sufficient information to cover the aftercare period. The proposal would be contrary to Minerals Policy

13 of the Hertfordshire Minerals Local Plan Review 2007, and Policy 11 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026.



DEVELOPMENT CONTROL COMMITTEE
Date: Thursday 26th May 2016

Planning application for the variation of condition 71, the pre-settlement contours is being sought to regularise the tipped contours on site and also to provide details on the landscaping restoration and after use to reflect the new contours and to discharge condition 73 at Waterhall Quarry Complex, Lower Hatfield Road, Hertford, SG13 8LF



Proposed Woodland Planting				
Species	Common Name	Specification	%	Qty
<i>Quercus robur</i>	English Oak	Tr 40-60cm 1+1 BR	25	3410
<i>Acer campestre</i>	Field Maple	Tr 40-60cm 1+1 BR	15	2045
<i>Tilia cordata</i>	Small-leaved Lime	Tr 40-60cm 1+1 BR	20	2725
<i>Salix caprea</i>	Goat Willow	60-80cm 0/1 BR	15	2045
<i>Corylus avellana</i>	Hazel	40-60cm 1+1 BR	15	2045
<i>Prunus avium</i>	Wild Cherry	Tr 40-60cm 1+1 BR	10	1365

To be notch planted in a random mix at 2m centres. Goat willow and hazel to be planted towards the outside edge of the plots. All plants to be protected with suitable spiral guards, supported by bamboo canes.

Area Returned to Agriculture

To be treated in accordance with the landowners requirements for future agricultural use. Details to be forwarded to Hertfordshire County Council upon request.

Proposed Hedgerow Planting				
Species	Common Name	Specification	%	Qty
<i>Crataegus monogyna</i>	Common Hawthorn	Tr 40-60cm 1+1 BR	35	1410
<i>Prunus spinosa</i>	Blackthorn	Tr 40-60cm 1+1 BR	25	1005
<i>Corylus avellana</i>	Hazel	Tr 40-60cm 1+1 BR	10	405
<i>Acer campestre</i>	Field Maple	Tr 40-60cm 1+1 BR	10	405
<i>Rosa canina</i>	Dog Rose	60-80cm 1+1 BR	10	405
<i>Viburnum opulus</i>	Guelder Rose	40-60cm 1+1 BR	10	405

To be planted in single species groups of 5-6 plants, in double staggered rows approx. 45cm apart, with 5 plants per linear metre. All plants to be protected with spiral guards, supported by bamboo canes.

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Follow any figured dimensions - do not scale. IF IN DOUBT ASK.

Revision History		Date
J	Amended following HCC comments and consideration of design options	26.02.16
K	Planting spec amended	29.02.16

Key:

Plan

- Application Boundary
- Existing 1m Contours
- Proposed 1m Contours
- Existing Woodland
- Proposed Woodland
- Proposed Hedgerow
- Area Returned to Agriculture
- Proposed Agricultural Access
- Area where the Proposed Contours are the same as Consented



NOTES:

- All new woodland and hedgerow planting to be planted on a 500mm depth of topsoil. Any topsoil imported into the site to be multi-purpose topsoil that conforms with the requirements of BS3882:2015. Topsoil to be spread in accordance with BS3882:2015.
- All planting to be certified local provenance (seed zone 405) subject to availability.
- All planting to be maintained weed free to a 300mm diameter area until the canopy has closed, using an appropriate non-residual glyphosate based herbicide, or via hand-pulling.
- All failed planting to be replaced on a like-for-like basis for the first 5 years after planting.
- Hedgerows to be maintained at a height of approximately 1.8m. Hedgerows to be trimmed every 2-3 years to promote a dense, bushy shape.
- Tree guards to be maintained for the first five years after planting.

Chester Office: West House Farm Breton Chester CH4 6DH	South Manchester Office: Cavendish House 76 Water Lane Wilmslow SK9 5BB	
0844 8700 007 - www.axisped.co.uk		
client:	Terra Consult	
project:	Bunkers Hill Quarry	
drawing title:	Landscape Proposals	
date:	February 2015	drawn by:
drawing number:	1743-01-01	checked:
scale(s):	Plan 1:1250@A1	status:
		For Planning
		rev:
		K
planning · environment · design		

WATER HALL QUARRY COMPLEX

SUMMARY OF APPROVED RESTORATION LEVELS AT SOUTHFIELD WOOD, NEW FIELD, BUNKERS & POLLARDS AS AT MARCH 2007

NB: Peak levels are approximate and have been calculated from the nearest applicable 'whole' (metre) contours as shown on the attached 'approved' plans. The attached copies of the plans have been reduced for ease of copying and circulation and are not therefore at the scale as shown on the drawings.

Southfield Wood:

(Non-inert Commercial/Industrial Waste):

Pre-settlement contours (Plan AS 9/4 dated 13/07/1999), Peak Level: 79.3m.

Post-settlement contours (Plan AS 10/5 dated 12/07/1999), Peak Level: 76.1m.

(Predicted overall final settlement at peak > 3.0m).

New Field:

(Surplus, Inert Overburden Disposal Only):

Pre-settlement contours (Plan AS 9/4 dated 13/07/1999), Peak Level: 74.5m.

Post-settlement contours (Plan AS 10/5 dated 12/07/1999), Peak Level: 74.5m.

(No appreciable net change due to nature and limited depth of fill).

Bunkers Quarry:

(Inert waste Only):

Pre-settlement contours (Plan SQE/BHQ/05a, 19/10/2000), Peak Level: 76.4m.

Post-settlement contours (Plan SQE/BHQ/04, 20/12/1999), Peak Level: 76.3m.

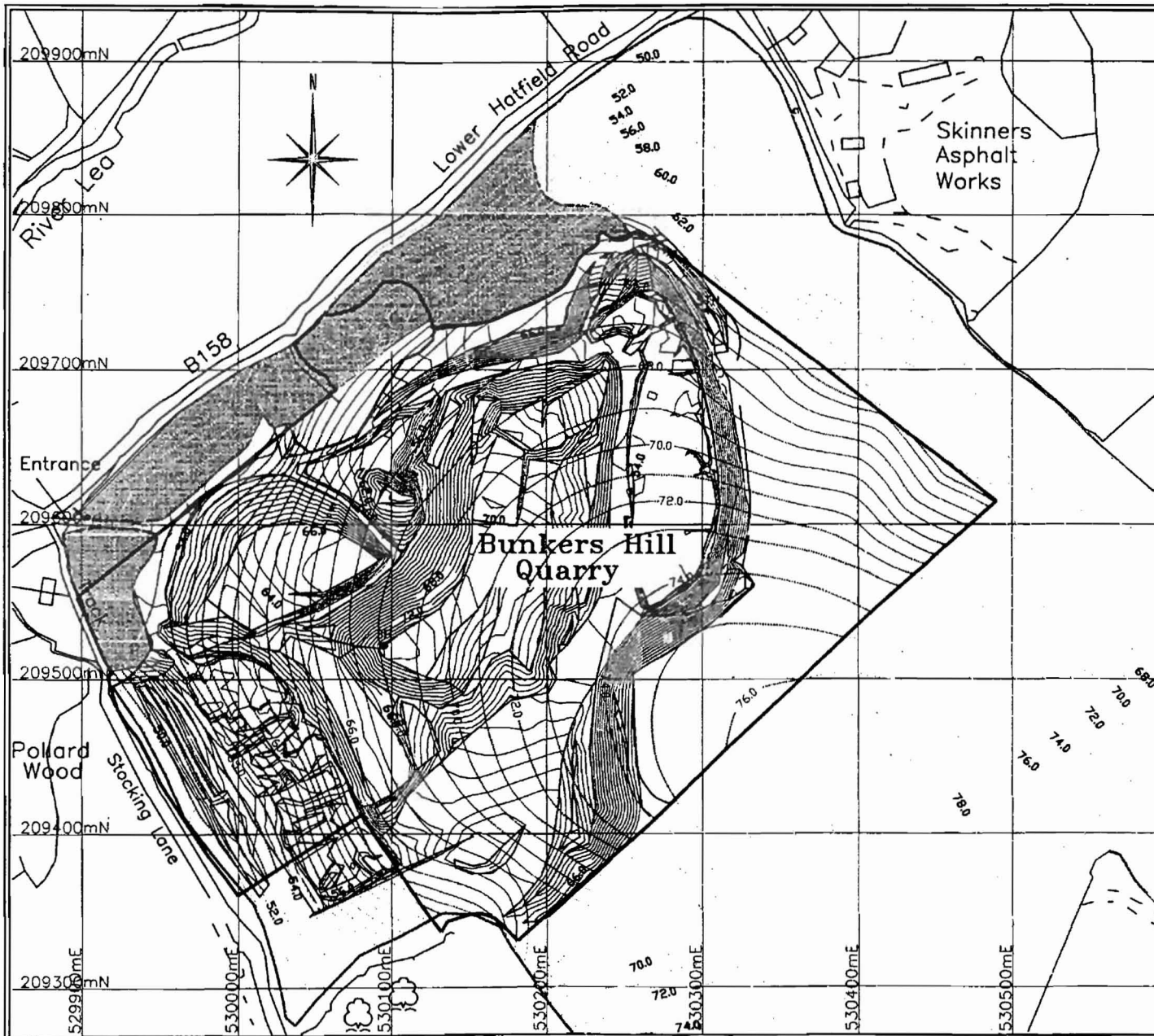
(Predicted overall settlement at highest point is negligible as 'peak' is located on southern site boundary. However, predicted settlement increases to circa 0.5-1.0m within centre of landfill area).

Pollards Quarry (Restoration Completed 2005/06):





(Inert Waste Only):

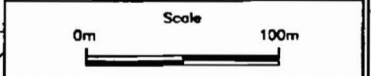
Pre-settlement contours (Plan SQ/PQ/02a dated 23/09/1999), Peak Level: 74.5m

(Predicted overall settlement at highest point is negligible as 'peak' is located on southern site boundary in Phase 1. However, predicted settlement increases to circa 0.5m within centre of landfill area).



Key

-  Limit of Current Planning Consent
-  Existing Contours (mAOD)
-  Proposed Pre-Settlement Contours (mAOD)
-  Existing Woodland and hedges to be retained.



Notes

Site plan based on survey information updated during 1998.

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Site
Bunkers Hill Quarry

Project
Outline Restoration Scheme

Title
Proposed Pre-Settlement Restoration Contours

Plan No.
SQE/BHQ/05a

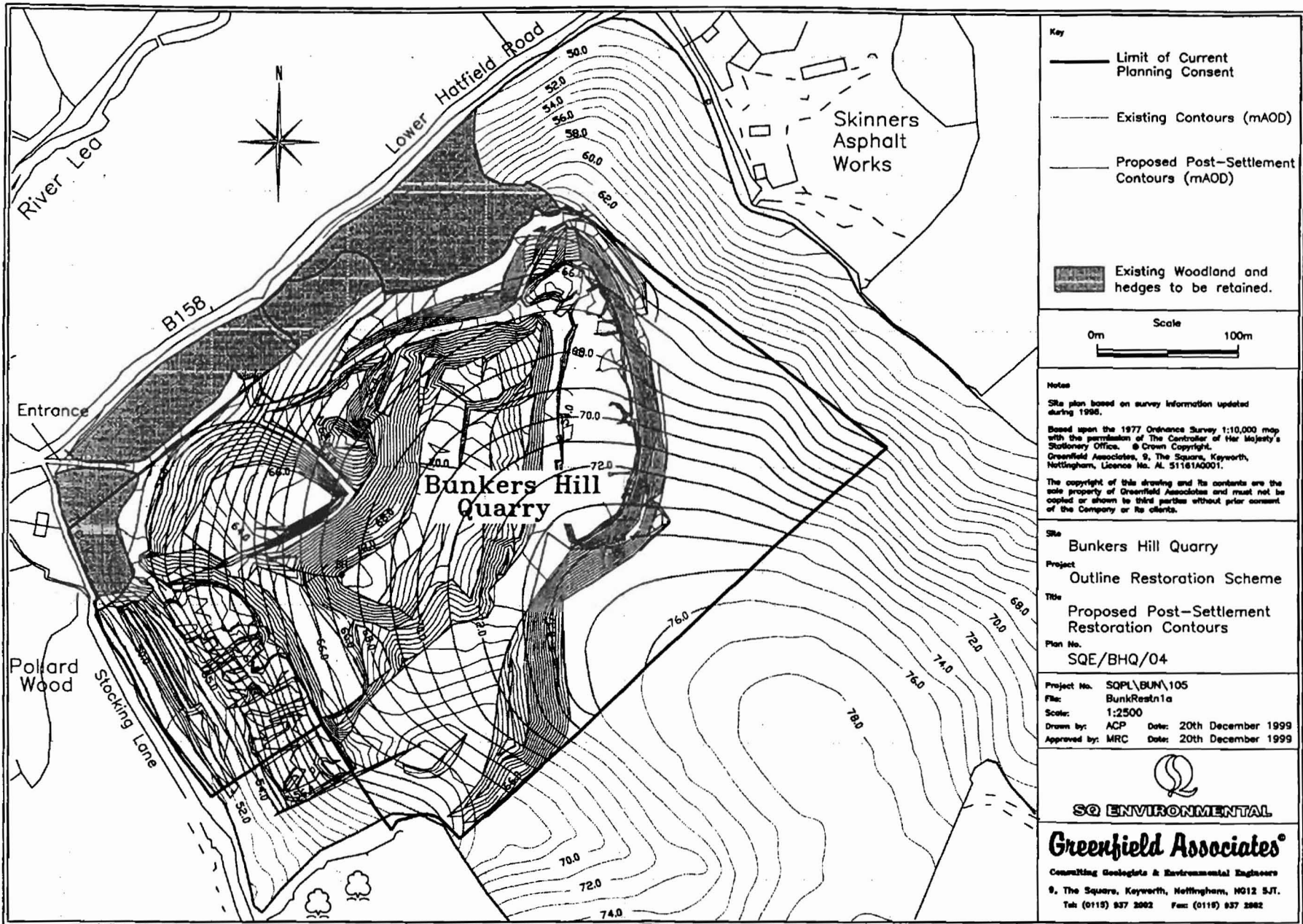
Project No. SQPL\BUN\105
File: PreRestn1d
Scale: 1:2500
Drawn by: ACP **Date:** 19th October 2000
Approved by: MRC **Date:** 19th October 2000







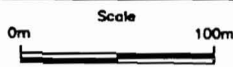
SQ ENVIRONMENTAL

Greenfield Associates[®]

Consulting Geologists & Environmental Engineers
 9, The Square, Keyworth, Nottingham, NG12 5JT.
 Tel (0115) 937 2002 Fax (0115) 937 2882



- Key**
-  Limit of Current Planning Consent
 -  Existing Contours (mAOD)
 -  Proposed Post-Settlement Contours (mAOD)
 -  Existing Woodland and hedges to be retained.



Notes

Site plan based on survey information updated during 1998.

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Site
Bunkers Hill Quarry

Project
Outline Restoration Scheme

Title
Proposed Post-Settlement Restoration Contours

Plan No.
SQE/BHQ/04

Project No. SQPL\BUN\105
File: BunkRestn1a
Scale: 1:2500
Drawn by: ACP **Date:** 20th December 1999
Approved by: MRC **Date:** 20th December 1999



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 9, The Square, Keyworth, Nottingham, NG12 5JT.
 Tel: (0115) 937 2002 Fax: (0115) 937 2002



Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

Application No: 3/0785-15 (CM0093C)

Description & location of development:

APPLICATION FOR THE VARIATION OF CONDITION 71 (PRE SETTLEMENT CONTOURS) TO REGULARISE THE TIPPED CONTOURS ON SITE, PLUS DETAILS ON LANDSCAPING, RESTORATION AND AFTER USE AT BUNKERS HILL QUARRY, LOWER HATFIELD ROAD, LITTLE BERKHAMSTED, HERTFORDSHIRE, SG13 8LF

AT:

BUNKERS HILL QUARRY, LOWER HATFIELD ROAD, SG13 8LF

**To: Mat Nicholson
TerraConsult (South) Ltd
Dugard House
Peartree Road
Colchester
Essex
CO3 OUL**

In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby REFUSES the development proposed in your planning application dated 27th March 2015 for the reasons set out in schedule 1 of this notice

Dated: 13th day of July 2015

Signed:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

TEAM LEADER, DEVELOPMENT MANAGEMENT

**APPLICATION FOR THE VARIATION OF CONDITION 71 (PRE-SETTLEMENT CONTOURS)
TO REGULARISE THE TIPPED CONTOURS ON SITE, PLUS DETAILS ON LANDSCAPING,
RESTORATION AND AFTER USE AT BUNKERS HILL QUARRY, LOWER HATFIELD ROAD,
LITTLE BERKHAMSTED, HERTFORDSHIRE, SG13 8LF**

**SCHEDULE OF REASON(S) FOR REFUSAL TO BE ATTACHED TO PLANNING
PERMISSION 3/0785-15(CM093C)**

TOWN AND COUNTRY PLANNING ACT 1990 Section 114

Appeals to the Department for Communities and Local Government.

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice using the online service at www.planningportal.gov.uk/planning/appeals.

If you cannot access the online service, you will need to submit your appeal by post. You can contact the Planning Inspectorate Customer Services Team on 0117 372 6372 or email enquiries@pins.gsi.gov.uk to obtain a set of paper appeal forms.

The Department for Communities and Local Government can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Department for Communities and Local Government need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Department for Communities and Local Government does not refuse to consider appeals solely because the local planning authority based its decisions on a direction given by him.

Dated: 13th day of July 2015

Signed:



TEAM LEADER, DEVELOPMENT MANAGEMENT

APPLICATION FOR THE VARIATION OF CONDITION 71 (PRE-SETTLEMENT CONTOURS) TO REGULARISE THE TIPPED CONTOURS ON SITE, PLUS DETAILS ON LANDSCAPING, RESTORATION AND AFTER USE AT BUNKERS HILL QUARRY, LOWER HATFIELD ROAD, LITTLE BERKHAMSTED, HERTFORDSHIRE, SG13 8LF

SCHEDULE OF REASON(S) FOR REFUSAL TO BE ATTACHED TO PLANNING PERMISSION 3/0785-15(CM093C)

Schedule 1

Reason(s) for refusal of planning permission

1. The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt which should not be approved except in very special circumstances. There are no very special circumstances that clearly outweigh the harm. The proposal is thereby contrary to the NPPF (paragraph 88) and Policy GBC1 of the East Herts Local Plan Second Review Adopted 2007.
2. The proposed landraising would have a detrimental impact upon the openness of the Green Belt. The proposal is thereby contrary to the aims of the National Planning Policy Framework (paragraph 79) and its fundamental of keeping Green Belt land as permanently open
3. The proposed level of importation is unjustified for the purposes of restoring a former mineral working to agricultural afteruse. The application has not demonstrated that an appropriate standard of restoration suitable for agricultural afteruse would be achieved. The proposal is thereby contrary to Policies 13 (Reclamation) and 14 (Afteruse) of the Minerals Local Plan 2007.
4. The proposed landform would be uncharacteristic of the topography of this part of the Landscape Character Area (Essendon – Brickenden Farmed Slopes) to the detriment of the visual amenity of this section of the River Lea Valley. The proposal is thereby be contrary to Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan 2007.

Dated: 13th day of July 2015

Signed:



TEAM LEADER, DEVELOPMENT MANAGEMENT

HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE

THURSDAY 26 MAY 2016 AT 10.00 AM

HERTSMERE BOROUGH

Agenda No.

3

APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION 0/2529-10 TO PERMIT COMPLETION OF THE ENTIRETY OF FORMER DEFINED PHASE 2, CONSEQUENT UPON ALREADY CERTIFIED COMPLETION OF FORMER DEFINED PHASE 1, INCLUDING THE RE-GRADING OF MATERIALS ON SITE AND IMPORTATION OF SUPPLEMENTARY MATERIALS, AT DYRHAM PARK GOLF AND COUNTRY CLUB, GALLEY LANE, BARNET, EN5 4RA

Report of the Chief Executive and Director of Environment

Contact: Rob Egan Tel: 01992 556224

Local Member: Morris Bright

1. Purpose of Report

1.1 To consider planning application reference 0/0462-16 for the variation of Condition 3 of planning permission 0/2529-10 to permit completion of the entirety of former defined Phase 2, consequent upon already certified completion of former defined Phase 1, including the re-grading of materials on site and importation of supplementary materials, at Dyrham Park Golf and Country Club, Galley Lane, Barnet.

2 Summary

2.1 This planning application seeks to vary Condition 3 of planning permission 0/2529-10 in order to allow a re-contouring of the land, where it is intended to construct a nine-hole academy golf course, in variance to the contours authorised by the original planning permission.

2.2 The proposed development seeks to retain waste materials presently on site and to import a further 75,230 cubic metres of waste materials in order to facilitate the changes.

2.3 The purpose of the development is to allow the new course to fully complement the existing 18-hole golf course at Dyrham Park, thus attracting new members, visitors and guests, thus ensuring that the facility is financially viable. Surplus money from the carrying out of the development (through tipping fees) is also required to be spent on the listed building at Dyrham Park, in order to meet the applicant's obligations under the lease it holds from the county council.

- 2.4 It is considered that the large scale of the development is inappropriate within the Green Belt, having an adverse impact on openness. Furthermore, the applicant has failed to demonstrate that there are very special circumstances that outweigh the harm to openness.
- 2.5 The proposed development has an adverse impact on the local landscape, especially that of the historic parkland that it is set within. It is of a scale and bulk that is completely out of keeping with its surroundings. In addition, it adversely impacts upon the local amenity of adjacent residential properties.
- 2.6 The applicant has failed to justify the need for the re-contouring of the land. Accordingly, it is recommended that planning permission be refused.

3. Description of the site and proposed development

- 3.1 Dyrham Park Country Club covers an area of some 200 acres of parkland estate. The land is owned by Hertfordshire County Council. The applicant is Dyrham Park Country Club, a long term leaseholder of the land. The club is located about 2 kilometres north east of Borehamwood, about 3 kilometres south west of Potters Bar and about 3 kilometres west of Barnet. The A1 is located directly to the west of the club with an on/off slip road on the southbound carriageway of the A1 very close to the entrance to the golf club. Junction 23 of the M25 motorway, where it meets the A1(M) is located approximately 1.5 kilometres to the north. The club is located within the Green Belt and is locally registered parkland.
- 3.2 The application site comprises land to the south of the club house as well as the driving range to the east of the house. The land to the south is historic parkland consisting of grassland with a high number of mature trees and a number of existing ponds.
- 3.3 Land to the north and east of the club house is an eighteen-hole golf course and driving range. This golf course and driving range are also designated as a County Wildlife Site. The club is accessed off Galley Lane via a driveway. A public right of way (South Mimms footpath 62) runs from west to east along the southern boundary of the country club, adjacent to the proposed academy course. The footpath is not located within the planning application boundary.
- 3.4 The nearest residential properties are Brook House (approximately 15 metres from the southern site boundary), Little Dyrham (about 60 metres from the southern site boundary) and Valentine's Farm and Valentine's farm house (positioned approximately 50 metres from the western site boundary).

- 3.5 A temporary access into the application site has been constructed off Galley Lane with an internal haul road leading into the site. The first section of this is concreted and wheel washing facilities have been installed.

Planning and enforcement history

- 3.6 Planning permission reference 0/1394-06 was granted by the county council on 26 March 2007 for a landscaping bund.
- 3.7 Planning permission reference 0/2529-10 was granted by the county council on 8 July 2011 for the importation of clean inert soils for the creation of an additional nine-hole golf course and improvements to an existing golf driving range. It is this permission that the present variation of condition application relates to.
- 3.8 An application for a proposed variation of Condition 7 of planning permission 0/2529-10 was submitted in November 2012, reference 0/2444-12. This sought to increase the hourly vehicle movements within presently agreed hours and the approval of an enhanced Traffic Management Scheme along the A1(M) and the installation of agreed verge protection. The application was withdrawn by the applicant in February 2013.
- 3.9 The county council obtained evidence that there was a failure to comply with Condition 7 of planning permission reference 0/2529-10. Excessive numbers of HGVs were observed entering the site, far greater than the 100 daily movements (50 in, 50 out) allowed under the planning permission. The county council therefore served a Breach of Condition Notice on both Dyrham Park Country Club Ltd and Knowl Hill Ltd (the developers of the golf course) on 26 March 2013.
- 3.10 A subsequent application to vary Condition 7 of planning permission 0/2529-10 was made in May 2013, reference 0/1225-10. This sought to remove the hourly limit of deliveries and departures at the site. The application was withdrawn by the applicant in July 2013.

4. Consultations

4.1 Hertsmere Borough Council – Planning

Raises no objection – Condition 3 was not recommended by Hertsmere Borough Council, and therefore no comments are made.

