

Hunsdon Parish Council

Mr. Egan
Herts County Council
County Hall
Pegs Lane,
Hertford
SG13 8DQ

Dear Mr. Egan

Re Planning Application PL/0716/15 – Proposed Building with Perimeter Screening and Car Park at Hunsdon Skip Yard, Fillets Farm, Stanstead Road, Hunsdon SG12 8QA.

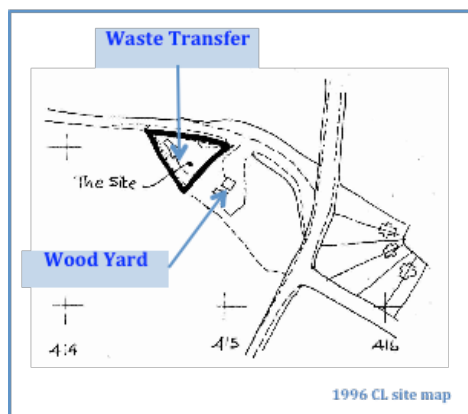
Further arguments in support of the original objection submitted by Hunsdon Parish Council dated 28th September 2015.

The application clearly shows an intention to regularise the use of both the historic waste transfer site and the wood yard for waste recycling operations and mitigate the environmental impact through the construction of a building on the site containing some of the industrial operations. In effect the whole site has expanded beyond the boundaries of the historic waste transfer station and wood yard. It now includes a car parking area on the north of the Byway, the occupation of the Byway by queuing and turning waste delivery vehicles and earth bunding to the east. The applicants' application to divert the Byway around the entrance to the waste site has been refused.



Hunsdon Parish Council contends that the application represents an expansion of the historic waste transfer site and should therefore be determined as a **new waste facility** proposal rather than merely seeking to gain consent for a building, car park and perimeter works.

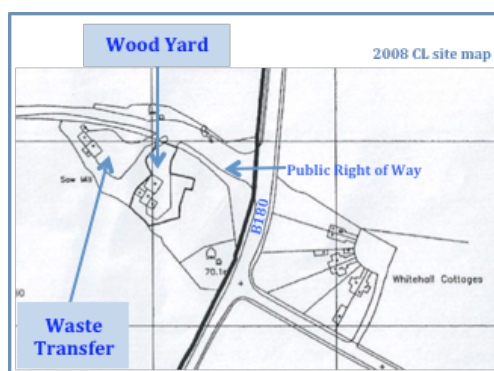
Our arguments in support of this stance are below: -



Waste Transfer Station, 2002: waste operations have been abandoned prior to site being used as a bus depot.

- The applicant makes an assumption that the current operations are lawful but this is contested by HPC on the grounds of a material change of use from that defined in the CLD's and the abandonment of the waste transfer station for a significant period with clear intention to gain consent for change of use. The County Council has possession of all the relevant documentation to support the PC's case.
- The CLD of the wood yard was for **Class B8, Storage and distribution use**. Conversion to B2 industrial use for waste processing operations requires planning consent. The Town and Country Planning (Use Classes) Order 1987 (as amended) permits a change of use without consent to B1 (Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area) but not B2. The current operations are clearly not 'light industry'.

The original CLD application states that following discussions with the East Herts DC, the applicant was "advised that the use taking place constitutes a B8 Storage and Distribution use and thus were invited to submit a CLU application". The documents and photos submitted to East Herts in support of this application are clear that this was a very small operation run by one man cutting trees into firewood to sell and distribute locally, storing any excess in the old and collapsing buildings on site as necessary.



The Certificate of Lawful Use for the 'Import, storage, cutting, sale and distribution of wood and the storage of machinery for such on the land and in buildings' (First Schedule of CLU) was subsequently granted for this small B8 operation as described by the applicant in the application and identified as such by East Herts DC:



Photo submitted with CLU application to illustrate the small logging activities occurring on site.