4.2 Hertsmere Borough Council – Environmental Health

We have reviewed the documentation relating to the application and have the following comments to make:

- a) Under the existing planning permission, Hertsmere Borough Council Environmental Health department, together with the Environment Agency carried out joint inspections of the development site during the importation of material. These inspections were to ensure compliance with their Environmental Permit. During these inspections concerns were raised with the contractor, being able to provide documentation upon request to demonstrate how much material had already been imported to date. The contractor was unable to provide this at the time of our inspection and therefore more material may already be on the site, over and above what has been approved in the existing planning permission. We would therefore request that the applicant provides, as part of this planning application, documentation to detail how much material has already been imported onto the site in accordance with their current planning permission. This figure should be cross referenced with the Environment Agency records to provide further verification.
- b) The planning permission has failed to provide justification for the further 75,230 cubic metres of material to permit completion of phase 2. The original planning application was to import 250,000 cubic metres of material in two stages over the 2 years period back in February 2011 and now the applicant is requesting another 75,230 cubic metres over a 6-8 months period. Environmental Health would question why the applicant requires a further 75,230 cubic metres of material. The applicant has not provided as part of the planning application justification for the further 75,230 cubic metres of material and we would request that a report is provided to the planning authority to demonstrate the requirement.
- c) If the applicant requires the importation of another 75,230 cubic metres of material to complete the works, this will require a variation in the Environmental Permit issued by the Environment Agency. The current environmental permit only allows the importation of 500,000 tonnes. Therefore the applicant will need to increase the amount of material to be imported. This variation on the existing Environmental Permit is provided to the Planning Authority prior to increasing the importation. We would request that this is a condition on the planning permission to ensure that importation doesn't commence without the necessary permits.

In conclusion, Hertsmere Borough Council Environmental Health department would request **REFUSAL** of the variation of condition 3 as no documentation has been provided to demonstrate the current amount of imported material on site to date and no justification for a further 75,230 cubic metres of material has been provided.

4.3 Environment Agency

We object to the proposed development as we do not believe it is appropriate for its location as it may pose an unacceptable risk to the environment.

Reasons

The proposal submitted would have a fundamental change to the type of development at the site. The development could no longer be a waste recovery activity and would be regarded as a waste disposal activity (i.e. a Landfill). This is because the development is no longer minimising the quantity of waste required for the development. As such, this development would need to comply with the Landfill Directive and waste disposal policies in the waste core strategy which have not been assessed.

Any such change would require a variation to the sites Environmental Permit under the Environmental Permitting Regulations 2010. The new proposals involve the importing an additional 75,230 cubic metres of waste on top of the 500,000 tonnes which is already permitted at the site. This is a significant increase in total volume of waste imports and the Environment Agency would view such application as a disposal activity.

It is likely the only way the development could be completed to the revised levels would be to change the activity type to a Landfill, which would no longer fit with this planning permission.

This objection is supported by paragraph 122 of the National Planning Policy Framework (NPPF) which recognises that the planning system and pollution control regimes are separate but complementary. Planners are asked to consider the acceptability of the proposed use of land and the impacts of that use, but not the control of processes and emissions that will be covered by a permit.

Government planning policy as set out in the National Planning Policy Framework (NPPF) states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution (paragraph 120).

Resolution

There is no simple resolution to this objection. The solutions to achieve a revised course would be to withdraw the current application and either:

- submit an application for landfill to achieve the levels desired. This would need to be supported by appropriate assessments and be in line with the waste policies and strategies and supported by environmental risk assessments.
- Alternatively the applicant could submit proposals at a reduced elevation to prevent the need for any further import of waste/material and landscape using the material already present on site.

4.4 Hertfordshire County Council - Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

INFORMATIVE:

This application seeks full planning permission to continue importation of inert waste soils and formation materials onto the former parkland site to enable the regrading and laying out of a new nine-hole Par-3 Golf Course. Those areas where imported soils will be deposited and graded are shown on the application plans.

The proposal will be carried out over a projected period of about 2 years, including an estimated 6-8 month importation program after initial set-up. HGV movements will remain the same as that already permitted. The Highway Authority therefore has no objection to the proposal.

4.5 Hertfordshire County Council – Flood Risk Management

As the LLFA we assess implication of the new proposal on the water drainage matters.

We note that the application is proposing to continue importation of inert waste soil, which will have implication on water-flows, should improve the drainage strategy within the site and will increase pond capacity.

We would remind that the requirements set out by the conditions 19 and 20 relating to Surface water/Flood risk, are still remaining valid. Hence, the FRA should be updated taking into account the new development and submitted to the relevant authority to be assessed with the aim of discharging those conditions.

Informative to the LPA

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

4.6 Hertfordshire County Council - Landscape

Landscape Policy & Guidelines¹

National Planning Policy Framework

The NPPF² promotes the conservation and enhancement of the natural environment and good design, ensuring that developments respond to local character and are visually attractive as a result of good landscape design.

Landscape character

The site lies within the Arkley Plain landscape character area as defined within the current local Landscape Character Assessment.³ Dyrham Park is identified as a key characteristic of the area and the landform is described as a '*broadly level and gently undulating plain which rises up ... to the east.*'

- The strategy for managing change in this area is to **improve** and **conserve**. In order to achieve this, the following guidelines should help shape the proposed development: Within Dyrham Park ensure landscape improvements respect the historic context of existing features and the form and character of parkland and gardens.
- Promote the development and implementation of landscape management plans for all golf courses...establishing a strong landscape framework that reflects the historic landscape pattern.

Golf in Historic Parks and Landscapes (Historic England)

Historic England advice and guidance for 'Golf in Historic Parks and Landscapes' states that, '*Alterations to existing courses can provide an opportunity for positive change in the approach to managing golf in parkland. Proposals should be designed to conserve the fabric, character and significance of the historic environment, to repair any damage done by previous golf development, and to put in place appropriate long term management both in terms of the historic landscape and the enjoyment of the site.*'

Conclusion

Overall the proposal results in more significant negative landscape and visual effects than the extant permission, due to the importation of a larger quantity of material, over a longer duration. The proposed land raising and ground shaping results in a more complex topography and greater changes in level that are at odds with the historic parkland character.

The rationale underpinning the landscape and mitigation proposals is not clear. The landscape strategy should be based upon a more

¹ The policy and guidance listed is not exhaustive, refer to NPPF and relevant Local Plans

² National Planning Policy Framework (7 Requiring Good Design & 11 Conserving and Enhancing the Natural Environment)

³Southern Hertfordshire, The Landscape Partnership 2001

detailed understanding of the historic designed parkland landscape, and seek to conserve and restore important landscape features wherever possible.

Landscape and Visual Comments⁴

Cumulative Effects

- Quantity of material

With regards the '9 Hole Par 3 Course' area the submitted information reads that it is proposed to import 75,230 cu m in addition to the 176,000 cu m allowed under the extant permission, resulting in a total of 251,230 cu m of material deposited in this area.

However, these figures are misleading as an independent survey shows that there is already 303,692 cu m of material within this area. The proposal to import an additional 75,230 cu m will therefore result in a total deposition of 378,922 cu m of material. This represents a substantial increase in the volume of imported material that is likely to result in significant landscape and visual effects.

The cumulative landscape and visual effects of the permitted and proposed development, upon the original landscape and visual resource, is a key consideration. The continued deposition of material (above that which is permitted 176,000 cu m), results in extensive land raising and ground shaping, that has a permanent significant negative effect on the landscape resource (historic parkland landscape character) and the amenity of views. See comments under landform.

- Duration of construction

It is proposed to carry out the development over two years, in addition to the two years already permitted under the extant permission. The cumulative effects of carrying out construction activities, and delaying the restoration and enhancement of the landscape and views, over a prolonged period of four years is a key consideration.

In this context, four years is considered relatively short term, the delivery of advanced planting would be beneficial wherever possible to help mitigate against the additional negative effects of the development.

Historic Landscape Character

Dyrham Park has a rich history dating from 1776, and was designed by Lancelot 'Capability' Brown, one of history's most influential landscape architects.

⁴ Comments are given in line with current best practice guidance "Guidelines for Landscape and Visual Impact Assessment Third edition, Landscape Institute and Institute of Environmental management and Assessment." (GLVIA3)

There is strong concern for the submitted landscape details that make little reference to the significant history of the site. Historic designed parkland landscapes are highly likely to include important aspects such as subtle changes in landform, and the careful arrangement of views and vistas, that should be acknowledged, restored and enhanced within the golf course design.

The submitted 'Landscape & Mitigation Plan' (GGD-188-2595) shows a small area of formal historic landscape retained, however the rationale underpinning its design/management is not clear.

Across the site it is proposed to retain some existing landscape features such as individual trees, hedgerow remnants, and two existing ponds; however their distinctiveness is reduced due to the extent of land raising, a complex topography of hummocks and hollows, and numerous golf course features such as greens, tees and the cart track. In such a sensitive setting, where the principle of a golf course has been established, it may be appropriate to introduce a series of localised, incidental hummocks and hollows; however any important historic elements (features and views) should be restored and enhanced to maintain the strength of the historic parkland landscape character.

Landform

- Submitted information

With regard the submitted plans and sections they should show the original ground levels (as historic parkland before the implementation of the extant permission), the approved levels, and the proposed levels altogether, so that the cumulative effects of the approved and proposed schemes upon the original landscape resource (historic parkland landscape character) can be clearly demonstrated and compared.

The topography of the site, prior to the importation of any material, was relatively flat and gently sloping away to the south. This is consistent with the character of this landscape character area 'Arkley Plain' that is described as a '*broadly level and gently undulating plain.*'

With regards the submitted sections the proposed profile is missing in places.

- Land raising / ground shaping

Historic England advice and guidance for 'Golf in Historic Parks and Landscapes' states that '*Where change in level are acceptable, but the holes are still within the historic designed landscape, the historic topography should be recorded and the alterations to ground levels should be kept to a minimum, with levels for greens raised by no more than 1m (preferably less), and tees by no more than 0.5m.*'

Notwithstanding the above guidance, there is concern for the extensive land raising, the introduction of a more complex topography of contrived hummocks and hollows, and greater changes in level up to 9m above original ground levels, than the extant scheme that is at greater odds with the historic parkland landscape character and interrupts any visual continuity across the site.

For example there appears to be a distinct, steep valley feature accommodating hole number 5. Section D-D shows the height of the valley sides rising up to 4m higher than the extant permission and 7.5m higher than the original ground levels.

On reviewing the extant permission, it is apparent that levels were limited to 4.5m and more shallow gradients introduced to benefit landscape and views, and ecology. It appears that any such considerations have not been carried forward within the current proposal.

Landscape Planting

- Trees and woodland

The design and construction of the development should be carried out in line with BS5837:2012 “Trees in relation to design, demolition and construction – recommendations.”

There is strong concern for the deposition of material, and the location of the cart track, in close proximity to existing trees to be retained. Existing trees to be retained should be protected from the effects of construction, and development should not take place within the root protection area, as set out in BS5837:2012.

The submitted ‘Landscape & Mitigation Plan’ (GGD-188-2595) shows significantly less woodland planting within ‘9 Hole Par 3 Course’ area than the approved ‘Landscape & Mitigation Plan’ (GGD-188-2128).

The approved plan shows a series of woodland copses and 16 specimen trees scattered across the site. However the current plan shows a much larger and more open area of species rich natural grassland with 24 specimen trees. The overall loss of tree cover is of concern; however the woodland and tree strategy should be informed by the historic parkland design. For example the submitted information refers to the remnants of a tree avenue, where was this and could it be restored?

Cart track

The proposed cart track is not in keeping with the historic parkland character and appears as a scar in the landscape.

4.7 Campaign to Protect Rural England

CPRE Hertfordshire objects to the above proposal. No meaningful justification is set out in the applicant's Planning Statement for the importation of an additional 75,000 cubic metres of waste to construct a different landform to that approved under application 0/2529/10, and shown on the approved plans. Such justification is essential to justify departure from Green Belt policy as set out in the NPPF, the Hertsmere Core Strategy, and the Council's own Waste Core Strategy.

References to a desire for 'future-proofing' of the new course against as yet unknown and necessarily unpredictable events that might affect the site's drainage, do not constitute a very special circumstance sufficient to override the presumption against inappropriate development in the Green Belt. To the extent that they are relevant to the new course, such considerations were clearly taken into account when the current permission was determined by the Council as informed by the Flood Risk Assessment at that time.

Given the proposed significant increase in the height of the proposed landform in several areas already permitted by the existing permission (over 5.5 metres at one point), we consider that there would be an adverse impact on the openness of the Green Belt, the setting of the listed Dyrham Park, and of the Historic Parkland.

Although the extent of the proposed changes is shown in the submitted cross-sections, and we draw the Council's attention to section C-C which shows an incomplete central section of the proposed ground level at a point of major proposed change to the landform.

Furthermore, we are concerned that the introduction of the artificially surfaced buggy track through the entire par 3 course, referred to in paragraph 7.10 of the Planning Statement and shown on the proposed masterplan crossing what is the currently protected Historic Landscape Area around the long-established Dyrham Park Pond, would have a significantly adverse impact on the Historic Park landscape, and should not be permitted.

CPRE Hertfordshire therefore asks the County Council to refuse the application, and to ensure that the works to complete the permitted development are carried out in accordance with the current planning permission and its attendant conditions.

4.8 Hertfordshire Gardens Trust

HGT and The Gardens Trust (of which HGT is a member) object to this application. We note no reference has been made to the importance of the landscape laid out by 'Capability' Brown in the mid 1760s, the large amount of money expended on this indicate an important remodelling of the landscape.

No meaningful justification is included in the documents to import large amounts of waste and thus change the Brownian landscape. Further the suggestions for landscaping the pond take no account of the historic planting of Cedars of Lebanon, a tree much used by Brown, nor of the original sculpted shape of the pond. We are aware that this landscape has been referred to Historic England for inclusion on the Register as this is the tercentenary of the birth of Brown and thus his landscapes are a focus in 2016. We would urge you to consult Historic England on this application.

4.9 Third Party Comments

The application was advertised in the press and a total of 29 letters were sent to residents and other premises in the surrounding area. A site notice was erected on 8 March 2016.

Seven responses have been received, all objecting to the application. These can be summarised as follows:

- There is a risk to highway safety as Galley Lane is narrow, often single track and not wide enough for the HGVs.
- The road was previously severely damaged with considerable pot holes and damage to verges. The surface of the road has since been repaired, although not at the expense of the developers.
- The early morning running of HGVs into the site during the rush hour onwards will pose a risk to highway safety.
- There was previously mud on the road as a result of the development.
- The wheel wash was not always used as there was no site officer ensuring that this took place.
- Residents' cars were often covered in mud due to HGV traffic and mud on the road.
- Drainage has resulted in water coming from the site and running down Galley Lane – this has frozen in the winter resulting in a hazard.
- The developers previously flouted HGV numbers going into the site.
- Trotters Bottom was regularly used by HGVs accessing the site in contravention of the planning permission.
- There has been damage to residents' walls and a driveway through HGVs running over them/against them – the developers have refuted that they are the cause of this and refused to make repairs.
- The developers have already flouted the planning permission by importing more waste than was permitted.
- Waste was previously deposited outside areas covered by the planning permission.
- The existing development is an eyesore. The proposed further importation will make this worse.
- The historic parkland at Dyrham Park is being spoilt by this development.

- The application site used to be attractive meadows – it's now a wasteland.
- The proposed 'wildlife areas' have already been tipped on, destroying the ecology that previously existed.
- Ancient trees sit at a lower level to the imported waste – this must have an adverse impact on them.
- Drainage along the footpath running through the site has been adversely affected due to the dumping of soils. A swampy area has been created, which is foul smelling.
- Drainage issues have resulted in turbidity in Mimms Hall Brook, which is where drinking water in the area is obtained from.
- Drainage and its impact on existing trees is of concern.
- The main sewer runs along Mimms Hall Brook – this could be compromised by the development resulting in pollution of the brook.
- The survival of existing trees on the site is unlikely as soils have been piled up against them.
- The proposal will result in significant disruption through the further importation of material.
- The developers should complete the development in accordance with the existing planning permission.
- There should already be significant funds to finish the development, especially as it has already been over tipped.
- The proposed course is far smaller than the one already given planning permission so there is no need for additional waste material.

5. Planning Policy

National Planning Policy Framework 2012 (NPPF)

- 5.1 The NPPF was released in March 2012. The NPPF contains the presumption in favour of sustainable development. The document also promotes the development plan as 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.
- 5.2 The NPPF refers to three dimensions of sustainable development; economic, social and environmental and the purpose of the planning system being to contribute to the achievement of sustainable development. In order to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life and improving the conditions in which people live, work, travel and take leisure.
- 5.3 The NPPF also seeks to protect Green Belt land stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by

keeping land permanently open; the essential characteristics being their openness and their permanence. Green Belt purposes include checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.4 Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

National Planning Policy for Waste 2014 (NPPW)

- 5.5 This policy document seeks to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, together with ensuring the design and layout of new development and other infrastructure such as safe and reliable transport links complements sustainable waste management.

The Development Plan

- 5.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.7 The development plan comprises the Hertfordshire Waste Development Framework Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 (the Waste Core Strategy), and the Hertsmere Local Plan.
- 5.8 The most relevant planning policies to consider for this application are:

**Hertfordshire Waste Development Framework
Waste Core Strategy and Development Management Policies
Development Plan Document 2011-2026**

Policy 1A – Presumption in Favour of Sustainable Development
Policy 4 – Landfill and Landraise
Policy 6 – Green Belt
Policy 13 – Road Transport & Traffic
Policy 15 – Rights of Way
Policy 16 – Soil, Air and Water

Hertsmere Local Plan 2003

Policy C1 – Green Belt
Policy C4 – Development Criteria in the Green Belt
Policy L1 – Leisure and Recreational Developments – General Principles
Policy L2 – Leisure and Recreational Developments – Environmental Criteria
Policy L6 – Sports Facilities
Policy E2 – Nature Conservation Sites – Protection
Policy E7 – Trees and Hedgerows – Protection and Retention
Policy E8 – Trees, Hedgerows and Developments
Policy E16 – Listed Buildings – Development Affecting the Setting of a Listed Building
Policy D3 – Control of Development Drainage and Runoff Considerations
Policy D4 – Groundwater Protection
Policy D21 – Design and Setting of Development

Hertsmere Local Plan Core Strategy 2013

Policy CS13 – The Green Belt
Policy CS14 – Protection or enhancement of historic heritage assets
Policy CS15 – Promoting recreational access to open spaces and the countryside

6. Planning Issues

The extant planning permission and current situation

- 6.1 The current planning permission allows for the importation of clean soils to carry out improvements to an existing driving range within the confines of the existing 18-hole golf course, together with the creation of an additional nine-hole academy golf course on land to the south of the 18-hole course. The development was to be carried out in two phases. Phase 1 consists of the improvements to the driving range, and Phase 2 consists of the entirety of the new nine-hole course. Commencement of Phase 2 is reliant on Phase 1 being completed to the satisfaction of the local planning authority.
- 6.2 Phase 1 has been completed to the satisfaction of the county council. Its finished contours do not accord with the approved drawing, but it was considered that there were justifiable reasons for the developers to deviate from the approved plans. The first of these was the need for the driving range to tie in with existing drainage provisions and not to result in drainage issues of its own, which would have affected it as well as the surrounding part of the existing historic 18-hole course. Secondly, the slight realignment of the driving range assists in terms of ensuring that balls hit from the driving range do not stray onto the course itself. It was therefore concluded that, although the resultant driving range has not been built in accordance with the approved drawings, it does not result in development that significantly impacts on

openness, nor is it visually intrusive. In addition, the works do not have any significant impact on the setting of the listed building. The county council invited the country club to make a retrospective planning application to cover the changes to Phase 1, but it chose not to. It was therefore formally determined that the changes to the driving range were acceptable and that it would not be expedient to take enforcement action to remedy the breach.

- 6.3 The total amount of waste to be imported for both Phases 1 and 2 under planning permission 0/2529-10 was to have been 250,000 cubic metres. The new nine-hole academy course (Phase 2) was to have had 176,050 cubic metres of fill. However, further to concerns that more waste had been imported than was originally permitted, the county council commissioned a survey of Phase 2. This took place in March 2014 and indicated that a total volume of 303,692 cubic metres of waste material had been imported to Phase 2, representing a 72.5% increase over permitted volumes.
- 6.4 As a consequence of this, the county council, in its capacity as local planning authority, advised that importation to the site should cease. At approximately the same time, the licence to carry out the works – granted by the county council in its capacity as landlord – expired, and negotiations have since been ongoing with a view to the country club obtaining a further landlord's consent to continue working on the site. Therefore, no significant works have taken place on site since March 2014 and, although substantial quantities of waste materials have been imported and deposited within Phase 2, none of the proposed nine-hole golf course has been created.

Description of the proposed development

- 6.5 The present planning application seeks to remodel the proposed nine-hole academy course from the design that was granted planning permission in 2011. As part of this, the applicants wish to import further waste materials into Phase 2, amounting to an additional 75,230 cubic metres of soils. Adding this to the material already present (from the March 2014 survey), this would give an overall volume of 378,922 cubic metres of imported material within Phase 2. Sections have been provided by the applicant to show that the resultant landform will be both higher and lower in places when compared to the approved development.
- 6.6 In respect of the course layout itself, this differs from that approved in 2011. Whilst the original design incorporated the full extent of the application site, the proposed design squeezes the nine-hole course into a smaller geographical area, with a large swathe of land on the western edge of the site alongside Galley Lane not forming part of the playing area, but now being devoted to acid grassland. As a consequence, the playing distance of the proposed nine-hole course will be shorter than the approved academy course. A two metre wide

cart track is proposed to run through the course to enable less mobile members to be able to play the course. There are also changes to the landscaping and planting when compared to the original approved scheme.

- 6.7 A water-flow analysis plan accompanies the application as the applicant states that the prevention of waterlogging and subsequent closure of the site is required in order not to lose revenue. Accordingly, land levels have changed to accommodate adequate drainage capacity and to ensure relief from future flood events within the proposed nine-hole course. This strategy takes into account drainage problems that the applicant encountered when carrying out the development of the driving range (Phase 1).

Planning issues

Green Belt

- 6.8 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. One of the stated five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The provision of opportunities for the provision of outdoor sport and recreation is encouraged within such areas, together with the retention and enhancement of landscapes, visual amenity and biodiversity.
- 6.9 As with previous Green Belt policy, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This situation is reinforced by Policy CS13 of the Hertsmere Local Plan Core Strategy 2013.
- 6.10 The NPPF states that engineering operations would not be inappropriate within the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 6.11 Policy C1 of the Hertsmere Local Plan reiterates the general presumption against inappropriate development in the Green Belt, with permission not being granted unless there are very special circumstances that overcome the harm. Policy C4 of the same plan sets out development criteria within the Green Belt. Criterion (i) states that development should be located as unobtrusively as possible and advantage should be taken of site contours, landscape features etc. to minimise the visual impact of development. Criterion (iv) states that the scale, height and bulk of the development should be sympathetic to, and compatible with, its landscape setting and not be harmful to the openness of the Green Belt.

- 6.12 Over the extent of the 18.34 hectare site, the originally approved scheme proposed – on average – an increase in land levels of 96cm. This was based on a total volume of importation to Phase 2 of 176,050 cubic metres. When the original planning application for the academy course was determined, it was considered that the amount of landraising involved would result in the retention of the land as a green space. In addition, although the topography, appearance and use of the land would change as a result of the development, it was concluded that there would be negligible harm to the openness of the Green Belt as a result of the development. Furthermore, it was considered that the proposed nine-hole course would provide a further beneficial outdoor sport/recreational use of the Green Belt, together with the provision of enhancements to the local landscape by virtue of the proposed landscaping and planting scheme, together with ecological benefits through the retention and creation of habitats and ongoing management and monitoring of wildlife on site.
- 6.13 It was also considered at that time that there was a need for the importation of clean soils in order to construct the academy course. This was due to the underlying geology of the application site, where it consists of London clay overlain with clayey soils. These are poor draining, becoming waterlogged over the autumn and winter periods. The resultant landraising exercise was therefore considered necessary in order to be able to provide modern golf course drainage and to shape the land to control surface water drainage.
- 6.14 Furthermore, the applicant advised that the landraising was necessary in order to create a high standard golf course suitable for beginners but providing sufficient challenge for existing players. Mounding, features and contours had therefore been designed to lead golfers towards the fairways and greens, thus limiting wayward shots but also creating a degree of challenge.
- 6.15 Consequently, it was concluded that the originally approved scheme for the academy course complied with Green Belt policy. The present planning application again seeks to provide a nine-hole academy golf course on the land. On the face of it, this again conforms to Green Belt policy, subject to it having no impact on openness. If there is an adverse impact on openness, it is clear that there should be very special circumstances that overcome the harm.
- 6.16 The originally approved development consisted of relatively modest re-contouring of the land. As explained in paragraph 6.12 of this report, this resulted in an average increase of 96cm across the site area.
- 6.17 As previously explained, significantly more material has been imported to Phase 2 than was originally approved. A further 127,642 cubic metres of waste material has been imported in addition to the approved amount of 176,050 cubic metres. The proposed remodelling also

seeks to use a further volume of imported waste material, amounting to another 75,230 cubic metres. Consequently, should permission be granted, it would allow 378,922 cubic metres of material to have been imported to the site. Simplistically, over the extent of the 18.34 hectare site, this amounts to an average raising of the land by 2.07 metres across its entire area. This is a substantial and significant change to the originally approved development proposal, taking the average raising of the level of the land from 96cm to 207cm; constituting a 115% increase in levels – and volumes – when compared to the approved scheme. Even if no further importation occurred, the excessive waste materials presently within Phase 2 result in an average raising of the land by 165cm, which constitutes a 72% increase over permitted levels and volumes.

- 6.18 By way of comparison, within the western-most part of the site adjacent to Galley Lane the original scheme proposed landraising principally between 0.5 metres and 2 metres in height, with one high point of 3 metres. This is the area of land that the proposed scheme seeks to remove from the golf playing area, with the present proposal seeking to devote this to acid grassland. However, the proposed scheme looks at significant increases in land levels in this area, with a high point of approximately 5 metres on the northern part of this area and a 7 metre rise over original ground levels to the south. Moving eastwards into the land (on the strip of land running to the west of the ornamental pond) the original scheme would have resulted in a rise of generally between 0.5 metres and 2 metres across the land, although the northern-most section would have been higher, reaching peaks of 3 metres and 4 metres above original ground levels. The proposed scheme will have its highest points approximately 6 to 7 metres above the original ground levels in this section. Moving further east (on the strip of land running to the south of the ornamental pond) the approved scheme results in a general landraising of between 1 metre and 2.5 metres, with high peaks of 3 metres and 4.5 metres just to the south of the pond. The proposal is to now have a high point of approximately 8 metres to the south of the pond and peaks of 4 to 5 metres to the south of this strip. Finally, the eastern-most strip of the land was originally to have consisted of a central mound rising to 4.5 metres above original ground levels, with a bunded area to the eastern boundary – separating the academy course from the existing 18-hole course – rising to between 1.5 and 2 metres above original levels. The proposed scheme looks to create a central mound that is 9 metres above original ground levels, with the eastern bund being 3 to 4 metres above original levels.
- 6.19 Whilst the original scheme was looking at a remodelled landscape with high points of no more than 4.5 metres above original ground levels, the proposed scheme looks at doubling this maximum height. Furthermore, the approved scheme sought to increase the land levels in general by less than 2.5 metres across the main area of the site. Only two areas were to be raised by more than 3 metres in height: the area to the south of the ornamental pond where the first high point of

4.5 metres was intended; and the central mound on the eastern part of the course, again where a 4.5 metre rise in levels was intended to go. However, the proposed scheme will result in large areas of the course being over 4 metres in height, rising to the numerous high points well in excess of 4.5 metres.

- 6.20 The proposed academy course would take the development well beyond the scale of the development that was granted planning permission in 2011. At that time, the relatively modest raising of the land was considered to have no or negligible impact on openness. This can no longer be considered to be the case. It can be considered that the proposed development constitutes a very large engineering operation within the Green Belt. Although the NPPF considers that engineering operations would not necessarily be inappropriate within the Green Belt, this is subject to such schemes preserving the openness of the Green Belt. Landraising on the proposed scale would clearly impact upon openness.
- 6.21 Additionally, the significant amount of waste material that is proposed to be imported – together with the proposed retention of a substantial volume of waste material that does not benefit from planning permission – is such that it is considered that, irrespective of the proposed end use, the proposal would go above and beyond that of an engineering operation and would actually amount to a change of use for waste disposal. This situation is confirmed in the response from the Environment Agency, who considers that:

“The development could no longer be a waste recovery activity and would be regarded as a waste disposal activity (i.e. a Landfill). This is because the development is no longer minimising the quantity of waste required for the development. As such, this development would need to comply with the Landfill Directive and waste disposal policies in the waste core strategy which have not been assessed.”

On this basis it is considered that the proposal constitutes inappropriate development in the Green Belt.

- 6.22 With reference to Policy C4 of the Hertsmere Local Plan, it is clear that the development would not be located as unobtrusively as possible, nor would it respect existing site contours or landscape features within the site. The county council’s Landscape Officer assessed the potential impact of the proposed scheme on the landscape, and concluded that:

“the extant scheme....is at greater odds with the historic parkland landscape character and interrupts any visual continuity across the site. For example there appears to be a distinct, steep valley feature accommodating hole number 5. Section D-D shows the height of the valley sides rising up to 4m higher than the extant permission and 7.5m higher than the original ground levels. On reviewing the extant permission, it is apparent that levels were limited to 4.5m and more

shallow gradients introduced to benefit landscape and views, and ecology. It appears that any such considerations have not been carried forward within the current proposal.”

- 6.23 The wider impact of the development upon the landscape is examined in greater detail later within this report. Suffice to say, however, that the proposed development would result in development that is visually intrusive when viewed from public and private vantage points, being incongruous with its wider setting and having an unacceptable impact upon the openness of the Green Belt.

Very special circumstances

- 6.24 Due to its inappropriateness, it must be considered whether there are any very special circumstances that override the harm to the openness of the Green Belt.

- 6.25 Prior to the submission of the original planning application, the country club commissioned a detailed examination of the fabric of the clubhouse, which is a Grade II listed building. It was always the intention of the original planning application that funds that would be generated through the importation and deposit of waste would be diverted towards the upkeep of the listed building. This was considered to be a material planning consideration, with the original committee report stating:

“It is accepted that the importation of soils would generate an income for the country club. The applicant has stated that any proceeds from the development would be used for repairs and ongoing maintenance of the Grade II listed club house, some of which are urgent. The generation of income for the maintenance of a listed building is a material planning consideration.”

- 6.26 It was therefore apparent that a large justification for the original scheme was the repair and maintenance of the listed building. Ordinarily, such matters would have been dealt with by way of a legal agreement to ensure that these works were carried out. However, this was not considered necessary due to the fact that the county council is also the landlord of the site, with the committee report stating:

“Concerns have been raised with regards to ensuring that funds generated by the proposal would be used for repair/maintenance of the listed building. The land is leased from Hertfordshire County Council. A requirement of the lease is that the building is maintained in good order and as such the applicant is obliged to repair and maintain the building. In addition, Hertfordshire County Council as landowner has advised that landlord consent would be required for the proposed development and as part of that, an agreement could be made to ensure that the funds are dedicated to the repair and upkeep of the listed building.”

- 6.27 Consequently, despite planning permission being granted on the basis that funds would be diverted to the listed building, there was no requirement within the planning permission for accrued funds to be spent on the upkeep of the clubhouse as such matters could be dealt with by the county council in its role as landlord.
- 6.28 The present application acknowledges the need for the country club to continue to maintain and repair the listed building. However, the applicant states that “the combined extent of the identified remedial and repair required works was costed and it was concluded that compliance costs were then, and remain now, beyond the current resources of the club. Based upon existing opportunities and income streams, insufficient income would be generated from the then levels of activity and facilities to meet financial demands for future maintenance of this Grade II listed building.”
- 6.29 The applicant continues by stating that membership numbers are in decline, which is a trend observed at golfing enterprises elsewhere. It is stated that “this can be attributed, in part, to current economic circumstances, market competition from alternative courses and the more limited, less flexible and aging, golfing experience offered at (Dyrham Park) in comparison with more modern and extensive courses.” The country club is therefore looking to expand and diversify the facilities available to an extended clientele and membership through the creation of the nine-hole course. This will (a) enable pressures upon the existing course to be relieved; (b) widen the flexibility of combinations of course play; (c) potentially increase membership numbers and income; (d) widen the ability of the club to accommodate less mobile players; and, (e) meet the lease obligations bearing down on the club.
- 6.30 The club states that the completion of ongoing improvements and additions to facilities, together with the restoration of the Grade II listed building, are dependent on the development of the nine-hole course. Furthermore, the club states that this is essential to business viability. The completion of the proposed enhancements is expected to secure the commercial future of the country club and the condition of the clubhouse. In addition, staff numbers would possibly increase to ten persons. Anticipated growth in membership numbers will also fund growth in catering staff levels and administrative support.
- 6.31 The application is therefore based upon a financial appraisal undertaken by the club. The applicant states that this demonstrates that the scheme for the academy golf course that was approved in 2011 is no longer viable because (i) anticipated revenue streams are insufficient, and (ii) costs of development are unaffordable.
- 6.32 The financial statement that the club has produced in conjunction with this application has been submitted on a strictly confidential basis,

which may be disclosed between Planning Officers and Committee Members solely in connection with the determination of this planning application. As such, the finer details of the financial statement are not reproduced within this report but, as the details provide the anticipated justification for the present application, it is necessary to provide a general commentary in respect of it.

- 6.33 In the first instance, the financial report is rather vague and goes into little detail of revenue and expenditure streams. Further information was requested from the applicant, yet it is considered that this again fails to provide the complete picture in respect of the club's finances where they relate to the construction of the academy course.
- 6.34 Scrutiny of the financial report firstly raises concerns in terms of the overall income raised through the importation and deposit of waste. Officers consider that the total revenue from the tipping of waste appears to be an underestimate based on the county council's survey of the site and, from this, its own estimate of the number of HGVs that have tipped at Dyrham Park. In addition, the financial report shows that just less than 50% of the income from the landraising operation has been spent on what is described as "refurbishment and repairs" of the clubhouse. Even then, a significant portion of this was spent on matters that cannot be described as essential repairs to the listed building, such as the renovation of the bar, bistro and card room. Where repairs to the listed building have been listed, there is no documentary evidence that shows an audit trail of how much has been spent and where.
- 6.35 Other revenue from the tipping of waste has been spent on what is described in the financial report as "clubhouse – general expenses", and "clubhouse – kitchen expenses". These include such items as the renovation of the tennis courts, a new patio and renovation of existing terraces, the upgrade of equipment and furniture, the renovation of the caddy area, upgrade and expansion of the reception link walkway and storage area, replacement fridges, and replacement combi ovens. A large amount of money has also been spent on improvements to the existing 18-hole golf course, including such items as pathway constructions, golf course furniture, renovation of bunkers and irrigation, woodland management, remodelling of all 18 holes, and a practice net and short game facility. This total expenditure results in a significant deficit in the club's accounts compared to the amount of revenue it has received from landraising. Importantly, these items again fall outside what can be described as the repair and maintenance of the listed building, which is where the revenue from the tipping of waste should have been diverted to.
- 6.36 The club also identifies a significant amount of money that is required to carry out further maintenance and repairs to the listed building over the course of the next five years, hence the need for the approval of this application to not only allow further funding through the importation

of waste, but also in terms of providing an academy course that is attractive to golfers and which is therefore commercially viable. However, no individual breakdown or estimates have been provided to show that the anticipated costs of these works are fair and accurate. Irrespective of this, had all of the revenue from the tipping of waste been set aside for the maintenance and repair of the listed building, then this would not only have covered the works that have already been carried out but would have funded the identified works that are needed over the course of the next five years. Consequently, from the point of view of the maintenance and repair of the listed building, there are no very special circumstances that justify the granting of this application as no shortfall in the funding of these works has been identified.

6.37 In respect of the need to redesign the academy course to enable it to become financially viable into the future, the applicant has set out a number of key aspects of the club's revised proposals, which are as follows:

- The completion of the development of the former parkland to create an additional par-3 nine-hole golf course and to integrate that with the existing 18 hole course creating a 27 hole facility with greater flexibility.
- The completion of enhancements to the immediate surrounding areas adjacent to the established course and the new golf holes.
- The continued improvement in playing conditions, following investment in more modern and sophisticated golf equipment and possible engagement of additional green-keeping staff.
- Facilitate greater access to local residents, through membership, events, society days, developing and enhancing the golf facilities for learners, etc.
- To continue to seek to develop junior golf by engagement and partnering with local schools and conducting training programs to support the curriculum.
- To more sustainably manage the green-keeping regime on the new course and the existing course with new equipment and irrigation capabilities.
- Undertake adjustments to the current course to enhance design and improve safety margins.
- To provide an additional facility to attract new players and provide a short-term option for established golfers.
- Improve course drainage and irrigation and bring about a more environmentally sustainable regime which in turn will extend availability and facilitate year-round golf activity.
- To complete the previously approved landscape scheme with the additional already-approved ecological enhancements and establish a management program for all estate trees, planted areas and rough terrain, including the creation of a more diverse wildlife

environment with a subsequent detailed program of protection for sensitive habitats and ecological areas.

- Create and extend course access to enable more extensive use by golf buggies, particularly for the mobility impaired golfer.
- Ensure more open access to this part of the Green Belt for members and visitors alike.

- 6.38 However, all of the above criteria are substantially the same as those put forward when the planning application was submitted for the original academy course. There is no explanation within the criteria why a significantly re-contoured landscape is required and why all of the above objectives could not have been delivered as part of the original scheme.
- 6.39 The primary objectives of the original scheme were more or less the same as they are now, being those set out in paragraph 6.29 of this report. There is no detailed analysis of how the redesigned scheme will differ to the approved course in terms of (a) its ability to enable pressures on the 18-hole course to be relieved; (b) its ability to widen the flexibility of combinations of course play; (c) its ability to increase membership numbers; (d) its ability to accommodate less mobile players; and (e), its ability to meet the lease obligations in respect of the upkeep of the listed building. This latter point has already been addressed in this report. Importantly, the applicant has not provided any detailed evidence to support the claim that the redesigned academy course will result in an increase in revenue, either through halting and reversing the current decline in membership that the club is experiencing, or from accruing additional revenue from more casual use of the academy course, when compared to the original scheme.
- 6.40 The applicant states that since planning permission was granted for the academy course, the nature of golf has changed and course design is moving towards shorter courses that can be played more quickly, hence the present application that seeks to accommodate the par-3 course on a smaller area of the site. In addition, the applicant proposes to incorporate “buggy” pathways and tracks to all new holes to enable the use of the course by aging golfers with mobility limitations.
- 6.41 It is accepted that the proposed course will be significantly shorter in playing length than the course that was approved. It is also accepted that there may be a need for a shorter par-3 course to supplement the primary course at Dyrham Park. Therefore, the rationale for a shorter course is not in doubt. What has not been adequately explained, however, is the need for the retention of substantial volumes of waste material that has already been over tipped on the land, together with the importation of a significant further volume of waste. Whilst a reconfiguration of the course and its fairways, greens and tees would undoubtedly result in a change in the contours, there has been no detailed explanation of why this could not have been achieved with the originally approved volume of imported waste material, especially as

the proposed course will be shorter and cover a much smaller area within the overall site.

- 6.42 In terms of mobility, it is considered that “buggy” tracks could have been incorporated into the original scheme, depending on their suitability within the landscape. It is also difficult to understand how a course that will provide dramatic changes in levels well beyond the relatively small re-contouring of the land that was originally proposed will offer benefits to the less mobile golfer.
- 6.43 The applicant also states that the existing 18-hole course is more susceptible to waterlogging and flooding than the academy course, being partly within Flood Zones 2 and 3. Consequently, the nine-hole course would mean that members, guests and visitors are able to at least play the par-3 facility when the 18-hole course is closed, and subsequently make use of the club’s other facilities. Consequently, the application stresses the need to future-proof the new academy course against waterlogging and subsequent closure, which would lead to loss of revenue. Thus a key element of the present application is the improvement to drainage within Phase 2. The applicant states that “the present scheme in relation to the identified ground conditions dictates that within the new nine-hole course, capacities are required to overcome prospects for waterlogging, standing water and poor overall drainage”. This is apparently derived from experience obtained during the construction of the remodelled driving range (Phase 1).
- 6.44 In reality, the days in which the main course is closed due to flooding will be relatively small. Irrespective of this, the planning statement submitted alongside the original planning application made similar claims, stating that waterlogging, standing water and poor overall drainage would be eradicated as a result of the carrying out of the construction of the nine-hole course with an integral drainage scheme. There is no explanation why the approved scheme would not now provide the level of drainage that was originally envisaged, nor is there any explanation as to why the solution to any drainage problems would be the need for the importation of over double the original volume of waste material, resulting in increases in up to 9 metres in terms of original ground levels.
- 6.45 The applicant states that the reconfiguration of the 9-hole course enables a greater area to be set aside and used for more extensive landscape planting, thus enhancing the setting of the entire estate and facilitating greater screening of the golf facility. However, the primary area that has been set aside for landscape planting along the western boundary of the site has already been significantly raised without any real explanation or justification, especially as it has been removed from the playing area of the academy course. Whilst the applicant may argue that this facilitates the screening of the course from views from the west along Galley Lane, there would be no need for such a

dramatic change in levels to provide a screen if the originally approved course had been built to the approved contours.

Landraising, landscape and general development criteria

- 6.46 Policy 4 of the Waste Core Strategy considers development proposals that relate, amongst other things, to landraising. This states, inter alia, that proposals should demonstrate the visual impact of the proposed development and its impact on the character of the landscape and any mitigation. If necessary, additional landscaping, planting and screening should be proposed.
- 6.47 The policy continues by stating that the disposal of waste and restoration with inert material by raising the level of the land will only be granted planning permission where certain criteria are met. Criterion i) states that permission will be granted where it would assist the preparation of the land for other approved development proposals. However, planning permission exists for an academy golf course with a fundamentally different landscape to the one that is proposed. Landraising was approved as an integral part of that approved scheme. This further proposed landraising would not assist in preparing the land for other approved proposals.
- 6.48 Criterion ii) of Policy 4 states that planning permission for landraising will be granted where the land is derelict or degraded. Whilst the present condition of the land is derelict, this is as a direct consequence of the large scale deposits of waste across its surface as a preliminary means of constructing the originally approved nine-hole course. Criterion iii) states that permission will be given for landraising if it would result in significant other environmental benefit. However, it has not been demonstrated how the proposed re-contouring of the land would give rise to significant environmental benefits when compared to the approved development.
- 6.49 Criterion iv) of Policy 4 is not relevant to this application. However, criterion v) states that permission will be given for landraising where it can be demonstrated that it will not give rise to unacceptable implications to human health, amenity, landscape and the environment.
- 6.50 The adverse impacts of the proposed development on landscape have already been touched upon within this report where the visual impacts of the proposal – and its subsequent impact on openness within the Green Belt – have been considered. In addition to this, however, the implications to the historic Dyrham Park landscape and the wider setting of the landscape need to be assessed in some detail.
- 6.51 The NPPF seeks to ensure that developments respond to local character and are visually attractive as a result of good landscape design. As such, the NPPF promotes the conservation and enhancement of the natural environment and good design. Policy

CS14 of the Hertsmere Local Plan Core Strategy 2013 considers the protection or enhancement of heritage assets such as historic parks and gardens. This states that development proposals should be sensitively designed to a high quality and not cause harm to such features.

- 6.52 The application site lies within the Arkley Plain landscape character area as defined within the current local Landscape Character Assessment. Dyrham Park is identified as a key characteristic of the area and the landform is described as a “broadly level and gently undulating plain which rises up ... to the east.” The strategy for managing change in this area is to improve and conserve. In order to achieve this, the county council’s Landscape Officer recommends that within Dyrham Park, landscape improvements should respect the historic context of existing features and the form and character of parkland and gardens. There should also be promotion of the development and implementation of landscape management plans for all golf courses, thus establishing a strong landscape framework that reflects the historic landscape pattern.
- 6.53 The country club is a locally registered park by virtue of being former parkland estate with a high number of mature trees. As set out within the Landscape Officer’s comments, Dyrham Park has a rich history dating from 1776, and was designed by Lancelot ‘Capability’ Brown, one of history’s most influential landscape architects. Hertfordshire Gardens Trust picks up on this, stating that “we are aware that this landscape has been referred to Historic England for inclusion on the Register as this is the tercentenary of the birth of Brown and thus his landscapes are a focus in 2016. We would urge you to consult Historic England on this application.” Historic England has not, however, responded to the consultation regarding this application.
- 6.54 Nevertheless, the county council’s Landscape Officer has highlighted Historic England’s advice and guidance for ‘Golf in Historic Parks and Landscapes’, which states that “Alterations to existing courses can provide an opportunity for positive change in the approach to managing golf in parkland. Proposals should be designed to conserve the fabric, character and significance of the historic environment, to repair any damage done by previous golf development, and to put in place appropriate long term management both in terms of the historic landscape and the enjoyment of the site.”
- 6.55 In the development’s context with the wider landscape, a public footpath runs alongside the southern boundary of the application site. There are extensive views into the site as one walks along this. In particular, much of the eastern area of the proposed 9-hole course is visible from the right of way. Whereas the approved scheme would have represented a relatively gentle re-contouring of the land, with the land rising shallowly away from the footpath – rising to a maximum of 4.5 metres above original ground levels – this part of the course will

instead have peaks of 8 and 9 metres above original levels, with a significant area of the eastern part of the site being over 4 metres above those original levels. This very sharp rise in levels – when viewed from the footpath – will result in a hard physical visual barrier, wholly out of keeping with the surrounding landscape, jarring with the surrounding landscape from a visual perspective. This is likely to have an overbearing relationship with the footpath, with users feeling overly enclosed by the landscape to the north of it.

- 6.56 Another public vantage point is from Galley Lane to the west of the application site. There are presently views into the site from the existing construction access off this road, with the very unnatural features of the landscape being apparent from here. However, it is proposed to ultimately close this entrance point and to provide additional screening along this boundary through planting. Therefore, there will be minimal visual impact on users of Galley Lane.
- 6.57 There are also wider views of the application site from The Shire (London) Golf Course, which is to the south east of Dyrham Park but whose clubhouse faces the application site from a distance of approximately 1250 metres. There also views from the urban fringe of Barnet, located approximately 1500 metres to the south east of the application site. However, these views are distant and, from such a distance, the proposed changes in the levels of the land are unlikely to be significantly perceptible.
- 6.58 From a private perspective, there are two large detached properties in the south western corner of the application site, known as Brook House and Little Dyrham. The original land levels fall from north to south in the area to the north and north-east of these properties, with the houses looking onto a mild rise in the land towards the main clubhouse. The approved scheme for the 9-hole course respected the topography in this part of the site, with predominantly low rises in the level of the land of generally up to an extra 2 metres above original levels. There was to be one significant peak of 3 metres above original levels, located approximately 80 metres to the north of the houses. However, the proposed scheme will result in large areas of the land to the north and north-east being over 4 metres above original levels. The approximate area where the single peak was going to be is now to be 7 metres above original ground levels, with another peak of approximately 8 metres some 130 metres to the north-east of the residential properties. Not only will the scale of the landraising in these areas be out of keeping with the wider landscape, the resultant land form will be of a scale and bulk that dominates Brook House and Little Dyrham and their outlook. Furthermore, users of the academy course will have clear views down and into these residences and their grounds, adversely impacting upon privacy and residential amenity.
- 6.59 Additionally, the planning application does not, to any considerable degree, set out how the proposed development will integrate with this

historic parkland. The existing 18-hole course consists of gently undulating parkland interspersed with mature trees. Although man-made in its form and design, the course is attractive and respects the original topography and features of the Dyrham Park site. It is therefore critical that the proposed development respects this historic landscape, especially where the two adjoin each other.

- 6.60 One of the most critical areas is along the north-eastern boundary of the application site, which runs alongside the 18th fairway of the existing course. There are clear views from the latter into the proposed academy course. However, it is proposed to significantly raise the eastern-most area of the academy course to the south of the existing fairway so that it is 9 metres above original ground levels. This will result in a visual jarring within the landscape, dominating views when looked at from the existing course. Landraising on such a level would ultimately be wholly incongruous with the historic parkland setting of Dyrham Park. The actual junction between the two sites in the far eastern corner of the application site has been more sympathetically designed, yet this still provides a bund of between 3 and 4 metres in height along this junction. This provides too much of a physical barrier between the two courses, with no real link between the two landscapes. In addition, this banded area has already been constructed and planted, and it appears to be higher than the proposed development shows.
- 6.61 Views of the academy course are also apparent when viewed from the north of the ornamental pond, which is an important landscape feature within the historic parkland. The pond itself forms part of the application site and it is proposed to provide enhancements to it through landscaping and planting. However, just south of the pond it is proposed to raise the levels in order to provide a mounded feature some 8 metres above original ground levels. This again would appear wholly out of keeping with the historic course. It would also detract from views over the ornamental pond, and would adversely dominate the setting of the pond itself.
- 6.62 The proposed area of acid grassland in the north-western corner of the application site is also at odds with the historic parkland that sits to the north of it. Instead of the land sloping gently away in a southerly direction from an attractive existing pond in the north-western corner, thus following the natural topography of the land, it will instead rise by 3 to 4 metres above the level of the pond, having a negative impact on this landscape feature.
- 6.63 The introduction of a two-metre wide cart track throughout the academy course would also result in a somewhat utilitarian feature within the setting of the historic parkland, adversely affecting the landscape.
- 6.64 The changes to the design of the 9-hole academy course are no longer sympathetic to the historic parkland as they no longer reflect or respect

the gently undulating landscape of the latter. The county council's Landscape Officer has assessed this relationship, and her full detailed response is set out at paragraph 4.6 of this report. However, it is important to reiterate the conclusion of the Landscape Officer's report, which stated that:

"The proposed land raising and ground shaping results in a more complex topography and greater changes in level that are at odds with the historic parkland character. The rationale underpinning the landscape and mitigation proposals is not clear. The landscape strategy should be based upon a more detailed understanding of the historic designed parkland landscape, and seek to conserve and restore important landscape features wherever possible."

There is strong concern for the submitted landscape details that make little reference to the significant history of the site. Historic designed parkland landscapes are highly likely to include important aspects such as subtle changes in landform, and the careful arrangement of views and vistas, that should be acknowledged, restored and enhanced within the golf course design.

- 6.65 A further objection has been received from the Hertfordshire Gardens Trust, which succinctly states that "no meaningful justification is included in the documents to import large amounts of waste and thus change the Brownian landscape."
- 6.66 Consequently, the proposed re-contouring of the land has an adverse impact on the landscape and setting of the historic parkland, together with the wider setting of the general landscape within the vicinity of Dyrham Park. The proposed development will be visually intrusive and will have an adverse impact on local and residential amenity. The proposed development is therefore contrary to the aims of the NPPF and to Policy 4 of the Waste Core Strategy.

Highways issues

- 6.67 As previously stated, the proposed development would involve the importation of a further 75,230 cubic metres of waste material. The applicant quantifies this to equate to between 7,000 and 7,500 more lorry loads of waste to be imported. On this basis, it is estimated that this will take approximately 6 to 12 months to complete the importation alone.
- 6.68 It is further proposed to retain the existing number of HGV movements, consisting of 100 movements per day (50 in, 50 out). The site would be operational between the hours of 7.30am and 4.30pm, with a restriction in place between the hours of 7.30am and 9.30am so that there are no more than 4 deliveries per hour during this rush hour period.
- 6.69 During the original construction phase up until March 2014, considerable damage was caused to the carriageway of Galley Lane,

although the country club vehemently denied that HGVs accessing the site were responsible for this. Nevertheless, resurfacing of the road has taken place at the county council's expense.

- 6.70 Notwithstanding this, the Highway Authority has assessed this present proposal and makes no objection to the continued importation of waste.

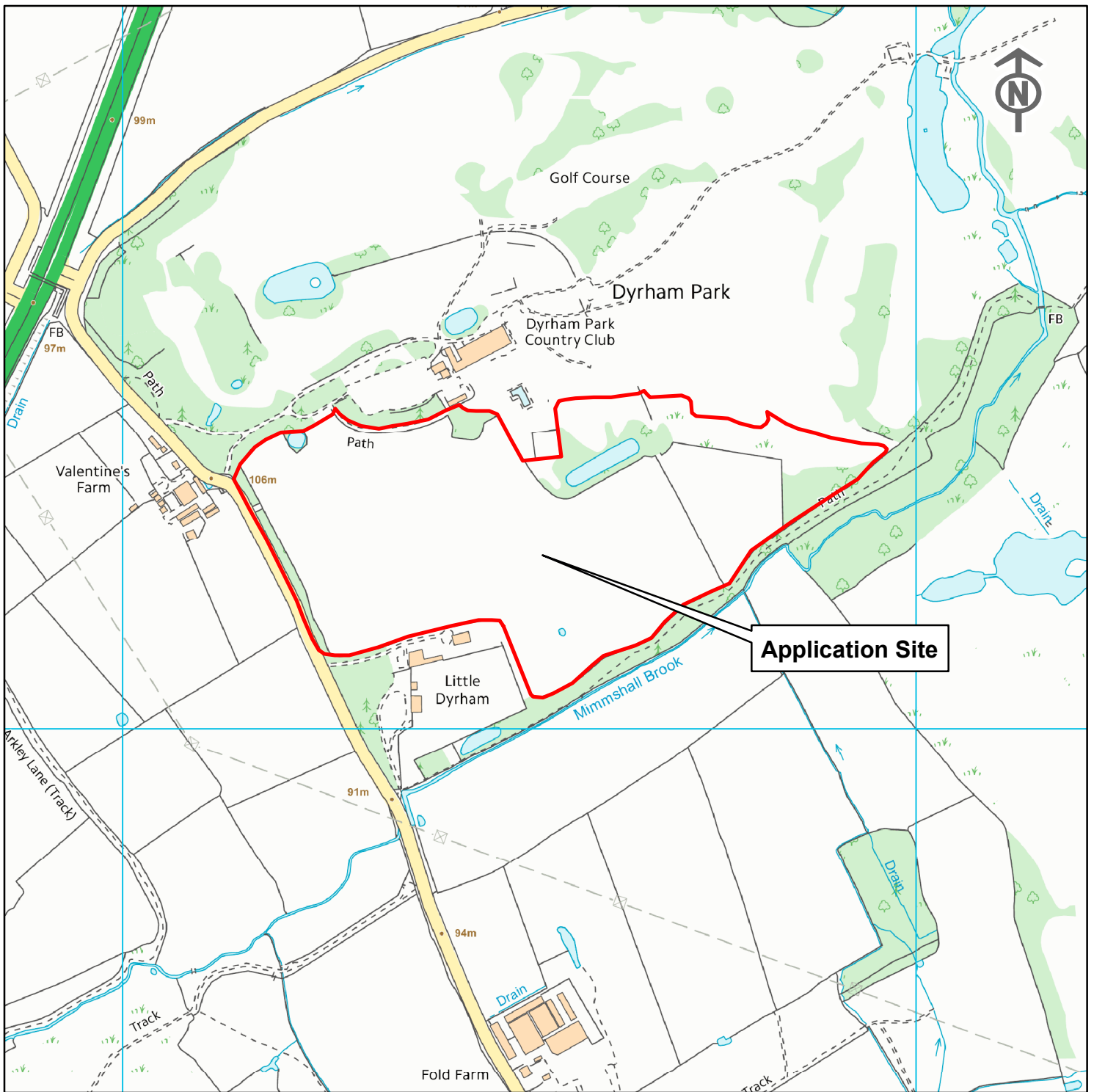
Other considerations

- 6.71 Due to the already large scale importation of waste materials to the site without any significant construction of the academy golf course within Phase 2 of the development, officers have previously expressed concerns about the ability of the country club to guarantee that a golf course will be constructed on the land. The applicant has stated that should this application be refused, then the club would not have the finances to complete the originally consented scheme.
- 6.72 Therefore, on the face of it, should planning permission be refused there would be the possibility that the club would leave the land in its present unfinished and derelict condition. If that were to be the case, then the county council could consider that the importation of waste has amounted to no more than a landfilling operation and could take enforcement action to seek the removal of the waste materials. This in itself would be likely to be protracted and take a considerable amount of time before a resolution is achieved. Nevertheless, it is considered that the threat of the land being left in its present condition provides no justification for the granting of planning permission in this instance.
- 6.73 Furthermore, because of the lack of progress in terms of creating the academy course, officers have requested a form of guarantee that – should planning permission be granted – works would not just consist of further importation and stockpiling of waste without significant progress in terms of completion of the nine-hole course. The concern is that by allowing further importation without such a guarantee, this would potentially exacerbate the present situation. With this in mind, officers have suggested to the country club that it may wish to provide a financial bond that the county council could take control of if, for whatever reason, the construction of the golf course was not to be completed to the satisfaction of the local planning authority. Although somewhat unusual, such a bond had been provided by the developers of the adjacent Bridgedown Golf Course, now trading as The Shire (London). However, the applicant was not prepared to provide this. Instead, the applicant has suggested that Phase 2 of the site be sub-divided into three smaller phases, with work being required to be finished on the first of these before the development could progress into the next sub-phase. It is considered, however, that this offers little in the way of a guarantee as it is the intention to continue to import waste materials whilst construction works are taking place within the first sub-phase. Therefore, as before, officers are of the opinion that the continued importation without any tangible guarantee that the works

will ultimately be completed may result in a worse situation than presently exists.

7. Conclusion

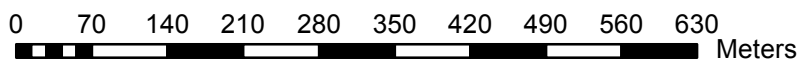
- 7.1 It is recommended that planning permission be refused for the following reasons.
- 7.2 The proposed development constitutes inappropriate development within the Green Belt, having an adverse impact on openness. The applicant has failed to demonstrate that the harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations and therefore, very special circumstances do not exist. The proposal is therefore contrary to the NPPF, Policies C1 and C4 of the Hertsmere Local Plan 2003, and Policy CS13 of the Hertsmere Local Plan Core Strategy 2013.
- 7.3 The proposal constitutes significant landraising, and would result in a landscape that is incongruous with its wider setting and that of the historic parkland in which it sits, being visually intrusive and adversely impacting upon amenity, contrary to the NPPF and the aims of Policy 4 of the Waste Core Strategy, as well as Policy CS14 of the Hertsmere Local Plan Core Strategy 2013.



DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th May 2016

Proposed application for the variation of condition 3 of permission 0/2529-10 to permit completion of the entirety of former defined phase 2, consequent upon already certified completion of the former defined phase 1, including the re-grading of materials existing on site and importation of supplementary materials at Dyrham Park Golf & Country Club, Galley Lane, Barnet, Hertfordshire, EN5 4RA



HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE
THURSDAY 26 MAY 2016 AT 10AM

Agenda No.

4

WELWYN HATFIELD DISTRICT
ST ALBANS CITY & DISTRICT

**APPLICATION FOR THE RESTORATION TO CONSERVATION AFTER
USES THROUGH THE IMPORTATION AND FINAL DISPOSAL OF
ENGINEERING MATERIALS COMPRISING INERT WASTE AT HATFIELD
CEMEX QUARRY, OAKLANDS LANE, ST ALBANS, HERTFORDSHIRE,
AL4 0HS**

Report of the Chief Executive & Director of Environment

Contact: Chay Dempster Tel: 01992 556211

Local Member: Geoff Churchurch
Adjoining: Dreda Gordon
Maureen Cook

1. Purpose of report

1.1 To consider application 5/1240-14 for the restoration to conservation after uses through the importation and final disposal of engineering materials comprising inert waste at Hatfield Cemex Quarry, Oaklands Lane, St Albans, Hertfordshire, AL4 0HS on behalf of Cemex UK Operations Ltd.

2. Summary

2.1 The application proposes the infilling of Cut Field Lagoon at Hatfield Quarry complex using some 663,102m³ of imported inert waste comprising fragments of brick, concrete and a body of engineering clay and soils.

2.2 Hatfield Quarry is located between St Albans and Hatfield with access off of Oaklands Lane leading to the A1057. The site is shown on the attached site location plan (Appendix I).

2.3 Cut Field lagoon is situated approximately 1.2km to the north of Oaklands Lane. Access to the site by HGVs would be provided via the existing haul road. It is proposed to construct two passing places to allow vehicles to pass one another.

- 2.4 The current proposals include the re-restoration of adjoining areas of land at Cut Field Wood, and Gardeners Field, and Gardeners Lagoons (clear water and silt lagoon).
- 2.5 The restoration proposals are illustrated on drawing reference P7/597/23 appended to this report (Appendix II).
- 2.6 The main issues in the determination of this application are:
- Green Belt
 - Landfill and Landraise
 - Landscape
 - Ecology
 - Rights of Way
 - Restoration and Afteruse
 - Traffic
 - Amenity
- 2.7 The report concludes that planning permission should be granted subject to:
- A. the conditions set out in Appendix III to this report;
 - B. the applicant entering into a s106 agreement to secure the dedication of the extensions to the Rights of Way network; and
 - C. the application being referred to the Secretary of State.

3. The application site and surrounding area

- 3.1 The application site forms a parcel of land of some 20.52 hectares within the Hatfield Quarry site.
- 3.2 Cut Field Lagoon is described as comprising a large area of open water, together with several smaller satellite ponds and connected ditches along the northern edge. The edges of the lagoon are characterised by swamp, wetland and ruderal habitats. Almost the entire lagoon margin is in the process of being invaded by scrub, mostly Willow species with some Common Gorse and Silver Birch.
- 3.3 The steep slopes of the northern lagoon support mainly rough species-poor neutral grassland with scattered scrub and a narrow band of scrub and trees, mainly Willow and Birch along the margins.
- 3.4 The site sits between three areas of woodland, Balls Covert (south), Sleeve Hall Wood (west) and Cut Field Wood (east).
- 3.5 Balls Cover immediately adjoining the site comprises a belt of mature deciduous woodland with a number of mature trees, particularly on the outer edges of the wood. The inner wood consists of a younger broadleaf plantation of 8-10 years old. There is a pond and a series of shallow ditches.

- 3.6 It is proposed that the established habitats will be preserved and enhanced through active management and a small pond which contains a colony of Great Crested Newts will be enhanced and form one of a series of ponds within glades on completion of the habitat improvement works.
- 3.7 Cut Field Wood to the east of the application site is a recent plantation that has not been actively managed and is now densely wooded.
- 3.8 The land to the north of the site has been worked and infilled with waste and restored to agriculture.
- 3.9 Hatfield Quarry is located within the Metropolitan Green Belt between Hatfield and St Albans.
- 3.10 The land falls within the De Havilland Plateau Landscape Character Area as defined in the Hertfordshire Landscape Character Assessment, wherein the guidance for management landscape change are to improve and restore
- 3.11 Hatfield Quarry is enclosed by Symondshyde Great Wood to the North, agricultural farmland to the south and west of the A1(M), and by hedges and trees along Oaklands Lane, and Coopers Green Lane.
- 3.12 Symondshyde Great Wood is ancient woodland, also classified as a Local Nature Reserve.

4. Background

- 4.1 The current operations at Hatfield Quarry include extraction and processing of sand and gravel, ready-mix concrete operation, and a sand bagging operation.
- 4.2 Sand and gravel extraction at Hatfield Quarry started in the early 1950's and broadly corresponds with three distinct areas or phases:

	<i>Area</i>	<i>Restoration status</i>
a.	Hatfield Quarry north of Oaklands Lane	Substantially complete - Cut Field, Cut Field Wood, and Gardeners Lagoon
b.	Suttons Farm north of Coopers Green Lane	Substantially complete.
c.	Symondshyde Farm north of Coopers Green Lane	In progress complete up to Phase 5

- 4.3 Sand and gravel extraction at Symondshyde Farm was first granted in 2003 (6/0439-03) and in 2010 (6/1430-10) subject to a revised method of working. The scheme involves the working of sand and gravel over some 67 hectares of land in 13 separate phases. Extraction is currently taking place in Phase 8 and is due to complete in the year 2020. As part of the workings sand and gravel is transported to the processing plant site from the excavation area via a conveyor belt.
- 4.4 The land has been the subject of a significant degree of disturbance as a result of past and present mineral extraction and restoration. Previously worked areas associated with Hatfield Quarry have been restored to agricultural use. The land to the north of Coopers Green Lane at Symondshyde Farm is currently being worked or is in the process of being actively restored to agricultural use.

Approved restoration scheme

- 4.5 The approved restoration scheme for Hatfield Quarry is shown on drawing (P7 / 597/ 18 / D) appended to this report (Appendix IV).
- 4.6 The approved restoration of Cut Field Lagoon provides for a Nature Conservation Area based around two open water areas divided by a raised causeway. The scheme was to be achieved by re-grading the lake margins and using silt to partially infill the lagoon to create reedbeds. The existing situation at Cut Field lagoon closely matches the approved scheme, although further silting around the margins would be required to complete the restoration. The approved restoration scheme shown on drawing P7 / 597/ 18 / D provides for the following restoration/ areas:

<i>Area</i>	<i>Restoration and Afteruse</i>
Cut Field Wood inert infill to approved levels	Woodland (due Autumn 2002)
Gardeners Field (silt lagoons) - restored to approved levels	Woodland (due Autumn 2004)
Gardeners Field (clear water lagoon)	Wetland/Lake Conservation/ Amenity
Forge Field - Inert infill	to agriculture - by Autumn 2003
Radar Field -	to agriculture - by Autumn 2003
Suttons Farm Phase 1 – infill with on-site material	to agriculture – by Autumn 2002
Phase 2 – restoration to lower level with 40,000m ³ of in situ material	for agriculture and conservation
Phase 3 – Unworked	remain as agricultural
Phase 4 – restoration to lower level	Agriculture / woodland / nature conservation

Environmental Impact Assessment

- 4.8 The application was originally submitted in 2014 and included an Environmental Statement. Additional information was submitted in September 2015 providing details of:
- the risks to groundwater;
 - the need for additional imported material; and
 - proposed new rights of way.
- 4.9 A further round of consultation has been carried out.
- 4.10 A letter from the company in January 2016 put forward a further supporting statement:
- The revised restoration provides for a final void figure of 663,102m³ or 1,260,000 m tonnes at a rate of 1.9 t/m³;
 - Based upon importation rates of 175,000 tonnes per annum it is anticipated that works would be completed within 7.2 years i.e. if commenced in 2017 the site would cease by 2024;
 - The company has held positive discussions with the Environment Agency regarding the River Nast which runs along the eastern boundary of Ball Covert Wood. The location of the River Nast is in accordance with the definitive river course however the current application offers great opportunity for enhancements along the course of the river which could include introducing bends and vegetation management. The Environment Agency considers that the enhancement of the River Nast could be covered by a planning condition;
 - The Council has stated the permissions for restoration of Cut Field Wood, Gardeners Clear Water Lagoon and Gardeners Silt Lagoon expired in 1997; Cut Field Wood has been restored in accordance with the approved details and is no longer in aftercare; Gardeners Clear Lagoon and Gardeners Silt Lagoon have continued to operate as part of the water management system since 1997. Therefore any further landscaping works could be undertaken at the discretion of the company as it is within our control and would not be contrary to any planning permissions. The proposed restoration enhancements covering Gardeners Clear lagoon, Cut Field Wood, Gardeners Silt Lagoon are within the company's control so there could be conditions as part of any planning approval, in association with the Cut Field application guaranteeing a beneficial afteruse.
- 4.11 The company consider the proposed application provides the following benefits;
- improvement to the River Nast through restoration of Cut Field
 - improved Rights of Way with upgraded footpath to Bridleway, new definitive right of way, new permissive path and car park upon completion,

- improved restoration across historic silt lagoons, fresh water lagoon and woodland;
- increased biodiversity in accordance with National and Local Biodiversity Targets

4.12 The Environment Agency objection was based on the risk to groundwater and their wish to see the culverted River Nast to be restored to its original course on the surface. These matters have now been resolved and the Environment Agency has removed its objection.

5. Proposed development

5.1 The application proposes the importation and disposal of up to 663,102 cubic metres of inert waste material comprising fragments of brick, concrete and a body of engineering clay and soils. It is proposed to import material at a rate of approximately 175,000 tonnes per annum giving the duration of approximately 7 years. It is anticipated that work will be completed by 2024.

5.2 The principles of the development are that material will be disposed of in the northern part of Cut Field lagoon with provision for the disposal of silt residue from the washing of aggregates at the quarry in the southern part of the lagoon.

5.3 The northern part of the Cut Field lagoon will be infilled and the land levels increased by up to 4m above adjoining land levels. The southern part of Cut Field lagoon would be retained as an area of ponds, scrapes and shallow margins.

5.4 The proposal would generate an average of 72 two way HGV movements per day. The current planning permission limits the number of HGV movements to 250 per day (125 in, 125 out). During earlier phases of infilling HGV movements were permitted at 300 per day (150 in/150 out) on a temporary basis. It is proposed to revert to 300 movements per day for the duration of development i.e. until 2024.

5.5 The typical vehicles are 8-wheel tipper lorries with a gross vehicle weight of 32 tonne and a maximum payload capacity of 20 tonnes. The lorries would use the existing single track haul road through the site. It is proposed to construct two passing bays on the haul road to allow HGVs to pass one another.

5.6 The first stage of the development would be the construction of the access ramp to create a tipping platform. Infilling would start in the south west corner of the site adjoining Balls Covert working progressively east toward the haul road.

5.7 The proposed hours of operation are not specified. The site is authorised to run HGVs from the ready mix plant from 06:30am. For the proposed infilling operation it is recommended that the haul road be

gated and no vehicles be allowed to access the tipping site until 08:00am and not after 17:00hrs Monday to Friday and from 08:00 to 13:00hrs on Saturdays.

Proposed restoration

- 5.8 The main proposed changes to the approved masterplan are:
- infilling of the substantial part of Cut Field lagoon;
 - raising of the land above the adjoining land levels by up to 4m; and
 - restoration of the northern part of the site to acid grassland
- 5.9 In addition the following variations to the approved restoration masterplan are proposed:
- Cut Field Wood – Woodland and acid grassland restoration - involving the partial removal of existing restoration plantation on Cut Field Wood to create scalloped wood edges, glades and rides, and creation and management of grassland and heath scrub;
 - Gardeners Clear Water and Silt Lagoons – Acid grassland and wetland restoration - involving central and south west silt lagoons capped with adjacent stockpile material, edges re-graded to create acid grassland. Existing reedbed pond retained
 - Balls Covert – areas of ponds, scrapes and shallow margins to the retained southern pond to create enhanced Great Crested Newt habitat.
 - Hedgerows - north of Cut Field hedgerow reinforced to link between hall Wood and Cut Field Wood
- 5.10 Other proposed enhancements include:
- Potential new footpath link from Coopers Green Lane south of Balls Covert connecting to Footpath 14.
 - Upgrade Footpath 14 to Bridleway;
 - New bridleway on restored land from the plant site running on the north side of Oaklands Lane and north along Coopers Green Lane to Lye House;
 - Upgrade footpaths to Bridleway;
 - Create a new dedicated footpath on southern site boundary between the plant site and Gardeners silt lagoon;
 - existing hedgerow reinforced to screen new footpath and to link Balls Covert woodland belts to south-west
- 5.11 Other proposed maintenance works to include:
- Upgrade conveyor crossing with new fencing;
 - Remove line of wire fence to link public right of way on southern boundary;
 - Cut back woodland between plant site and Oaklands Lane;
 - Bring the Bridleway south of Beeches Farm back into the site

Access

- 5.12 Access to the site would be via the existing haul road leading from Oaklands Lane. The most likely route for lorries to the site is from the A1057 either from Hatfield or St Albans. It is anticipated that the majority of vehicles would approach the site from easterly direction turning right on to Oaklands Lane at the Smallford roundabout.
- 5.13 There are two main factors that make alternative routes less likely:
- Coopers Green Lane and Green Lane are weight restricted for vehicles travelling from the north, and therefore, HGVs may not access the site from junction 4 of the A1(M) via Coopers Green Lane;
 - The wider St Albans area is the subject of a vehicle weight restriction for through traffic, therefore HGVs should not access the site via Sandpit Lane, except for journeys which originate from within St Albans.

Surface water drainage

- 5.14 The proposal includes drainage proposals to capture surface water run off comprising a chain of perimeter swales discharging to the water body in the south part of Cut Field.

6. Planning History

- 6.1 The planning history is summarised in Table 1.

Table 1. Summary of planning history

Application number	Description	Date approved
6/1509-13	Application for the variation of condition 8 of Planning Permission 6/1430-10 to amend the hours of operations	18 October 2013
5/1064-13	Application for a replacement Leachate treatment plant	20 Jun 2013
6/1430-10	Variation of condition 5 of planning permission 6/0439-03 to amend the phased method of working	21 Sept 2010
6/0595-03	change of condition (restoration proposals)	23 Dec 2004
5/0819-03	variation of conditions (restoration proposals)	26 Sep 2003
6/0596-03	change of conditions (restoration proposals)	21 Oct 2003
6/0597-03	change of conditions (timescale)	28 Aug 2003
6/0439-03	sand and gravel extraction and	29 Jul 2005

	restoration of land to agriculture (Symondshyde)	
6/0052-98	Vehicular tunnels	09 Sep 1998
5/1414-97	Vary condition of 5/0634-89	19 Feb 1998
6/0661-97	vary condition of 6/0119-89	19 Feb 1998
6/0662-97	vary condition of 6/0122-89	19 Feb 1998
6/0663-97	vary condition 6/0120-89	19 Feb 1998
6/0406-96	Extraction, Refill & Restoration	25 Feb 1998
5/0108-94	Variation of condition	06 May 1994
5/0386-93	Variation of condition	09 Aug 1993
5/0634-89	Extraction & infill	27 Nov 1989
6/0120-89	Extraction & infill	27 Nov 1989
6/0119-89	Extraction & infill	27 Nov 1989
6/0122-89	Extraction & infill	27 Nov 1989
6/0589-81	Sand & gravel extraction	16 Mar 1983
5/1073-75	Tip household waste	30 Jul 1976
W/3668-73	Extend sand & gravel workings	25 Mar 1974
C/0802-56	Tipping household refuse	11 Sep 1956

7. Statutory Consultation

7.1 St Albans City and District Council has no objection.

Comments

- The proposals include the restoration of the site to a combination of agricultural land, lake margin habitats, open water and woodland instead of simply agriculture as was originally envisaged. One of the stated objectives is to provide habitat for Great Crested Newts which are present at the site.
- A number of access improvements are proposed. Along with the proposed landscape restoration scheme designed to re-route the water course, creating appropriate habitats and promote biodiversity the proposed scheme has the potential to make a significant contribution to Green Infrastructure provision and the enhancement of ecological networks in this area.
- The proposed landform seems reasonably sympathetic for this location and in keeping with the landscape setting. The site lies within the Hertfordshire Landscape Character Assessment – Landscape Character Area 31 -: De Havilland Plateau, for which the guidelines for management landscape changes are to improve and restore. The intention is to link fragmented areas of woodland whilst retaining existing habitats of interest, which would be beneficial to landscape and local ecology.
- The site is situated within the Watling Chase Community Forest and linking fragmented woodlands with new planting, habitat creation and access improvements will support WCCF objectives.
- The proposals regarding rights of way are a significant aspect of this application. There is a need in this area to restore severed access links

and improve the rights of way network between Hatfield and St Albans, especially in light of recent and potential future development in this area. The St Albans Access Forum, in conjunction with HCC Rights of Way, has been updating the HCC Rights of Way Improvement Plan (ROWIP) for Colney Heath and Sandridge Parishes over recent years and have considered the options for this area in detail. Phil Escrit of the Ramblers Association has played a key role in this work and I support his comments in the Ramblers Association letter dated 6th January 2016.

- The new bridleway from point A along the haul road provides an alternative route to Coopers Green Lane, this is very welcome and will enable safer access for users.
- The proposed new car park on completion of the scheme is very welcome as there are few opportunities for parking in the area and opportunities for access will be much improved coupled with the access path improvements
- The suggested additional link from the circular walk into Ellenbrook Field country park is very much to be desired as current access for visitors to the park from the direction of St Albans is not easy. An additional link to the footpaths north of Symondshyde Great Wood as suggested would also be very welcome.
- Permissive rights of way pose a risk to the future rights of way network and so full designation as public rights of way is always preferable.
- Overall, the proposed restoration scheme will deliver multiple benefits for the area as discussed above. This is in line with various policies in the NPPF, the St Albans draft Strategic Local Plan and the St Albans Green Infrastructure Plan
- The Council recommend approval with appropriate conditions to ensure the desired benefits in terms of landscape, ecology and rights of way are realised. Further negotiation to secure designated public rights of way in line with the ROWIP and comments from the user groups is desirable.
- The Council would request the following conditions with respect to environmental compliance are attached to any grant of permission.

Hours of demolition / construction works

- No works relating to this permission shall be carried out on any Sunday or Bank Holiday nor before 07:00 hours or after 18:00 hours on any days nor on any Saturday before 07:00 hours or after 13:00 hours.
Reason: in the interests of neighbour amenity

Contaminated land

- The presence of any contamination not previously identified that becomes evident during the development of the site shall be brought to the attention of the local planning authority. An intrusive investigation will not necessarily capture all contaminations present; hence there is a need to keep a watching brief and to appropriately address any new sources discovered during excavation and development. No further

development shall take place unless otherwise agreed in writing by the local planning authority.

Reason: to ensure that adequate protection of human health is maintained and the quality of groundwater is protected.

7.2 Sandridge Parish Council objects to the proposals for the following reasons:

- The original approval for Hatfield Quarry included a plan for a wetland development, however, the current proposal for substantial infilling would considerably reduce the wetland area potentially creating an ecological imbalance.
- We believe the ecological balance of the site will change significantly by the proposed work.
- The proposed volume of material required for infilling is substantial and Sandridge Parish Council is concerned about the impact on the highway network in the local areas of the increase in journeys the transporting of this material will result in.
- The application does not set out the source of the material to be imported raising further concerns.
- Concern was expressed about the impact of this application on the public footpath network and the apparent lack of proposals within this application for improvements to this network. We have separately raised concerns about the current state of footpaths.
- We believe this application would contravene the Hertfordshire Biodiversity Action Plan.
- Concerns were raised relating to potential nuisance to the neighbouring property from noise and dust.

7.3 Colney Heath Parish Council has the following objections:

- Oaklands Lane is a residential area with interconnecting links to other more dense residential areas in the Sleafshyde-Sandridge-Marshallwick conurbation, most plant vehicles will pass through these areas.
- Lorry movements of up to 200 per day possibly equivalent to every 90 seconds. We would like to see vehicle movements far less than this figure. Concern that arriving HGV lorries will turn at the early hours, at say 5.30am and cause local residents more inconvenience and disturbance. We would like to see operating hours rigidly controlled and no start before 7am.
- There is a risk that operation hours outside of the application may be sought for supplies of cement and aggregate materials to serve 24/7 buildings projects in the City of London.
- Ownership of five other sites within a 20-mile radius some of which do not in any way interfere with residential areas, expansion could come from sister plants in more rural areas. Perhaps more business development should be focussed on those sites first by the applicant.
- There are also issues of objections from Ramblers and footpath, horse riders and other users who are concerned at the loss of restrictions of

bridle and footpath access, notably BR1 and FP14. This forming part of the NPPF guidelines regarding provision of facilities.

- Some concerns over the loss of mature trees needing to be felled as part of the changes.

7.4 The Environment Agency (10 February 2016)

Following a site visit with the applicant we are now in a position to remove our objections if the following planning conditions are included requiring a buffer zone and scheme to be agreed to ensure that the River Nast and its buffer zone within the site is managed in such a way as to protect and enhances its ecological value.

- No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Nast shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include plans showing the extent and layout of the buffer zone.
- Reason: Development that encroaches on watercourse has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.
- No development shall take place until a basic landscape management plan, including design objectives, management responsibility and maintenance schedules for the River Nast and its buffer zone, has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements;

- percentage of tree/ scrub works to be undertaken to open up the channel in places (at the moment it's continuous scrub) along the length of the applicant's ownership;
- details of how the scrub cover will be maintained in the longer term. At what frequency and times of year;
- a plan showing the locations and number of gentle meanders.

Reason(s):

- Re-meandering straightened river channels can help deliver objectives of the Water Framework Directive (WFD) by increasing morphological and flow diversity in a straightened channel.
- These more natural conditions can provide better quality habitats for plants and invertebrates. In addition to improving conditions for the

- biological quality element, re-meandering could also help to improved habitats for birds and mammals that prey on fish and invertebrates.
- Re-meandering increases the length of a straightened river channel. This decreases flow conveyance, which can effectively store water in the river channel. Re-meandering can therefore decrease flood risk to sites further downstream, by reducing hydrological response times during periods of high flows.
 - This condition is necessary to ensure the protection of wildlife supporting habitat and secure opportunities for the enhancements of the nature conservation value of the site in line with national planning policy.
 - This condition is supported by the NPPF (paragraph 109) which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunity to incorporation biodiversity in and around developments should also be encouraged.
 - The Natural Environment and Rural communities Act which requires Local Authorities to have regard to nature conservation and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movements of species between suitable habitats, and promote the expansion of biodiversity.
 - The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. This watercourse falls into the Upper Colne and Ellen Brook catchment

7.5 The Highway Authority -

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

- Unless otherwise agreed in advance in writing by the Mineral Planning Authority, there shall be no more than 300 lorry movements (150 in, 150 out) entering/leaving the access/egress onto the C61 Oaklands Lane in any one working day. Written records of vehicles entering and leaving the site in connection with all lorry movements from/to the Hatfield Quarry complex shall be kept by the site operator and made available for inspection by the Mineral Planning Authority upon request.
Reason: in the interest of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highway in the vicinity if the site.
- No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
Reason: to prevent the deposit of mud onto the road in the interest of highway safety

7.6 The Countryside Access Officer -

- I would again draw CEMEX's attention to the attached extract of the Rights of Way Improvement Plan (ROWIP) which resulted from public consultation as required by the Countryside & Rights of Way Act 2000, this is a living document and forms part of the Local Transport Plan (LTP3). I have consulted with the St Albans Access Forum (STAAF) a user group comprising representatives of all rights of way non-motorised consultees groups (including the St. Albans Cycling Campaign, British Horse Society and St Albans & District Footpath Society (Ramblers) and they have confirmed they wish to establish the routes identified in the ROWIP document if this application were granted.
- The ROWIP identifies Definitive Bridleway links along the haul road and links to the southern side of Cooper Green Lane near the junction with Sleeve Hall Lane (Restricted By Way 54 Sandridge). It also seeks to establish Definitive Bridleway links through to the open space at Ellenbrook Fields to the south and on to the University of Hertfordshire site, whilst linking back to Oaklands College.

I have summarised the proposed changes which are of concern:-

Drawing 597/23

- identifies Definitive Bridleway links to Ellenbrookfields however the section marked in green to be dedicated as a new definitive footpath has been identified on the ROWIP as a Definitive Bridleway as such we would seek Definitive Bridleway status for the route identified as it would link Bridleway 62 Colney Heath with the applicants own proposal to upgrade Footpath 14 /15 to a Definitive Bridleway as detailed in the drawing.
- identifies as short section of permissive footpath marked in blue running along an existing farm track from Bridleway 1 Colney Heath in parallel with Bridleway 62 Colney Heath to join the above green route. This is a duplication of Bridleway 62 up to point B.

Drawing 597/4 revision B

- identifies new Definitive Footpath links to the north east of the site, linking to Cooper Green Lane. These routes have been identified as Definitive Bridleways in the ROWIP linking with Cooper Green Lane opposite Restricted By-Way 54 Sandridge (Sleeve Hall Lane).
- identifies permissive footpaths along the line of the old haul road linking to Ellenbrook Fields and Coppers Green Lane, these route have been identified as Definitive Bridleways linking to Ellenbrook Fields and the employment and housing areas in Welwyn Hatfield.
- I have discussed this with the STAAF and they are working with my colleague Dawn Grocock who is in contact with Jenny Smith and Simon Chivers at Welwyn Hatfield Borough Council actively identifying connecting routes as part of their ongoing local plan process.

- I am concerned that the routes identified in the ROWIP as bridleways have been offered only as footpaths, which reduces their value considerably by excluding the cyclist and ridden horses from the network and compromising the viability of wider sustainable transport links beyond the application site.

7.7 Natural England has no objection.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

7.8 The Campaign for the Protection of Rural England feels on balance planning permission should be refused:

Comments

- The original approval for Hatfield included a remediation plan which was for a wetland development. Subsequent amendments to that approval did not change that position. The current proposal is for substantial infilling of the existing quarry area which would reduce the proposed wetland area by approximately two thirds.
- Firstly the anticipated ecological balance of the site will be significantly changes. The environmental statements accompanying the application outline the ecological positions following the proposed work but do not justify the differences between the originally approved scheme and this proposal nor outline and quantify the balance between ecological the value of both.
- The original scheme envisaged the deposit of silt in the ponds to be created within the quarry. We presume that silt material will continue to be generated in the wider workings of Cemex within Hertfordshire, but there is no clear statement as to where that material will be deposited if two thirds of the site is no longer available.
- At 620,000 cubic metres, the proposed volume of inert material required for infilling is substantial. To sustain the importation of this material over a seven year period, we assume that Cemex has a sustainable source, but this is not identified in the supporting documentation. If that source is outside the County, then we would wish to see an assessment of its impact on the wider highway network. If it is within the County then we have concerns regarding its impact on the ability of other sites to achieve restoration. We would not want to see this site diverting inert waste material from sites which could delay the restoration programme for those sites. If Cemex do not have a sustainable source we question the longer term viability of the project.

7.9 The Member of Parliament for St Albans wrote on 09 March 2016

I am writing regarding the above application, and to outline some of the concerns that residents have shared with me regarding this application.

Many residents are concerned about HGV movements on a busy road, and the import of inert materials that may have a lasting damage to the site. Below is a list of the most common concerns that residents have expressed to me:

- *Loss of green belt land*
- *Loss of open green space*
- *Loss of footpaths and bridleways*
- *Damage to wildlife and environment*
- *Traffic disruption and congestion*
- *Air pollution*

I do believe strongly that any extraction must come with a contract with the community to restore the land to its previous state, and in the meantime undertake any mitigation necessary in such circumstances. There needs to be a firm and binding commitment with the operator and the community.

I trust that any decision about this application will be weighed against residents' concerns, and will be fully considered

Third party representations

- 7.10 The application has been advertised in the local press, a site notice erected, and letters sent to 95 properties in the vicinity of the site. There has been a total of seven letters or emails of objection, including a petition with 15 persons objecting to the proposed development.

The following concerns have been raised:

Noise

- the proposed development would add to the other sources of noise in the area;
- This development is not justified. Residents would be subjected to significant unnecessary disturbance and there would be disruption to the local area in terms of noise and traffic.

Traffic

- the introduction of a further 300 movements per day would put huge strain on Oaklands Lane which doesn't have the capacity to cope with additional traffic

- The A1057 is a notoriously busy road and considerable queuing is experienced in all directions at peak times. The proposal would certainly make this situation worse.
- The high number of HGVs would conflict with other traffic e.g. buses
- In addition to this proposal there is also the proposal to build 360 plus houses on the Oaklands College site adjacent to Sandpit Lane, which would further increase traffic flows on Oaklands Lane.
- The statements on transport impact are unrealistically optimistic and quite different to someone with experience of living in the area for the past 40 years.
- pollution levels from standing vehicle exhausts at peak times are already at a high level
- there are two planning applications in the immediate area – one of which has already been approved – for the building of additional housing and if this planning application were to be approved in its current state the whole area will grind to a complete standstill.
- if the development were to go ahead they should be required to establish a completely different access point to transport the materials
- the traffic management plan as submitted is misleading and does not reflect the pressure that Smallford as a community is under from increased traffic at all times not least from the quarry distribution activities. It also ignores the number of serious accidents on Oaklands Lane in the last few years including a fatality. It makes no mention of the small bridge, with a weight limit and awkward corner on Station Road in Smallford and how lorries will be directed to avoid this. It makes no mention of the controls in terms of speed and access to be made nor does it deal with any damage to road surfaces and how this will be rectified. There has been no consultation with the community prior to the submission of this application.
- The impact on roads, infrastructure, quality of life for local wildlife and residents do not appear to have been properly assessed, particularly in light of existing similar commercial operations in close proximity to this proposal and other applications, and for these reasons I do not believe sufficient evidence exists that this application would bring any real benefit to the area.

Ecology

- The proposed infill area is currently a wildlife haven and this will displace the local fauna and wildlife that have adopted it. Surely consideration should have been given to the end state of the land when mineral extraction was commenced on the site and reference should be made to the initial mineral extraction planning permission, rather than being varied at a later date on the whim of the operator.

8. Development Plan

- 8.1 The development plan for the area comprises the Welwyn Hatfield District Plan 2005, the St Albans City & District Local Plan 1994; the Hertfordshire Minerals Local Plan Review 2007, and the Hertfordshire Waste Development Framework: Waste Core Strategy and Development Management Policies November 2012.

Welwyn Hatfield District Plan 2005

SD1 – Sustainable Development
R7 – Protection of Ground and Surface Water
R11 – Biodiversity and Development
R14 – Local Nature Reserves
R15 – Wildlife Sites
R17 – Trees, Woodland and Hedgerows
R18 – Air Quality
R29 – Noise and Vibration Pollution
RA1 - Development in the Green Belt
RA25 – Public Rights of Way
D8 - Landscaping

St Albans City & District Local Plan 1994

74 – Landscaping and Tree Preservation
82 – Noise Generating Uses
103 – Forestry and Woodlands
104 – Landscape Conservation
106 – Nature Conservation

Hertfordshire Minerals Local Plan Review March 2007

9 – Contribution to biodiversity
12 - Landscape
13 – Reclamation
14 - Afteruse

Hertfordshire Waste Core Strategy & Development Management Policies: November 2012

4: Landfill and landraise
6: Green Belt
7: General criteria for assessing planning applications outside of identified locations
11: General criteria for assessing waste planning applications
12: Sustainable design, construction and demolition
13: Road transport & traffic
14: Buffer Zones
15: Rights of Way
16: Soil, Air and Water
19: Protection and Mitigation

National Planning Policy Framework (November 2012)

9 – Protecting Green Belt Land

- 11 – Conserving and enhancing the natural environment
- 13 - Facilitating the sustainable use of minerals

Other policy considerations

Hertfordshire Landscape Character Assessment 2001

9. Planning Issues

9.1 The main planning issues relate to:

- Green Belt
- Landfill and Landraise
- Landscape
- Ecology
- Rights of Way
- Restoration and Afteruse
- Traffic
- Noise and Air Quality

Green Belt

9.2 Policy 6 of the Hertfordshire Waste Development Framework: Waste Core Strategy states: 'Applications for new and/or expansion of existing waste management facilities within the Green Belt will be required to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt together with any other harm identified. In considering proposals within the Green Belt the following criteria will be taken into consideration as material considerations':

- i) The need for the development that cannot be met by alternative non-Green Belt sites;
- ii) The need to find locations as close as practicable to the source of waste
- iii) The availability of sustainable transport connections;
- iv) The site characteristics;
- v) Any specific locational advantages of the proposed site; and
- vi) The wider economic and environmental benefits of sustainable waste a management, including the need for a range of sites.

9.3 The backfilling of a former mineral void which consists of waste disposal should be regarded as inappropriate development.

9.4 Inappropriate development is by definition harmful to the Green Belt and should not be permitted except in very special circumstances (Paragraph 87);

9.5 The proposed development would have some negative impacts upon the Green Belt. These relate to the inappropriateness of the development, the harm to openness of the Green Belt during the

operations from HGV movements and large earthmoving equipment over the 7 year period of the development, and the long term (permanent) harm to the openness of the Green Belt caused by the raising of the land levels by 4m.

- 9.6 The reclamation of mineral workings with waste may be permitted only where it can be demonstrated that the disposal of waste is necessary to achieve the restoration proposals.
- 9.7 The earlier phases of restoration of Hatfield Quarry relied upon importation of waste to reinstate the land close to the original levels for agricultural use. Later phases of restoration have provided for a low level of restoration, also for agriculture. The proposed restoration seeks to infill a water body that is no longer desirable as part of the long term restoration of the site, and importation of waste to infill the water body is considered necessary.
- 9.8 The harm to the Green Belt would be limited due to the relatively short duration of the operation and also because of the limited extent of the landraising. The land would be raised by a relatively modest amount which would assist with drainage and would not be perceived as an exaggerated raised landform. The landform would not be out of keeping with the earlier restored areas of Hatfield which have been similarly raised by a few metres.
- 9.9 Overall the harm is limited and there are wider benefits of the proposed development in terms of enhanced habitats, including for protected species, and extensions to the Rights of Way network and a car park which will for wider positive use of the Green Belt for recreation.
- 9.10 The proposed development would not conflict with the purposes of including land in the Green Belt and would be returned to a beneficial afteruse within a relatively short timescale.

Landfill and Landraise

- 9.11 Policy 4 of the Hertfordshire Waste Development Framework: Waste Core Strategy document states:
- 9.12 Disposal of waste and restoration with inert material by raising the level of the land will only be granted planning permission where:
- i) it would assist the preparation of land for other approved development proposals;
 - ii) the land is derelict or degraded;
 - iii) it would result in significant other environmental benefit;
 - iv) it can be demonstrated that it is necessary to achieve restoration of mineral voids; and
 - v) it would not give rise to unacceptable implications for human health or amenity

- 9.13 The proposal is to infill a former mineral void and to that extent the disposal of waste is a necessary part of the proposal. It is proposed to raise the level of the land by 4m. This is considered reasonably necessary to assist with the proper drainage of the land and would not significantly impact upon the openness of the Green Belt.
- 9.14 Further environmental benefits relate to habitat creation and public access.
- 9.15 Overall it is considered that a modest degree of landraising is justified in this case having regard to the wider environmental benefits provided.

Landscape

- 9.16 Policy R17 of the Welwyn Hatfield District Plan 2005 states: The Council will seek protection and retention of existing trees, hedgerows and woodland by the use of planning conditions, s106 agreements, hedgerow retention notices and tree preservation orders where applicable. New development will be required to incorporate where appropriate new planting with locally native species, in accordance with Policy D8 Landscaping.
- 9.17 Policy D8 Landscaping requires the retention and enhancement of existing key landscape features such as trees and shrubs, ponds and watercourses will be expected where feasible, and replacement tree planting should be carried out.
- 9.18 Policy 103 Forestry and Woodlands of the St Albans City and District Local Plan 1994 seeks to minimise the impact of clear felling in sensitive areas and encourages the proper management of existing woodlands in the interests of timber production, ecology, recreation and amenity.
- 9.19 Policy 104 Landscape Conservation of the St Albans City and District Local Plan 1994 requires landscape improvements as part of development proposals.
- 9.20 The Hertfordshire Landscape Character Areas Study identifies the De Havilland Plateau Landscape Character Area as an area dominated and unified by the level topography yet with a diverse mix of uses and an incoherent pattern. Some of the key characteristics include:
- an extensive level plain;
 - large open arable landscape to the north
 - disused Hatfield Aerodrome;
 - parkland and horticultural landscape at Oaklands College
 - existing and restored mineral workings
 - urban fringe development e.g. glasshouses
 - incoherent and jumbled landscape

- 9.21 Previous mineral workings are a landscape feature of the area, including flooded gravel pits, scrub and marshland habitats e.g. Oaklands Quarry. The area has relatively few hedgerows except for some of the roads. The vast majority of the land has been disturbed during the last century, and the field enclosure pattern has been altered as a result of mineral extraction or restoration.
- 9.22 In terms of visual impact, the major intrusive feature is the Hatfield Business Park, and local features include the batching plant at Hatfield Quarry and the glasshouses at Smallford.
- 9.23 Overall, much of the area has a sense of semi-dereliction or poor management. There has been extensive land-use change and little of the original pattern remains. There are few rights of way across the area, partly due to aviation uses in the past.
- 9.24 In this context the raising of the land levels by 4m would have a relatively insignificant impact upon the landscape character of the area.
- 9.25 In terms of habitats, the proposal would create a new habitat type i.e. acid grassland which could support low intensity grazing. There is the potential that the land could form part of a wider area of similar uses following any potential future mineral working at the former BAe Aerodrome site which would then make grazing over a wider area. This would support the long term viability of the area to support low intensity grazing.
- 9.26 The proposal provides a suitable landform with gently sloping sides and a low overall height, and would not result in an exaggerated dome shape landform. The landform would be sympathetic to the character of the surrounding land, parts of which have been similarly restored in the past, and would generally be in keeping with the surrounding area.
- 9.27 The gently slopes would allow surface water to shed naturally to collect in a series of open ditches and swales around the perimeter of the site and transferred to the pond at Cut Field. The raised landform would also add some interesting slopes adjacent to the pond, and would appear to be designed as part of the landscape.

Ecology

- 9.28 Policy R11 Biodiversity and Development of the Welwyn Hatfield Local Plan states: All new development will be required to demonstrate how it would contribute positively to the biodiversity of the site by;
- (i) the retention and enhancement of the natural features of the site;
 - (ii) the promotion of natural areas and wildlife corridors where appropriate as part of the design;

- (iii) the translocation of habitats where necessary, where it can be demonstrated that the habitat or species concerned cannot be successfully accommodated within the development;
 - (iv) the use of locally native species in planting in accordance with Policy D8 Landscaping
 - (v) helping meet priorities/targets set out in the Local Biodiversity Action Plan
- 9.29 Policy 74 of the St Albans City and District Local Plan supports the establishment of wildlife corridors wherever opportunities occur.
- 9.30 Policy 106 Nature Conservation St Albans City and District Local Plan 1994 will take account of any adverse impacts of the proposal upon sites of wildlife importance and groundwater.
- 9.31 The proposed restoration would provide a large area of acid grassland, which is a relatively less common habitat type than open water, plus a series of smaller lakes, ponds and shallow scrapes in the southern part of the site.
- 9.32 The application includes an assessment based around the UK Biodiversity Action Plan targets comparing the relative value of the proposed habitats against habitats provided under the previously approved scheme. The acid grassland provides a clear potential benefit in biodiversity terms compared with open water. Although the proposed development would result in a substantial loss of open water and the associated aquatic life, there would some compensation maintained in terms of habitat for birds, together with an enhancement of habitat biodiversity overall.
- 9.33 It is proposed to translocate an existing population of Great Crested Newts from the ponds to an area of enhanced habitat to be created within Balls Covert adjoining the site as an alternative during the infilling operations. It will be necessary to provide the enhanced habitat in advance of any infilling works and to protect the new habitat from the infilling operation through the erection of newt fencing around the perimeter of Balls Covert. The proposed restoration would provide suitable habitat for Great Crested Newts to return on completion.
- 9.34 Subject to the recommended conditions to provide for a survey, the translocation and ongoing safeguarding of the existing population of Great Crested Newts the proposal will provide the necessary mitigation in order to safeguard the favourable conservation status of protected species.
- 9.35 The NPPF seeks improvements to biodiversity. This could be achieved through this application by the erection of bat and bird boxes within the existing woods and on the edge of woodland, to cater for Barn Owls, which are known to occupy such boxes on the adjoining land at the former BAe Hatfield Aerodrome site.

Rights of Way

- 9.36 Policy 15 of the Hertfordshire Waste Core Strategy states:
Waste management proposals should ensure that public Rights of Way are not adversely affected or, where this is not possible, that good quality, safe and convenient alternative provision is made or suitable replacement Rights of Way is secured. The use of Rights of Way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of users can be adequately protected. Proposals should enhance the public Rights of Way network through the creation of new Rights of Way and/or open space, or the improvement of existing access.
- 9.37 Policy RA25 of the Welwyn Hatfield District Plan 2005 states:
The Council will work with other organisations to promote the maintenance and improvement of the public rights of way network in the district. Planning permission will not be granted for development in the countryside which adversely affects the convenience, safety, setting and amenity of an existing definitive public right of way. The diversion of a public right of way will only be supported where the new route is as least as attractive, safe and convenient for public use. The implementation of these requirements will be achieved through the use of planning conditions or s106 agreements.
- 9.38 Currently Footpath 14 and Bridleway 62 cross the plant site and haul road. It is proposed to provide a temporary closure of Bridleway 62 and in the interim provide a new Bridleway to the north of Oaklands Lane to offer a more favourable route for riders to avoid having to cross through the plant site and haul road. This would be retained in perpetuity as a permanent extension to the Rights of Way network.
- 9.39 The proposal would also provide a number of new routes as extensions to the existing network, including upgrading existing routes from footpaths to bridleways and the provision of new bridleways, plus some permissive footpaths around restored areas. The applicant is encouraged to provide as many routes as possible as dedicated bridleways, as opposed to only footpaths, and to include circular routes, which tend to be the most used and very popular. The need to improve the rights of Way network is recognised in an area where historically the rights of way have been severed by the aerodrome and much of this area has been unavailable to the current generation.
- 9.40 The current proposals form a good basis to form the linkages between the two sites (i.e. the Former Hatfield Aerodrome site) through the creation of new public rights of way and wildlife corridors to be developed in future.
- 9.41 The proposals are welcome by rights of way users and are consistent with the Rights of Way Improvement Plan objectives for the area.

- 9.42 These are benefits which are very unlikely to be deliverable in isolation.
- 9.43 In increasing opportunities for access to the countryside for recreation the proposal is consistent with the aims of Green Belt policy for planning positively to enhance the beneficial use of the Green Belt (NPPF, Paragraph 81).

Restoration and Afteruse

- 9.44 The past planning permissions for the site have provided for an acceptable form of restoration for the site.
- 9.45 The creation or enhancement of existing water bodies for wildlife is supported under Minerals Policy 14 – Afteruse.
- 9.46 The proposal would result in infilling of the main part of the water body. It appears that Cut Field has not been fully restored in accordance with the approved restoration plan. In its current form the banks slope steeply and have been overgrown by Willow and Birch. The approved restoration masterplan shows Cut Field as two areas of open water, divided by a causeway, each with shallow sloping banks to enable grazing. In its current form the northern lagoon offers limited opportunity for birds due to the steep banks and lack of shallow margins, although the lagoon is used by wildfowl.
- 9.46 In the long term the presence of an isolated area of deep water could become a risk and without an Operator on site it would be difficult to manage unauthorised access, which is a safety concern at quarries.
- 9.47 The long term, the future use of Cut Field lagoon is uncertain without a long term management plan or viable end use in place e.g. sport and recreation. It is unlikely that the lake would be attractive to a fishing club due to the steep slopes leading to the waters' edge. Level access is required to fishing pegs due to the large amount of equipment carried by anglers. Significant initial work would be required to establish access around the margins as well as a long term management plan to control Willow growth. The site is quite isolated and there is no car park. For these reasons it is considered unlikely to be viable as a fishing water.
- 9.48 If the water was left unmanaged the margins would become even more overgrown and in the foreseeable future could become a safety risk. It would be likely that any successive land owner may want to infill the water body. It is better that this is carried out under the responsibility of the quarry company whilst mineral extraction is ongoing. The mineral company are also proposing to carry out enhancements to previously restored areas of land that they control to join up area of restoration as part of a masterplan, which might not otherwise happen.
- 9.49 Under the current permission there is a question of how the land will be managed beyond the standard five year aftercare period. The extensive

works that are proposed to Cut Field lagoon, Cut Field Wood, and Gardeners Lagoon will require management for an extended period of aftercare. Therefore it is recommended that a longer period of aftercare is justified i.e. 10 years, to ensure that the potential benefits of the scheme are delivered in practice.

- 9.50 There are concerns regarding the long term management of an isolated area of deep water and the associated risks. Taking into account the benefits offered by this proposal in terms of habitat provision, the enhancements to adjoining land for biodiversity, plus the risks associated with having an isolated area of deep water in the long term, it is considered that the proposed restoration provides a suitable long term restoration of the site. The proposal is considered to be consistent with the policy aims of the Hertfordshire Mineral Local Plan Review 2007 in terms of:
- preventing mineral working from being allowed to become derelict or remain out of beneficial use;
 - the form of restoration and afteruse being consistent with the landscape character of the area and achieved within a reasonable timescale;
 - providing for restoration, afteruse and a minimum period of aftercare of not less than five years

Traffic

- 9.51 The application proposes an average of 72 two way HGV movements per day, although the Transport Assessment has used the figure of 100 two way movements per day for robustness. The quarry has a limit of 250 daily HGV movements (125 in/ 125 out). It is proposed to increase to 300 movements (150 in/ 150 out) for the duration of infilling.
- 9.52 All vehicles will enter and exit the site via the existing access on Oaklands Lane. The existing HGVs numbers are made up by; (a) the bulk export of processed sand and gravel, (b) the export of sand and gravel bags (25kg), and (c) ready mix concrete batching plant.
- 9.53 The existing access has been in use for a number of years without significant incident between HGVs and other road users. The third party representations received on this application raise concerns regarding the numbers and size of lorries using the road, although the current levels are below the historic levels during infilling operations of the past. The current proposal is to re-instate a high number for the duration of infilling i.e. until 2024.
- 9.54 The Highway Authority raises no specific concerns regarding the proposed number of lorries over the duration of development. However, given the relatively low number of HGVs associated with the infilling proposal, and the modest number of HGV movements associated with all other existing operations at the site, it is considered that an increase in lorry numbers is not justified and if permitted may generate

unnecessary additional movements, which is a cause of concern for local residents that could be avoided.

- 9.55 Concerns have been raised regarding the cumulative impacts of the number vehicles associated with this proposal and other potential developments in the area, including the application at the former Hatfield Aerodrome.
- 9.56 The number of vehicles associated with this proposal is relatively small and can be required to operate within the current permitted vehicle movements. The cumulative impact of the other development that potentially could take place in future will need to consider the number of vehicles associated with all operations at Hatfield Quarry.
- 9.57 The anticipated closure date of Hatfield Quarry is currently 2020. The proposal would result in additional HGVs for a further 4 years until 2024. The relatively short extension together with the limited number of vehicles associated with the infilling operation would be well below historical levels generated by the quarry, and would not cause significant harm.
- 9.58 The NPPF (paragraph 32) states: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.59 There is no evidence to support such a conclusion and the Highway Authority raises no objection to the proposed development
- 9.60 Policy 9 of the Hertfordshire Waste Core Strategy document states: 'Waste management facilities should be well located in relation to the strategic road network as defined in the Local Transport Plan unless it can be demonstrated that it can meet an identified local need. Support will be given to proposals which utilise forms of transport other than road including by water or rail.
- 9.61 The only access to the site is by road. The application site is located a short distance along Oaklands Lane and is reasonably well located in relation to the strategic road network with connections to the A1M and the A1057. The proposal includes passing places along the haul road to enable lorries to pass one another.
- 9.62 It is considered that the location of the site is suitable for a facility of this type for the duration of the proposed development and raises no significant conflicts with transport policy or use of local roads.

Noise and Air Quality

- 9.63 Policy 11 of the Hertfordshire Waste Core Strategy 2012 states planning permission for waste management facilities will be granted provided that:

- i) the siting, scale and design of the development is appropriate to the location
- ii) the landscaping and screening of the site is designed to effectively mitigate the impact of the proposal
- iii) the proposed operation of the site would not adversely impact upon amenity of human health;
- iv) the proposed operation of the site would not adversely impact wildlife habitats, the natural built or historic environments
- v) adequate provision is made for the restoration, aftercare and management of the site to an agreed after-use;

9.64 Policy 14 of the Hertfordshire Waste Core Strategy 2012 states: Waste management proposals should incorporate an appropriately defined buffer zone in order to safeguard sensitive land uses. The following matters will be taken into account when delineating the buffer zone at the application stage for development;

- i) the type of waste and waste management facility including processing and recovery methods:
- ii) natural and man-made feature, which may reduce the impact of the development, for example, landscape features e.g. woodland, trees and hedgerows, watercourses, roads, railway lines etc.
- iii) the proximity of the proposed development to neighbouring land uses

Noise

9.65 Minerals Policy 18 requires proposals to demonstrate that there would be no significant noise intrusion or degradation of air quality arising from the development.

9.66 Policy R19 – Noise and Vibration Pollution – of the Welwyn Hatfield District Plan 2005 states:

Proposals will be refused if the development is likely:

- (i) to generate unacceptable noise or vibration for other land uses; or
- (ii) to be effected by unacceptable noise or vibration from other land uses. Planning permission will be granted where appropriate conditions may be imposed to ensure either:
 - (iii) an adequate level of protection against noise or vibration; or
 - (iv) that the level of noise emitted can be controlled

9.67 Policy 82 of the St Albans City and District Plan 1994 requires all proposals to minimise the impact of noise nuisance. Permission would not normally be permitted where acceptable levels cannot be achieved.

9.68 The NPPG states noise needs to be considered when new developments create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When noise exposure goes beyond a certain level it will cause a ‘significant observed adverse effect’ that may trigger a change in behaviour such as keeping windows closed for most of the time. At this level the

planning process should be used to avoid this effect occurring through mitigation such as altering the design and layout.

- 9.69 The nearest residential properties are group of three cottages located directly opposite the site on Coopers Green Lane. The proposal provides mitigation of noise and visual impacts using a 3m high bund on the northern side of the site to screen views of the operation, particularly from first floor windows.
- 9.70 The bund would need to be in place for the duration of the development and removed as part of the final restoration. The bund would be planted and seeded. The bund would curtail views currently available over the site from first floor windows for the duration of the development. Post restoration the views would change to a slightly raised landform instead of open water. In any event, views which would be lost over time as Willow and Birch trees on the lake margins mature.
- 9.71 Views over the restored site would probably not be significantly different to that prior to mineral extraction, although some significant hedgerow trees may have been lost, which could be compensated using a belt of woodland trees planted along the northern boundary.
- 9.72 The bund would need to be constructed at the start of the development and may be planted with shrubs species to establish an effective visual screen.
- 9.73 Taking into account the provision of Policy 14 of the Hertfordshire Waste Core Strategy 2012, it is considered that the proposal provides an acceptable buffer distance between the operation and residential properties taking into account the following factors:
- the type of waste being inert and the absence of any waste processing or recovery methods,
 - the provision of a bund planted with landscaping to reduce the impact of development
- 9.74 It is considered the proposal would not have any significant adverse impacts upon the living conditions of the residents of these two properties in particular.
- 9.75 With regards to properties on Oaklands Lane, the proposed development would increase the number of vehicles to the site, and would extend beyond the anticipated end of mineral extraction. However the number of daily HGV movements is at an acceptable level consistent with the past infilling operations at the quarry and would extent for a relatively short time scale. Therefore it is considered that the traffic generated by the existing and proposed operations at Hatfield Quarry would not have a significant adverse impact upon residents living on Oaklands Lane for the period of the proposed development.

Air Quality

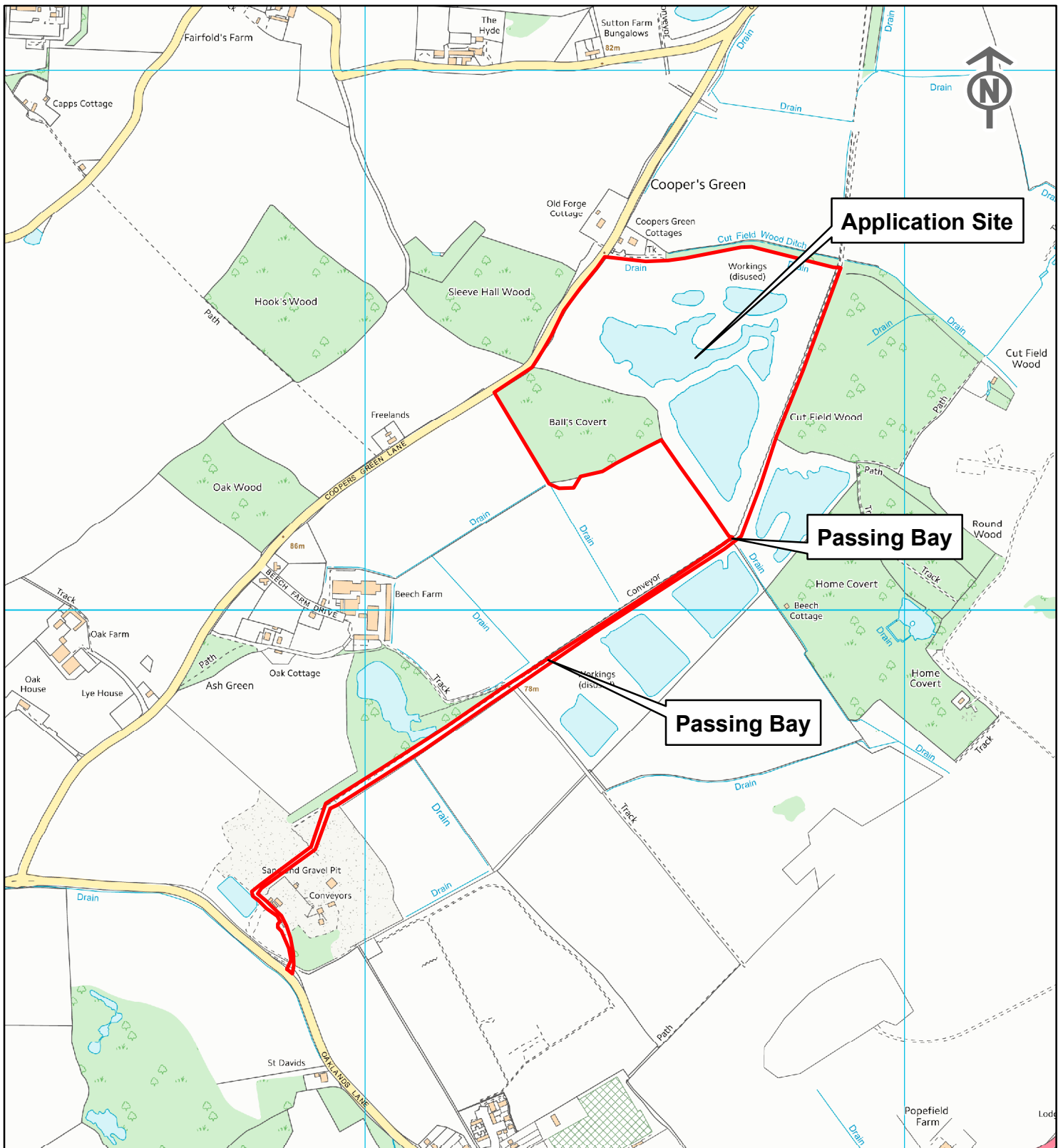
- 9.76 The NPPG states: whether or not air quality is relevant to a planning decision will depend on the proposed development and its location, considerations could include whether the development would significantly affect traffic in the immediate vicinity of the site, increase congestion, or change traffic volumes. Mitigation options should be proportionate to the likely impact to ensure that development is appropriate for its location and unacceptable risks are prevented. Planning conditions can be used to secure mitigation.
- 9.77 The restoration of a mineral void has the potential to generate dust and emissions from vehicles. The normal way in which this would be controlled is through good management practice of using water to dampen haul roads and working areas in dry conditions and not working in close proximity to residential properties when the prevailing wind is strong enough to carry particles towards those properties. Vehicles should be maintained to manufactures specifications. Subject to such measures being in place and the screen bund being erected at the outset it is considered that the impact upon air quality from dust and vehicle emissions would be manageable to an acceptable level.

Water Environment

- 9.78 Policy 16 of the HWCS requires waste proposals to demonstrate:
- i. will not have a negative impact on the soil or water environment, including main rivers, floodplains, ordinary watercourses, other water bodies such as lakes or ponds, and groundwater resources unless appropriate measures can be imposed to mitigate harmful effects;
 - ii. adequately provide for the restoration, aftercare of the site to an agreed afteruse
 - iii. not significantly degrade the quality of air (particularly from dust and emissions) and
 - iv. where possible avoid floodplain areas
- 9.79 The loss of a large water body is acknowledged as a negative aspect of the scheme, notwithstanding the uncertainties of how the water body would be managed in future. More positively, the proposal would result in the re-establishment of the River Nast on its original route on the surface. The River Nast is an ephemeral stream categorised as a main river for Environment Agency purposes. The River Nast has been culverted for large sections of its route across the Hatfield Quarry and the former BAe Hatfield Aerodrome site. The EA policy is that culverted main rivers should be re-instated for flood management and biodiversity reasons. The re-instatement and enhancement of the River Nast would go some way to balancing the loss of the Cut Field lagoon.

10. Conclusion

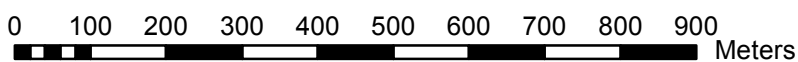
- 10.1 The proposed development represents inappropriate development in the Green Belt which should not be permitted except in Very special circumstances, which will not exist unless the harm by inappropriateness and any other harm is clearly outweighed by other material considerations.
- 10.2 The infilling of the lagoon at Cut Field would result in the loss of a water body which would have a negative impact upon aquatic life, however it is proposed to create acid grassland which of greater value in biodiversity terms. It is proposed to carry out enhancements for Great Crested Newt habitats in the adjoining Balls Covert and the provision of a more varied habitat through the enhancement and management of the Cut Field Wood and at Gardeners Lagoons. The alternative restorations being proposed would provide habitat for birdlife which currently exist at the site.
- 10.3 It will be necessary to establish the new habitats prior to the commencement of any infilling and to protect them through the development.
- 10.4 The application proposes permanent extensions to the Rights of Way network which are a long held aspiration of the Rights of Way Improvement Plan and this is supported by local interest groups and is welcomed by St Albans City and District Council.
- 10.5 Overall, the proposed development would result in limited harm to the Green Belt for the duration of the operation and the landraising. The permanent impact upon openness from landraising would be limited due to the increase of only 4m above adjoining land levels over a wide area which would not be perceived negatively in landscape terms.
- 10.6 The wider benefits of the proposed development in terms of the enhanced habitats and extensions to the Rights of Way network, which would increase the positive use of the Green Belt, are the Very Special Circumstances which in this case are sufficient to clearly outweigh the inappropriate development and limited other harm to the Green Belt.
- 10.7 The long term benefits of the restoration will be secured over an extended aftercare period of 10 years. The Rights of Way extensions are the subject of a s106 agreement. This should provide the firm and binding commitment between the Operator and the local community which is referred to in responses to the application.
- 10.8 It is therefore recommended that planning permission should be granted subject to the applicant entering into a s106 agreement and the conditions set out in Appendix III of this report.

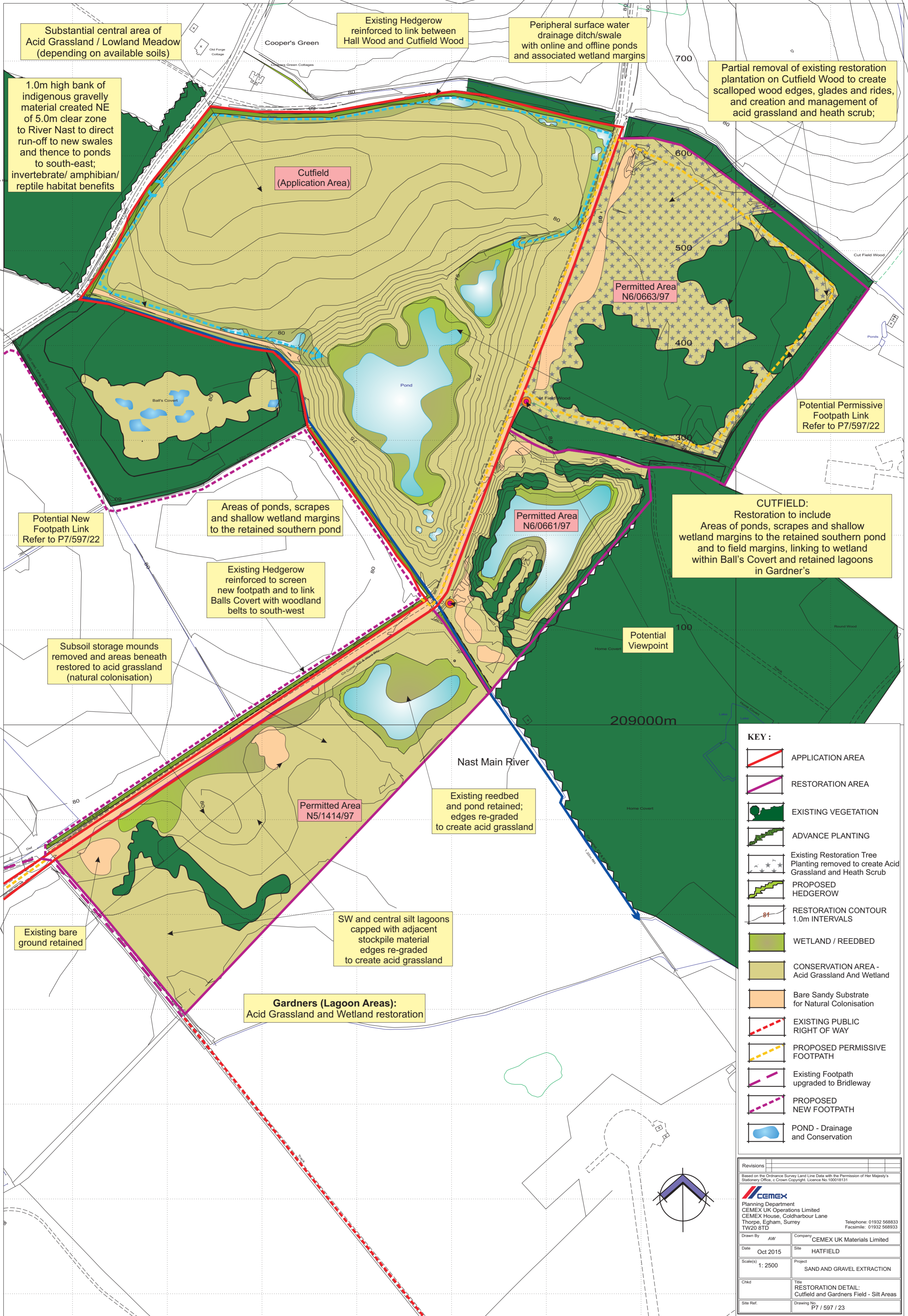


DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th May 2016

Application for the restoration to conservation after uses through the importation and final disposal of engineering materials comprising inert waste at Hatfield Quarry, Oaklands Lane, Smallford, Hatfield, Hertfordshire, AL4 0HT





Substantial central area of Acid Grassland / Lowland Meadow (depending on available soils)

Existing Hedgerow reinforced to link between Hall Wood and Cutfield Wood

Peripheral surface water drainage ditch/swale with online and offline ponds and associated wetland margins

Partial removal of existing restoration plantation on Cutfield Wood to create scalloped wood edges, glades and rides, and creation and management of acid grassland and heath scrub;

1.0m high bank of indigenous gravelly material created NE of 5.0m clear zone to River Nast to direct run-off to new swales and thence to ponds to south-east; invertebrate/ amphibian/ reptile habitat benefits

Cutfield (Application Area)

Permitted Area N6/0663/97

Potential Permissive Footpath Link Refer to P7/597/22

CUTFIELD:
Restoration to include Areas of ponds, scrapes and shallow wetland margins to the retained southern pond and to field margins, linking to wetland within Ball's Covert and retained lagoons in Gardner's

Potential New Footpath Link Refer to P7/597/22

Areas of ponds, scrapes and shallow wetland margins to the retained southern pond

Existing Hedgerow reinforced to screen new footpath and to link Balls Covert with woodland belts to south-west

Subsoil storage mounds removed and areas beneath restored to acid grassland (natural colonisation)

Permitted Area N6/0661/97

Potential Viewpoint

Existing reedbed and pond retained; edges re-graded to create acid grassland

Permitted Area N5/1414/97

Existing bare ground retained

SW and central silt lagoons capped with adjacent stockpile material edges re-graded to create acid grassland

Gardners (Lagoon Areas):
Acid Grassland and Wetland restoration

KEY :

- APPLICATION AREA
- RESTORATION AREA
- EXISTING VEGETATION
- ADVANCE PLANTING
- Existing Restoration Tree Planting removed to create Acid Grassland and Heath Scrub
- PROPOSED HEDGEROW
- RESTORATION CONTOUR 1.0m INTERVALS
- WETLAND / REEDBED
- CONSERVATION AREA - Acid Grassland And Wetland
- Bare Sandy Substrate for Natural Colonisation
- EXISTING PUBLIC RIGHT OF WAY
- PROPOSED PERMISSIVE FOOTPATH
- Existing Footpath upgraded to Bridleway
- PROPOSED NEW FOOTPATH
- POND - Drainage and Conservation

Revisions	
Based on the Ordnance Survey Land Line Data with the Permission of Her Majesty's Stationary Office, © Crown Copyright, Licence No 100018131	
Planning Department CEMEX UK Operations Limited CEMEX House, Coldharbour Lane Thorpe, Egham, Surrey TW20 8TD Telephone: 01932 568833 Facsimile: 01932 568933	
Drawn By: AW	Company: CEMEX UK Materials Limited
Date: Oct 2015	Site: HATFIELD
Scale(s): 1: 2500	Project: SAND AND GRAVEL EXTRACTION
Check:	Title: RESTORATION DETAIL: Cutfield and Gardners Field - Silt Areas
Site Ref:	Drawing No: P7 / 597 / 23

Conditions

Commencement

1. The development hereby permitted shall be begun¹ before the expiration of three years commencing on the date of this notice.
Reason: to ensure the restoration is achieved within a reasonable timescale.

Completion

2. The development hereby permitted shall be completed by 31st December 2025.
Reason: restoration is achieved within a reasonable timescale.

Accordance

3. The development hereby permitted shall, except where modified by this Schedule of Conditions, or otherwise agreed in writing by the local planning authority, be undertaken in accordance with the provisions of the planning application (5/1240-14) and accompanying documents as listed:
 - 14-09_HAT_CUT_ACCESS Proposed Access Route
 - 14-09_HAT_CUT_PLANT February 2012 Plant Site Survey
 - P7/597/22 Composite Restoration Plan
 - P7/597/23 Restoration detail: Cutfield and Gardeners Lagoon – Silt Areas
 - P16/597/4 Rev A Current Rights of Way
 - Planning Statement
 - Cut Field Additional Information October 2015

Reason: to ensure the site is restored in accordance with the approved plans.

Construction Management Plan

4. Prior to the commencement of development a detailed construction management plan shall be submitted to and agreed in writing by the waste planning authority, to include details of:
 - vehicle routing
 - phasing - including timescales
 - construction of the access ramp
 - noise and dust mitigation measures

The Construction Management Plan shall be implemented as agreed in full for the duration of the development.

Reason: to ensure the development is carried out in accordance with a managed programme, in the interests of amenity.

Noise

5. Prior to the commencement of construction a detailed noise impact assessment and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority, to include details of:
- an assessment of background noise;
 - modelling of noise generated by the development;
 - proposals for advance screen bunding and any secondary bunding within the site as may be required;
 - proposals to minimise noise throughout the works
- Reason: to ensure that noise is mitigated as far as possible

Rights of Way

6. The Rights of Way enhancements shown on drawing P16/597/4 Rev A shall be provided in accordance with the timescales set out in a rights of way delivery plan to be submitted prior to the commencement of development.
- Reason: to ensure the timely provision of rights of way

Restoration

7. The site shall be restored in accordance with the plans P7/597/22 (Composite Restoration Plan) and P7/597/23 (Restoration detail: Cutfield and Gardeners Lagoon – Silt Areas) not later than December 2024.
- Reason: to ensure the site is restored within a reasonable timescale to high environmental standards in accordance with the provisions of the NPPF (Paragraph 144).

Bund construction

8. Prior to the commencement of any infilling, the screen bund on the northern side of the site, shown in principle on drawing LD005/HQ/003, shall be constructed in accordance with a detailed plan, to include cross section drawings, showing the maximum minimum height of the bund of 4m above adjoining land levels. The screen bund shall be retained in site through the period of infilling and removed and the land reinstated on completion of infilling.
- Reason: in the interests of visual amenity

No waste disposal - Balls Covert

9. No disposal of material of any sort shall take place within Balls Covert, other than agreed as part of the enhancements proposed in the management plan.
- Reason: to minimise the potential harm to any Great Crested Newt populations.

Restoration of Balls Covert

10. A detailed scheme comprising the enhancement works in Balls Covert shall be submitted to the Waste Planning Authority for approval in writing not less than 6 months prior to the commencement of development, including any preparatory works such as the construction of the access ramp and screen bund. The scheme shall include a written statement and a detailed method of working designed to minimise the impact on GCN populations, including the provision of details of the location of appropriate newt fencing. The use of plant and machinery shall be limited and only where justified in the written statement.
Reason: to provide appropriate habitat for translocated Great Crested Newt populations.
11. The proposed enhancement works in Balls Covert approved under condition 10 above shall take place prior to the translocation of any Great Crested Newt populations.
Reason: to provide appropriate habitat for translocated Great Crested Newt populations.

Great Crested Newts

12. A minimum of 6 months prior to the commencement of development, including any preparatory works such as the construction of the access ramp and screen bund, a survey of Great Crested Newt populations shall be undertaken across the application site.
Reason: to assess the existing population and to inform the translocation strategy.
13. Great Crested translocation shall be take place a minimum of three months prior to the commencement of development, including any preparation works, such as the construction of the access ramp and screen bund.
Reason: to ensure the population is established

Highways

14. Unless otherwise agreed in advance in writing by the Mineral Planning Authority, there shall be no more than 250 lorry movements (125 in, 125 out) entering/leaving the access/egress onto the C61 Oaklands Lane Monday to Friday and no more than 150 vehicles (75 in/ 75 out) on Saturdays in accordance with the permitted hours of operation. Written records of vehicles entering and leaving the site in connection with all lorry movements from/to the Hatfield Quarry complex shall be kept by the site operator and made available for inspection by the Mineral Planning Authority upon request.
Reason: in the interest of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highway in the vicinity if the site.
15. All HGVs associated with the development shall enter and exit the site via the C61 Oaklands Lane. No other vehicular access shall be provided to the site.

Reason: in the interest of highway safety

16. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: to prevent the deposit of mud onto the road in the interest of highway safety

Water

17. No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Nast shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include plans showing the extent and layout of the buffer zone.

Reason: Development that encroaches on watercourse has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

18. No development shall take place until a basic landscape management plan, including design objectives, management responsibility and maintenance schedules for the River Nast and its buffer zone, has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements;

- percentage of tree/ scrub works to be undertaken to open up the channel in places (at the moment it's continuous scrub) along the length of the applicant's ownership;
- details of how the scrub cover will be maintained in the longer term. At what frequency and times of year;
- a plan showing the locations and number of gentle meanders.

Reasons: Re-meandering straightened river channels can help deliver objectives of the Water Framework Directive (WFD) by increasing morphological and flow diversity in a straightened channel.

These more natural conditions can provide better quality habitats for plants and invertebrates. In addition to improving conditions for the biological quality element, re-meandering could also help to improved habitats for birds and mammals that prey on fish and invertebrates.

Re-meandering increases the length of a straightened river channel. This decreases flow conveyance, which can effectively store water in the river

channel. Re-meandering can therefore decrease flood risk to sites further downstream, by reducing hydrological response times during periods of high flows.

This condition is necessary to ensure the protection of wildlife supporting habitat and secure opportunities for the enhancements of the nature conservation value of the site in line with national planning policy.

This condition is supported by the NPPF (paragraph 109) which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunity to incorporate biodiversity in and around developments should also be encouraged.

The Natural Environment and Rural communities Act which requires Local Authorities to have regard to nature conservation and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movements of species between suitable habitats, and promote the expansion of biodiversity.

The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. This watercourse falls into the Upper Colne and Ellen Brook catchment

Levels

19. On completion of all infilling and allowing for soil placement, the pre-settlement levels shall not exceed those shown on drawing reference P7 / 597 / 23 Restoration detail: Cut Field and Gardeners Field – Silt Areas, and no part of the landform shall exceed 84 metres AOD.

Reason: to ensure that the final levels are appropriate to comply with the planning permission.

Hours of operation

20. All infilling operations at the site authorised by this permission shall only take place within the following hours:
- 08:00 am and 18.00pm on Mondays to Fridays
 - 08:00 am and 13.00pm on Saturdays

No operations shall take place on Sundays or Public Holidays with the exception of essential maintenance of plant and equipment between 08.00

and 18.00 hours. For the purposes of this condition operations shall include vehicle movements connected with the importation of waste.

Reason: in the interests of residential amenity

Restriction on lorry movements

21. For the purposes of the development hereby permitted, there shall be no more than 250 lorry movements (125 in, 125 out) at the site Monday to Friday, and 150 lorry movements (75 in, 75 out) on Saturdays unless otherwise agreed in writing in advance with the Minerals Planning Authority. Written records of vehicles entering and leaving the site in connection with the development hereby permitted shall be kept by the site operator for a period of no less than 6 months for the duration of the development and made available for inspection by the Minerals Planning Authority upon request.

Reason: in the interests of highway safety and local amenity.

Mud on the highway

22. The operator shall ensure that mud and other debris are prevented from being deposited on to the public highway.

Reason: in the interests of highway safety and amenity

Scheme of working

23. Within one month of the date of this permission, a scheme of working shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) provide a Method of Working Plan;
- b) specify the method, direction, sequence, expected timing, duration and area of working and the machinery to be used;
- c) specify the location, height and proposed management of soil and overburden stockpiles;
- d) specify measures for dealing with and disposing of surface water on the site during operations and following restoration, including the construction of surface ditches, outfalls and soakaways.

The operation of the scheme shall take place in accordance with the approved working scheme.

Reason: to ensure restoration of the site is properly managed in accordance with minerals Policy 13 (Reclamation Scheme) of the Hertfordshire Minerals Local Plan Review 2007.

Landscaping scheme

24. Within one month of the date of this planning permission, a detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for;

- a) the positions, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;
- b) details of the planting specification, species, size, spacing and number of trees and shrubs to be planted and measures to protect and maintain the trees and shrubs in accordance with good agricultural practice;
- c) any hard landscaping proposed, including details of infilling of all entrances and gates other than the main site entrance and method of securing the main gates, upon completion of the restoration of the site;
- d) the programme of implementation of the scheme.

The approved scheme shall be completed in full within the first available planting season i.e. between September 2016 and March 2017.

Reason: to provide for appropriate landscaping of the site in accordance with Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan Review 2007.

Dust Suppression scheme

25. Within one month of the date of this permission the operator shall submit a dust suppression scheme to demonstrate how dust emissions will be controlled, including:
- The use of water bowsers for dust suppression on haul roads and stockpiles,
 - Cessation of working when the wind speeds are likely to carry dust emitted from the operations towards nearby residential properties
- The approved scheme shall be implemented in full at all times the site is operational.

Reason: to minimise emissions to the air in the interests of human health and to minimise potential nuisance to nearby residential properties as a result of operations on site.

Restoration phasing plan

26. Within one month of the date of this permission, a programme providing for the restoration of each phase of development shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall specify the nature and intended after use of each phase. Restoration shall take place in accordance with the approved programme. Any changes to the approved programme shall be submitted to the Minerals Planning Authority for its prior written approval.

Reason: to ensure that the proposed restoration and afteruse are consistent with landscape character of the area and would not involve detriment to the environment or impact on the highway network, in accordance with Policy 13 (Reclamation Scheme) of the Hertfordshire Minerals Local Plan Review 2007.

Aftercare

27. An aftercare scheme requiring such steps as may be necessary to bring the land to the required standard suitable for use as woodland, grassland and agriculture shall be submitted for the written approval of the Minerals Planning Authority within six months of the date of this permission. The scheme shall specify the steps as may be required to achieve and maintain the required standard of land for use for woodland, grassland and agriculture and shall:
- a) cover a ten year period;
 - b) specify all practical steps and periods during which they are to be taken;
 - c) contain provision for the submission of an annual report to be submitted to the Minerals Planning Authority;
 - d) contain provision for site meetings on at least an annual basis with officers of the Minerals Planning Authority and any relevant consultee in order to assess the progress to date, any remedial action required, and the management of the site for the following year.

The approved aftercare scheme shall be implemented in full on completion of restoration or completion of restoration of any working phase, and shall be carried out for a period of ten years following restoration or restoration of each phase as appropriate.

Reason: to ensure the proposal meets the aftercare requirements set out in Policy 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007, and in particular (i) enhances the character of the local area ensure (ii) is a benefit to the local community (iii) provides for increased public access and (iv) enhances biodiversity.

Removal of permitted development rights

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order amending, replacing or re-enacting that Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or fixed structures on the land and the written agreement of the Minerals Planning Authority shall be obtained prior to the placing on site of any buildings or structures in the nature of portable plant.

Reason: the site is within the Metropolitan Green Belt wherein inappropriate should not be permitted except in very special circumstances, no mineral extraction is taking place to benefit from permitted development.

Storage of liquid fuel, oil or chemicals

29. All fuel, oil and other liquid chemicals used or stored on site shall be kept in bunded storage tanks or bowsers. No fuel, oil, or other chemical likely to cause pollution to surface or groundwater shall be deposited at the site.
Reason: to minimise the risk of pollution of soils and groundwater.

30. Any storage tank for oil or other potentially polluting liquid used on site shall be located on an impervious base and surrounded by oil tight bund walls or within another liquid container, which shall be capable of containing 110% of the volume of the storage tank and shall enclose all fill and draw pipes and sight gauges. The vent pipe shall be directed downwards into the bund.
Reason: to contain any fuel spills minimise pollution risks

Groundwater protection

31. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.
Reason: to prevent contamination of groundwater.

Water resources and groundwater protection

32. Operations shall not be carried out in such a way as to cause any adverse change in flows or levels in any rivers, streams, ditches, springs, lakes or ponds in the vicinity of the site.
Reason: to avoid having an adverse impact on the water environment.

Pre / Post settlement contours

33. The contouring of the final layer of the deposited material shall, after allowing for settlement and the replacement of stored overburden, subsoil and topsoil, conform to the levels as shown on the approved restoration plan, drawing number P7/597/23 Restoration detail: Cutfield and Gardeners Lagoon – Silt Areas
Reason: to ensure that an appropriate landform is achieved as provided by the approved plan, and to ensure the proposed form of restoration is consistent with the landscape character of the area as provided for by Policy 13 (Reclamation Scheme) of the Hertfordshire Minerals Local Plan Review 2007.

Soil profile markers

34. Before any material is placed on any part of the site within 1 metre of the final levels, markers shall be set up in that area in positions specified by the Minerals Planning Authority, to show the final levels of fill material, overburden and soil respectively. The site operator shall give the Minerals Planning Authority not less than 3 working days notice in writing that filling within any area of the site is approaching 1 metre of final levels.
Reason: to ensure that an appropriate landform is achieved as provided by the approved plan, and to ensure the proposed form of restoration is consistent with the landscape character of the area as provided for by Policy 13 (Reclamation Scheme) of the Hertfordshire Minerals Local Plan Review 2007.

Composition of upper 1m soil profile

35. On completion of landfilling - in accordance with drawing P7 / 597 / 23 Restoration detail: Cut Field and Gardeners Field – Silt Areas - the final (top) 1m of soils shall be kept free from any material which may damage cultivation machinery or interfere with the subsequent forestry use. Prior to topsoiling, the area shall be thoroughly ripped with a winged subsoiler at a depth of 300mm at a tine spacing of no more than 450mm and then at a depth of 600mm. All rocks, stones and other solid objects in excess of 75mm diameter on the surface following ripping shall be removed.
Reason: to ensure that soils are constituted of material suitable for the proposed afteruse

Inert waste only

36. The only material to be disposed of at the site shall be inert consisting of excavation spoil, brick, concrete, and clean rubble. Any waste deposited at the site shall be free from timber, plastic, plaster, plasterboard, paper, empty containers, chemical contamination, or other material likely to cause pollution or affect the quality of final restoration. No trommel fines, residues or other waste material shall be accepted from waste transfer stations for storage or disposed at the site.
Reason: to minimise the risk of pollution to land and water and to ensure the land is in a suitable state to be taken in to aftercare.

No waste recycling

37. No waste recycling operations are permitted at the application site in connection with the waste disposal operation unless expressly authorised by the Waste Planning Authority subject to formal application under the Town and Country Planning Act 1990.
Reason: to limit the extent of operations at the site in the interest of amenity and protection of the Metropolitan Green Belt

Topsoil

38. No topsoil, subsoil or overburden whether imported or indigenous shall be removed from the site.
Reason: to preserve soil resources and to ensure the land is in suitable condition to be accepted into aftercare.

Notice prior to soil placement

39. The Minerals Planning Authority shall be given a minimum of seven days notice of the intention to begin soil replacement and cultivation works.
Reason: to allow the Mineral Planning Authority the opportunity to inspect the soil conditions and proposed working methods.

Soil bunds

40. Soil bunds which are to be stored for over 12 months shall be constructed with a slightly domed top and shall be seeded with an appropriate grass seed mixture unless otherwise agreed in writing with the Minerals Planning Authority. Weed control measures shall be carried out.
Reason: to ensure that bunds are managed appropriately in the interests of visual amenity

Noise

41. Noise levels from operations at the site shall not exceed 70dB LAeq (1 hour) as measured at the boundaries of the site. Noise levels measured at the nearest sensitive receptor shall not exceed 10dB above background noise (i.e. existing noise sources including road traffic and aircraft noise).
Reason: in the interests of residential amenity.

Noise: vehicle maintenance

42. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.
Reason: in the interests of residential amenity.

**HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

THURSDAY 26 MAY 2016 AT 10.00 AM

EAST HERTS DISTRICT

Agenda No.

5

APPLICATION FOR THE VARIATION OF CONDITION 5 (TIME LIMIT FOR COMPLETION) AND CONDITION 7 (VEHICLE MOVEMENTS) ON PLANNING PERMISSION 3/0518-11 TO EXTEND THE TIME LIMIT TO 13 SEPTEMBER 2016 AND INCREASE VEHICLE MOVEMENTS TO 48 (24 IN AND 24 OUT) AT WATERFORD LANDFILL SITE, BRAMFIELD LANE, WATERFORD, SG14 2QF

Report of the Chief Executive and Director of Environment

Contact: Rob Egan Tel: 01992 556224

Local Member: Ken Crofton

Adjoining Local Member: Peter Ruffles

1. Purpose of Report

- 1.1 To consider planning application reference 3/0649-16 for the variation of Condition 5 (time limit for completion) and Condition 7 (vehicle movements) on planning permission 3/0518-11 to extend the time limit to 13 September 2016 and increase vehicle movements to 48 (24 in and 24 out) at Waterford Landfill Site, Bramfield Lane, Waterford.

2 Summary

- 2.1 Permission is sought to vary Condition 5 of planning permission reference 3/0518-11 in order to extend the lifetime of the re-restoration of the former landfill site at Waterford Pit, extending the time period from 18 months by a further 6 months. This would take the end date up until 22 September 2016. In addition, permission is sought to vary Condition 7 of the same planning permission, thus allowing 48 HGV movements per day as opposed to the original 32 movements.
- 2.2 It is considered that there are significant benefits of allowing the works on site to continue to completion, thus allowing the land to have a beneficial afteruse together with the creation of suitable wildlife habitats. Although the continued works would have a temporary impact on openness, it is considered that the end result of a fully restored area of land to a high standard outweighs this impact.
- 2.3 To allow an increase in HGV numbers assists in completing the works in a timely manner in accordance with the proposed extended time

period. The Highway Authority concludes that there is capacity within the local highway network for such an increase without it adversely impacting upon safety or the effective operation of the highway network.

- 2.4 It is therefore concluded that permission should be granted for the suggested variations of Conditions 5 and 7.
- 2.5 In addition, there have been issues with compliance with the existing Condition 7 due to excessive HGV numbers. In order to ensure compliance with the varied Condition 7, it is proposed to include a new condition that requires the operator to record all HGVs entering and leaving the site.

3. Description of the site and proposed development

- 3.1 The application site is located approximately 1.5 kilometres to the north-west of the edge of Hertford, and just west of the village of Waterford. The former Waterford Landfill Site comprises 43 hectares in total. The application site covers approximately 15 hectares of the former landfill, consisting of the western section of the site. The site is located within the Metropolitan Green Belt.
- 3.2 Surrounding land is predominantly rural and agricultural in nature. However, immediately to the north of the application site is a large detached property set in relatively large grounds. To the south east of the application site is the Goldings Estate; a former large country house that now has a number of residential properties within it and within its grounds. Rough agricultural land comprising restored areas of the former landfill are located to the east of the application site, with the village of Waterford approximately 300 metres away beyond this.
- 3.3 Access to the application site is gained via Tattle Hill, which runs alongside the western boundary of the site with a vehicular access directly off this road. Tattle Hill is a rural road with a national speed limit in this location, linking Hertford with the village of Bramfield approximately one kilometre to the north west of the site.
- 3.4 The landfill site has been used since the 1940s, initially as a quarry and later to dispose of waste by landfill. Progressive restoration took place in accordance with the requirements of a Section 52 Agreement signed in 1983, and final restoration was completed in 1995. However, the restoration of the site proved problematic as a result of the differential settlement of the underlying waste material. This affected the levels found across the application site, which were lower than those found in the adjoining areas of landfill. Differential settlement occurs where waste that has been landfilled breaks down and settles by different amounts due to the varying nature of the waste. The waste gradually occupies less space and the overlying surface falls. Problems occur where this settlement is uneven, with a typical 'egg box' landform

resulting in a series of hills and dips across the land. Drainage problems are a major feature with water collecting seasonally in the dips, and with soils not being able to retain sufficient moisture on the hills leaving crops seasonally without water. The uneven surface also presents problems for normal agricultural machinery, which cannot cope with the variations in landform. Agriculture therefore performs poorly and establishing a sustainable afteruse is difficult. The differential settlement within the application site resulted in rough grassland and dense scrub.

- 3.5 In addition, the sides of the former haul road within the application site featured steep falls of approximately four metres, creating a valley feature. The steep sides were colonised by weeds and scrub, and the base of the road comprised hard standing and gravel. This resulted in an area unable to be used for the intended agricultural afteruse and which had become unmanageable. The area proposed for arable use (Hyde Field) and the meadow area had settled lower than anticipated. Consequently, surface water collected in the lower areas during periods of heavy rain, hindering the use of the land for agricultural purposes other than grazing.
- 3.6 Subsequently, planning permission was granted on 30 April 2012 (reference 3/0518-11) to re-restore part of the former landfill site through the importation of 85,000 cubic metres of inert material over an eighteen month period. The restoration works sought to bring the land back to a productive agricultural land use, which would then form part of a larger agricultural land holding managed by the current farmer.
- 3.7 The permission allows the majority of the application site to be restored to arable use, with the remainder featuring a species-rich hay meadow that is anticipated to benefit a wide range of invertebrate groups and wild birds. The restoration produces landscape, ecological and amenity benefits by creating a network of new habitat features (new hedgerows, native scrub woodland and open ground) which would be integrated to link and expand on existing hedgerow and woodland features. Grassland margins containing a mixture of grasses and wildflower species would buffer the new and existing hedgerows and woodlands and provide a habitat area for invertebrates, birds and small mammals.
- 3.8 The planning permission was granted subject to 22 conditions. This planning application seeks to vary two of those conditions.
- 3.9 In the first instance, Condition 5 of the planning permission states:

The development to which this planning permission relates shall be completed within eighteen months from the date of the commencement of the development. For the purposes of this condition, this shall include all operations authorised or required by this permission but shall exclude those relating to aftercare.

Reason: To ensure that restoration of the land to a beneficial after use is achieved within a reasonable timescale.

3.10 Condition 7 of the planning permission states:

There shall be no more than 32 Heavy Goods Vehicle movements (16 in, 16 out) during one working day.

Reason: In the interest of highway safety.

3.11 The re-restoration of the land in accordance with planning permission 3/0518-11 commenced on 22 September 2014. Therefore, to comply with Condition 5, all works should have been completed by 22 March 2016. However, the developers have been unable to achieve this as they state that the works have taken place over the course of two winters, causing problems with moving material on site, sourcing suitable material, and site flooding. These factors, combined with a two week road closure, have led to an inability to complete the re-restoration works within the required timescale. The current situation is that Phase 1 (Hyde Field) has been restored but remains to be top-soiled. Phase 2 (Meadow Field) is nearing completion but will also need topsoil. The infilling of the 'valley' feature, consisting of the old haul road, has yet to commence.

3.12 A survey was carried out on behalf of the applicants on 12 February 2016. This identified that there was a shortfall – at that time – of 29,445 cubic metres of restoration material. Approximately 24,000 cubic metres of topsoil was also identified as being needed to complete the works, although 8,000 cubic metres is presently stored on the site. Consequently, the total for restoration material and topsoil still required to be imported was in the region of 45,000 cubic metres. The applicants estimate that this works out at 3,000 HGV loads of material needed to be imported.

3.13 In order to ensure that this importation – and subsequent re-restoration – is carried out as quickly as possible, the applicants seek to increase the maximum number of HGV movements to 48 a day (24 in, 24 out). They estimate that the works could therefore be completed by 13 September 2016, hence the application to extend the end date to then.

Planning history

3.14 Other than the historic planning permissions relating to the quarrying and landfill operations, the only relevant planning permission is the one that this application seeks to vary, reference 3/0518-11.

4. Consultations

4.1 East Herts District Council – Planning

No comments received.

4.2 Bramfield Parish Council

The operation at Waterford Landfill Site has caused more complaint to Bramfield Parish Council than any other topic in recent memory, and has resulted in much communication with HCC over the past 8 months.

We would like to object to the extension on the time limit of this permission on the grounds that the original calculations on volume required and lorry movements required were correct. At no point in the operation has lorry movement been restricted by unforeseen circumstance or weather. Surveyed levels reported to us by council officers in September 2015 suggested that the work had been 73% completed in the last 12 months. We are now being asked to believe that the final 27% could not be completed in the following 6 months, throughout which time the daily limit on lorry movements was largely ignored. There has also been substantial tipping at the site after March 13th, when the original permission expired, adding to the already massive stock pile of material waiting to be levelled. I have been informed by Jan Hayes Griffin that an independent survey commissioned by HCC will be carried out and trust that this will form the basis of the decision.

We would further like to object to the application to increase the lorry movement limit to 48 vehicles per day. Having witnessed the chaos created by this level of HGV traffic at the junction of Bramfield Road and North Road, and at the many bends with poor sight lines on this route, we feel that this increase is inappropriate.

4.3 Environment Agency

Thank you for consulting us on this application. We have reviewed the information submitted and have no objection to the varying of conditions 5 and 7.

Please be aware that we only regulate operations within the site boundary. We do not deal with off-site traffic movements. You need to take traffic and its impact (increased emissions, dust and traffic noise) into account in your decision making process.

4.4 Hertfordshire County Council - Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

- 1) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during restoration of the site are in a

condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

2) There shall be no more than 48 Heavy Goods Vehicle movements (24 in, 24 out) during one working day.

Reason: In the interest of highway safety.

INFORMATIVE: The most recent site survey has revealed a further 45,000m³ of combined material and topsoil is required to complete the restoration, which under current vehicle and time restrictions would not be possible. Therefore it is proposed to extend the date for restoration of the site to the 13th September 2016 and increase vehicle movements to 48 movements (24 in, 24 out). No extra material above the originally proposed amounts would be brought in. Overall an average of 16 loads of restoration material and 8 loads of topsoil daily (Monday – Friday) over a 25 week period would be imported in order to complete the restoration works. No other changes are proposed as part of this application.

The existing planning permission restricts the number of HGV movements to 32 (16in, 16out). The proposal to increase the number of HGV movements to 48 (24 in, 24 out) is acceptable from a highway point of view. Therefore subject to the conditions set out above the Highway Authority has no objection to the proposal

4.5 Third Party Comments

The application was advertised in the press and a total of 105 letters were sent to residents and other premises in the surrounding area. A site notice was erected on 14 March 2016.

Five (5) responses have been received, all objecting to the application. These can be summarised as follows:

- Lorries are breaking up the road, especially at the edges due to HGVs passing each other – broken edges and potholes are a danger to cyclists, and verges are being reduced in width.
- The road surface is muddy and rarely cleaned – this results in a slippery surface.
- Frequent flooding of the road adds to the problems.
- The frequency of traffic is intimidating to pedestrians, especially those accessing the school on North Road.
- The path adjacent to the cemetery on Bramfield Road had to be rebuilt due to HGVs mounting it as the carriageway is not wide enough.
- The number and size of vehicles should be reduced.
- Where cars are parked on Bramfield Lane, HGVs cause havoc.

- Walking from Broad Oak End along Bramfield Road is nigh on impossible due to lorries.
- Another 6 months of lorries would be intolerable.
- The operators appear to be breaching permitted HGV numbers.
- The pavement from Broad Oak End to North Road is half-covered in mud and debris, making walking hazardous and impossible to push a buggy/wheelchair.
- The road cannot tolerate an increase in HGVs.
- Propose that (i) there should be a speed limit on Bramfield Road, (ii) verges to be restored and protected, (iii) the pavement should be cleared of debris, (iv) the number of HGVs to be monitored and controlled, and (v) the road and verges to be repaired at the end of the project.
- Speed of HGVs is excessive.
- Driving in convoy is unsuitable due to the narrow and twisting nature of Bramfield Road.
- There has been very little monitoring or enforcement of HGV numbers.
- Roads are more susceptible to flooding because of the works.
- It is likely that tonnages of waste have already been exceeded.
- There is a lack of gas monitoring within the historic landfill site.
- Developers have been noted working at weekends outside permitted hours.
- There is an audible noise at the adjacent property as a result of the operations.
- HGVs have not always followed the prescribed routes.
- Stockpiles on site result in visual intrusion to the adjacent property.
- The grant of an extension may set a precedent for future extensions.
- Excess water from the site has drained into the neighbouring property.

5. Planning Policy

National Planning Policy Framework 2012 (NPPF)

- 5.1 The NPPF was released in March 2012. The NPPF contains the presumption in favour of sustainable development. The document also promotes the development plan as 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.
- 5.2 The NPPF seeks to protect Green Belt land stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics being their openness and their permanence. Green Belt purposes include checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special

character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.3 Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

National Planning Policy for Waste 2014 (NPPW)

- 5.4 This policy document seeks to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, together with ensuring the design and layout of new development and other infrastructure such as safe and reliable transport links complements sustainable waste management.

The Development Plan

- 5.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.6 The development plan comprises the Hertfordshire Waste Development Framework Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 (the Waste Core Strategy), and the East Herts Local Plan 2007.
- 5.8 The most relevant planning policies to consider for this application are:

Hertfordshire Waste Development Framework Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026

Policy 1A – Presumption in Favour of Sustainable Development
Policy 4 – Landfill and Landraise
Policy 6 – Green Belt
Policy 11 – General Criteria for Assessing Waste Planning Applications
Policy 13 – Road Transport & Traffic
Policy 15 – Rights of Way
Policy 16 – Soil, Air and Water

East Herts Local Plan

Policy GBC1 – Appropriate Development in the Green Belt
Policy GBC14 – Landscape Character
Policy SD5 – Development on Contaminate Land
Policy TR20 – Development Generating Traffic on Rural Roads

Policy ENV10 – Planting New Trees
Policy ENV17 – Wildlife Habitats
Policy ENV20 – Groundwater Protection
Policy ENV21 – Surface Water Drainage
Policy ENV25 – Noise Sensitive Development

6. Planning Issues

The extant planning permission

- 6.1 From the outset, it was considered that the scheme to carry out a re-restoration of the former landfill site was needed and justified as it would ultimately provide significant enhancements to the site. This was on the basis that the site historically suffered from differential settlement, having an adverse impact on drainage throughout the site and affecting the ability of the site to be used for agriculture. It was therefore considered that the re-restoration would provide an increased viability of the land for its intended agricultural use, in addition to wider visual and ecological improvements to the site through planting and habitat creation. Drainage would also be improved through the carrying out of the works.
- 6.2 Whilst the scheme was considered to be inappropriate within the Green Belt, it was concluded that the completed development would not have an adverse impact on openness. However, openness was considered to be likely to be affected during the construction phase of the works as a result of vehicle movements and earthmoving and infilling activity on the land. However, the overall benefits to the site were considered to outweigh any temporary harm to openness.
- 6.3 In terms of vehicular movements, the Highway Authority did not object to the proposed development subject to conditions being imposed limiting HGV movements to 32 per day (16 in, 16 out), and to ensure that no mud or debris was deposited on the highway.
- 6.4 Planning permission was subsequently granted for the re-restoration of the land on the following basis, which formed the conclusion of the original committee report:

“The nature and purpose of the proposed works, together with the benefits they would provide to the character and use of the land, are considered significant enough to outweigh the impact of the proposal on the openness of the Green Belt, and any other harm, for the temporary period of eighteen months. Accordingly, the proposal is considered acceptable in light of PPG2 and policy GBC1 of the East Herts Local Plan. The Environment Agency is satisfied that the proposed works would not introduce additional contamination or flood risk measures, subject to the inclusion of two suggested conditions. Additionally, the proposal includes measures to improve the drainage of the site and seeks to address existing flooding issues at the site. The

impact of the proposal on the highway network could be managed through the use of appropriate planning conditions which could address issues raised during consultation. In light of the details included with the application, including additional survey work undertaken and the creation of new ecological habitats, the proposal is considered acceptable in terms of the impact on ecology. The proposed hours of operation could be altered to allow works to start later in the morning to prevent harm to residential amenity.”

The present application

- 6.5 Following on from the above, it can be concluded that the principle of carrying out the re-restoration works was fully justified at the time of the original application. This is not in doubt in respect of this application, with there being significant benefits to completing the development. What needs to be considered, however, is the justification for allowing the works to continue for a further six months, together with the acceptability of increasing lorry movements into the site.
- 6.6 The applicants have outlined the problems they have had in achieving the required volume of importation of material within the 18 month timescale, these being that the works have taken place over the course of two winters, which has caused problems with the movement of material on the site, especially as a result of flooding of the land during these periods. There have also been issues with the sourcing of suitable material. On the face of it, therefore, there appear to be reasonable reasons why the re-restoration has yet to be completed. From the applicants’ survey, there appears to be a significant shortfall of waste material presently on site, and the full restoration of the site – together with the benefits accruing from this – cannot be fully achieved without allowing an extension of time to complete the work. However, it is important to state that the county council is in the process of commissioning its own survey of the site in order to clarify the true extent of the shortfall of material.
- 6.7 It is acknowledged, however, that the ongoing earth works are presently having an adverse impact on the openness of the Green Belt. As set out above, it was originally considered that an 18 month impact on openness was acceptable when looked at in the context of the permanent benefits to the land. Although the continued harm to openness is not ideal, the applicants only seek a further six months to finish the restoration. On this basis, it is considered that, as before, the long-term benefits to the site clearly outweigh this temporary harm.
- 6.8 Should permission be refused for the extension of time, works would have to cease resulting in land that would not only remain unrestored, but which would not be able to be restored to an acceptable standard in the future due to the shortfall of the required restoration materials. Although the continued operations will undoubtedly have an impact on local amenity in the short-term, the period in question is relatively

insignificant when looked at in the context of the long-term future of the site.

- 6.9 Local residents have highlighted issues with the current drainage of the land whilst the earthworks have taken place. This is likely to remain the case whilst the works remain uncompleted, but the completion of the restoration will allow the improved drainage of the site to be completed, which should remove these concerns.
- 6.10 The applicants are also seeking to increase HGV movements from 32 to 48 per day, primarily to ensure that the full level of importation is concluded within the extended period of time. This, in itself, is a reasonable justification for allowing the relevant condition to be varied, thus ensuring that the completion of the works is now timely. The Highway Authority has responded to this proposal and considers that the proposed increase in numbers is acceptable, raising no concerns regarding highway safety or the free and safe flow of traffic.
- 6.11 Policy 13 of the Waste Core Strategy also requires that the traffic impacts of development should have no significant adverse impact on amenity, human health, and the historic and natural environments. Although the traffic accessing the site travels through residential areas within Hertford and close to properties at Broad Oak End along Bramfield Road, the 50% increase in HGV numbers will still only result in one HGV every 13 minutes, on average, during the normal working day. Bearing in mind that the development will be completed by September 2016, it is considered that such an increase in lorries will not significantly harm any of the criteria set out in Policy 13.
- 6.12 There have been occasions when the developers have breached the current condition relating to HGV movements, and the county council believes that such breaches have been – on occasion – substantial. Local residents and Bramfield Parish Council have, quite rightly, expressed considerable concern and criticism in this respect, not only of the operators but of the county council itself in its investigatory and enforcement capacity. The concern of residents centres on the issue of highway safety due to the volume of traffic and the potential for this to compromise the safety of other road users. Formal monitoring of the site has taken place and officers have responded to the concerns of the local community, warning the applicants of the risk of formal enforcement action should breaches be detected. Ad hoc regular monitoring of vehicle numbers continues, and officers believe that the operators are presently complying with the relevant condition within the planning permission. Nevertheless, should planning permission be granted, officers will continue to ensure that HGV numbers are not in excess of the condition. Furthermore, the original planning permission does not have any requirement for the developers to record the vehicles that enter and leave the site. Due to the need to ensure that vehicle numbers are not being breached, and to assist the county council in the monitoring of this, it is proposed to include an additional

condition to the permission that requires the operator to keep a log of vehicle movements.

- 6.13 Local residents have also highlighted the issue of mud and debris on the highway and adjacent footpaths, together with the damage to highway verges and flooding of the carriageway. In respect of this latter issue, the flooding was predominantly as a result of gullies being blocked. This issue should have since been resolved, however, with the Highway Authority clearing the gullies. In respect of the verges, it is clear that these have been eroded, probably as a result of HGV traffic travelling along Bramfield Road. However, these should regenerate naturally upon completion of the development. In respect of mud and debris on the road, Condition 10 of the planning permission requires measures to be taken to ensure that this does not happen. However, officers have carried out numerous visits to the site and locality and have never considered that the condition of the road has required formal action to be taken in this respect. Where there has been mud and debris on the road, this has been the result of erosion of the verges and/or the blocked gullies, which is not in contravention of the permission. The developers are fully aware of the need to ensure that the vehicles do not trail mud onto the highway, and the wheel wash on site is fully maintained and operational at all times.

7. Conclusion

- 7.1 It is recommended that planning permission be granted for the following reasons.
- 7.2 Although the proposed extension of time will continue to adversely affect openness and will be visually intrusive, especially to the adjacent landowner, the extension will be relatively short and so the harm will be temporary, not adversely affecting openness or amenity for any significant period of time. There are significant benefits that will result from the completion of the works, and it is considered that these outweigh the temporary harm whilst works are carried out.
- 7.3 The proposed increase in vehicle numbers is also considered acceptable, especially as it will assist in the delivery of the completion of the development within the required timescale.
- 7.4 It is therefore recommended that planning permission be granted to vary Conditions 5 and 7 of planning permission reference 3/0518-11, with all other conditions remaining the same except where they need to be updated to reflect any already approved schemes in respect of the extant permission. It is also recommended to add a new condition to the planning permission to require the operators to record all vehicle movements into and out of the site.
- 7.5 Condition 5 will read:

“The development to which this planning permission relates shall be completed by 22 September 2016. For the purposes of this condition, this shall include all operations authorised or required by this permission but shall exclude those relating to aftercare.”

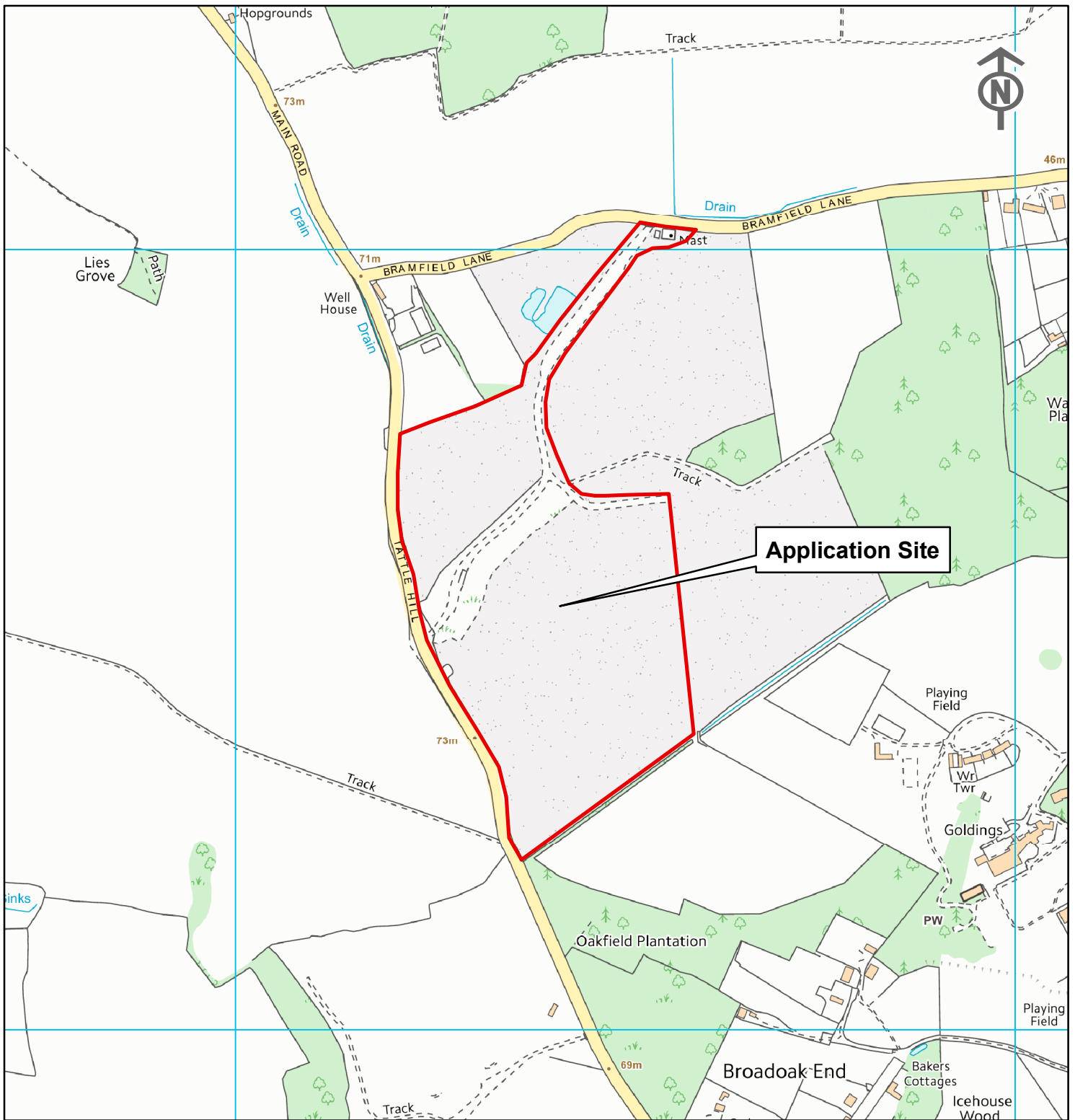
7.6 Condition 7 will read:

“There shall be no more than 48 Heavy Goods Vehicle movements (24 in, 24 out) during one working day.”

7.7 The new condition will read:

“A record of the number of Heavy Goods Vehicles entering and leaving the site in any one working day shall be kept on the site by the operator. These shall contain details of the registration numbers and the date and time of delivery of materials to the site, together with details of the type and nature of the materials being delivered. These records shall be readily available for inspection by the Waste Planning Authority.

Reason: To ensure that the operator does not exceed the vehicle movements allowed by Condition 7 thereby ensuring that highway safety is not compromised and in the interests of the free flow of traffic.”



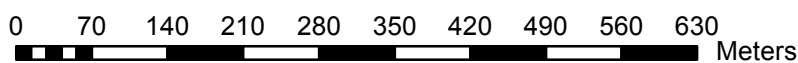
Application Site



DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th May 2016

Proposed application for the variation of condition 5 (Time limit for completion) and condition 7 (Vehicle movements) on permission 3/0518-11 to extend the time limit to 13/09/16 and increase vehicle movements to 48 (24 in and 24 out) at Waterford Landfill Site, Bramfield Lane, Waterford, Hertfordshire, SG14 2QF



HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE
THURSDAY 26 MAY 2016

Agenda No.

6

NORTH HERTS DISTRICT COUNCIL

APPLICATION FOR THE VARIATION OF CONDITION 10 (LIMIT OF OPERATIONS CONCERNING IMPORTATION OF MATERIAL) OF PLANNING PERMISSION 1/0993-13 TO REVISE TIME LIMIT FOR IMPORTATION PHASE OF PROJECT UNTIL 23RD JUNE 2015. LETCHWORTH GOLF CLUB LETCHWORTH LANE, LETCHWORTH GARDEN CITY, SG6 3N

Report of the Chief Executive and Director of Environment

Author: Jenny Foster, 01992 556245.

Local Member: Councillor Terry Hone.

Adjoining Member: Councillor Judi Billing

1 Purpose of Report

To consider application reference 1/3017-14 CM0949.

2 Summary

- 2.1 This application sought an extension of time for importation of material to Letchworth Golf Course. This application was previously presented to Development Control Committee on the 20 January 2015 (report attached as appendix 1). The resolution sought to grant planning permission subject to a S106 agreement for £72,500 in respect of road repairs.
- 2.2 The importation and remodelling on the site have now been completed, and play is underway on the course. Final landscaping (planting of trees) will take place in autumn/ winter 2016/2017.
- 2.3 The purpose of this report is to inform of further updates since Development Control Committee in respect of Willian Road/ Queenswood Drive.

3 Conclusion

- 3.1 The report concludes that under S59 of the Highways Act 1988 an agreement be entered into by both parties to seek to recover the costs for Highway repairs to a value of £28,000, and to confirm that subject to the completion of the agreement the agent will withdraw this application.

4 Matters arising since January 2015

- 4.1 The resolution of Committee in 2015 was to grant planning permission for an extension of time to import material to the site, subject to a S106 agreement of £72,500 for highway repairs to both William Road and Queenswood Drive. The original permission reference 1/0993-13 condition number 4 sought quarterly road surveys to be carried out by the agent. The Highway authority also inspected the Highway during the period of importation. The surveys carried out both by the agent and by the Highway authority noted that damage had occurred.
- 4.2 The sum proposed in January 2015 was considered to be an appropriate figure for the recognised damage and in consideration of the request for an additional period for exportation.
- 4.3 Upon scrutiny of the damage by both the Highway Authority and the agent, it was agreed that the sum of money required to repair the highway was in the region of £23,000- £30,000. A breakdown of the repairs to be carried out is given in appendix 2.
- 4.4 This sum is less than half originally sought, and it is asked of Members to note this. The agreement will be completed upon acceptance of the Members of this Committee.
- 4.5 It is confirmed that all importation activity in respect of this application has been completed (final landscaping- tree planting is to be completed in the next available suitable planting season). As importation has been completed, the application becomes potentially obsolete. The agent has confirmed that subject to completion of the legal agreement, they will withdraw the application. The extant permission for the site then falls to reference 1/0680-15.

Conclusions

- 4.6 It is therefore concluded that relevant action be taken under S59 of the Highways Act under planning permission reference 1/0680-15 and that this application be withdrawn following this.

Background information used by the author in compiling this report

January 2015 Development Control Committee report

<https://cmis.hertsdirect.org/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/281/Committee/2/SelectedTab/Documents/Default.aspx>

Highway report

Letchworth Golf Club - Repairs to Willian Road

May 2015

Indicative Cost Assessment - Items as per Joint HCC/CCEL Survey 12th May 2015

Item	Description	Quantity	Unit	Rate	Total
1	Pavements				
	Plane off existing wearing course to 40mm	504	m ²	£2.50	£1,260.00
	e/o to plane off existing basecourse/binder course	250	m ²	£1.50	£375.00
	Surfacing Course Replacement ¹	504	m ²	£13.95	£7,030.80
	Basecourse/Binder Course replacement (50%)	202	m ²	£25.00	£5,050.00
				Sub Total	£13,715.80
2	Kerb Works				
	Replacement of Damaged Kerbs	56	m	£22.00	£1,232.00
				Sub Total	£1,232.00
3	Crack Sealing				
	Hot Bitumen Sealing	200	m	£7.50	£1,500.00
				Sub Total	£1,500.00
4	Verge Repairs				
	Repair damaged verge and replenish topsoil	200	m	£5.00	£1,000.00
				Sub Total	£1,000.00
Works Sub Total					£17,447.80
Preliminaries 10%					£1,744.78
Traffic Management 12%					£2,093.74
Contingency 10%					£1,744.78
TOTAL WORKS COST					£23,031.10
ROUND TO					£23,000.00

¹ Rate provided by HCC

Item	Item Banding	Item Description	Unit	Rate	Working Enhancements		Qty	£	E\O Enhancement
					Band	Restriction %			
1.002	a	Erection of messes stores and workshops for the contractor	Item			0	1	£0.00	£0.00
1.004	a	Servicing of messes stores and workshops for the contractor	wk			0	6	£0.00	£0.00
1.006	a	Dismantling of messes stores and workshops for the contractor	Item			0	1	£0.00	£0.00
1.007	a	Information board as Drawing Nos HST/0100/005 and HST/0100/006	no			0	4	£0.00	£0.00
1.01	b	Letter drop	no			0	50	£0.00	£0.00
1.016	a	Provide and finally remove vehicle actuated portable traffic signals including electrical supply	item			0	1	£0.00	£0.00
1.017	a	Erect and subsequently dismantle vehicle actuated portable traffic signals including electrical supply	no			0	30	£0.00	£0.00
1.018	a	Maintain vehicle actuated portable traffic signals	day			0	30	£0.00	£0.00
2.022	a	Take up or down and dispose to tip off site precast concrete kerb (any profile) size not exceeding 150 mm x 305 mm	m			0	56	£0.00	£0.00
5.167	a	Raise or lower the level of gully grating and frame	no			0	5	£0.00	£0.00
6.027	b	Imported topsoil Class 5B	m3			0	60	£0.00	£0.00
6.037	a	Topsoiling 150 mm thick	m2			0	400	£0.00	£0.00
6.058	a	Siding out to edge of carriageway - spread arisings to verge	m			0	50	£0.00	£0.00

8.021	a	Patch Type 1	m2			0	0.37	£0.00	£0.00
8.021	b	Patch Type 1	m2			0	24.1	£0.00	£0.00
8.021	c	Patch Type 1	m2			0	79.71	£0.00	£0.00
8.021	d	Patch Type 1	m2			0	400.25	£0.00	£0.00
11.001	b	Precast concrete kerb 125 mm x 150 mm (any profile) laid straight or curved exceeding 12 metres radius	m			0	56	£0.00	£0.00
30.003	b	Subsoil treatment to surfaces sloping at 10 degrees or less to the horizontal	m2			0	400	£0.00	£0.00
30.005	b	Final preparation of soils to surfaces sloping at 10 degrees or less to the horizontal	m2			0	400	£0.00	£0.00
30.009	b	Grass seeding by conventional sowing to surfaces sloping at 10 degrees or less to the horizontal	m2			0	400	£0.00	£0.00
						0		£0.00	£0.00
				0.00				£21,982.37	£0.00
				0.00				£21,982.37	
				0.00					
		Design percentage		0.00					
80.011	b	Design percentage for surfacing surface course - Project to plane/dig out layers of the road down to a maximum of 100mm below the surface and then replace with new material or to overlay the existing pavement.		1.80				395.7	
							Estimate £	£22,378.05	

TOTAL 22378.05

CONTINGENCY 15% 3356.71

SUB TOTAL 25734.76

ESTIMATE RANGE £25,734.76 TO £30,881.72