"Wood is brought on to the site [Import] and stored in and around the building [storage] before being cut up into logs [cutting]. Most of the logs are then transported off site within a 10 mile radius to be sold to the general public [sale and distribution] and a small proportion of the logs [wood] are sold to local residents around the site. Following discussion with the Duty Planning Officer at EHDC, we have been advised that the use taking place constitutes a B8 storage and Distribution use" (CLU Application point 2.2)

"Equipment used to cut the wood is stored within the building along with the machinery to transport it with, the wood itself stored outside before and after it is cut [storage of machinery for such on the land and in buildings]." (CLU Application point 2.3)

The Wood Yard is no longer operating as the small logging operation detailed clearly in the Certificate of Lawful Use application in 2008 and corresponding certificate 3/08/1701/CL, and is now being used as an integral part of the Waste Transfer site operation. Industrial processing of 'waste' wood and transfer now occurs on the Wood Yard site along with other waste management operations. This includes storage, crushing, shredding/chipping and bulking of waste wood from building sites prior to export. These activities fall within a general industrial use within class B2 not B8. The waste wood includes pallets, fencing, painted timber, doors and boards.

The two businesses have now combined - the entrance to the Wood Yard site has been closed off by a rough earth bund and it is now only accessible from within the Waste Transfer site.

The Certificate of Lawful Use was awarded to the Wood Yard site for B8 use - this certificate does not cover the Waste Transfer activities taking place on it – therefore **the activities on the Wood Yard are now unlawful**. The areas outside the Wood Yard and the Waste Transfer site have no certificates for any kind of use - therefore **the activities on all areas outside the boundaries of the Wood Yard and the Waste Transfer site are unlawful**. The current use of the Wood Yard site is **materially different** from the use it was granted under the 2008 Certificate of Lawful Use and it is clear that **it is now part of the Waste Transfer site**, including Rural Area Beyond the Green Belt land, which hold **no Certificates of Lawful Use**.

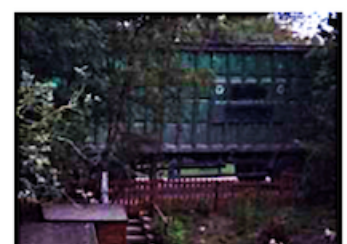
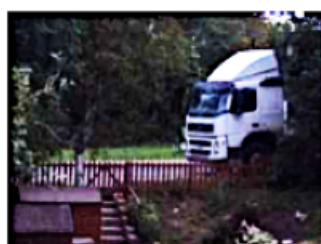
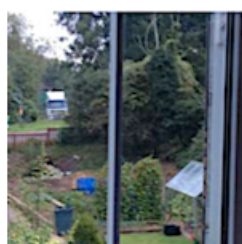
- **Hertfordshire County Council** set a precedent when it determined the proposed change of use from wood yard to waste facility at Northaw.
- In the letter from Jan Hayes-Griffin to the residents of Whitehall Cottages dated 1st September 2014 she states ' Mr. Egan advise me that.... any continuation of the storage of waste within the wood yard part of the site would require planning permission'.



Overflow parking in the Byway from the car park built without planning permission. Note that the planning proposal contains no parking provision for the operator's HGVs on site or in the car park.

On this basis therefore the Parish Council contends that the proposed facility is contrary to the following policies: -

- **GBC3 Appropriate Development in the Rural Area Beyond the Green Belt**. The proposed building perimeter fence, car park and earth bunds are not permitted under this policy.
- **National Planning Policy for Waste 2014 (NPPW)**. The suitability of the site for new or enhanced waste management facilities should be assessed against, amongst other criteria, the capacity of the existing transport infrastructure to support the sustainable movement of waste and the impact on the well-being of the local community including environmental quality. In these two regards the proposals fail dismally. The nuisance generated by the noise and odours of the operations is well documented by the nearby residents and supported by the Environment Agency. Enclosing some of the operations in a building will not mitigate these problems significantly due to the close proximity of the private dwellings. The damaging and potentially dangerous use of local unclassified roads by HGV's serving the site is also well documented. The local highway network is totally unsuitable for the volume and nature of the vehicles serving the waste site.



Proximity to nearby homes: skips unloaded in the Public Right of Way; lorries parked in the Public Right of Way; large lorries passing within feet of the family back gardens.

- **Nation Planning Policy Framework (NPPF).** The proposals are not sustainable in that they degrade the local environment significantly and consequently impact severely on the quality of life of those dwelling nearby and of the community in general that live, work and travel in the neighbourhood.
- **Policy 1A Hertfordshire Waste Core Strategy (HWCS).** Presumption in favour of Sustainable Development. The proposal would result in an adverse effect on the residential amenity of local residents due to increased noise and disturbance (from both within the site and from vehicle movements associated with the use). The vehicles servicing the proposed site will create noise, fumes and litter. They damage the verges and roadside trees on the country lanes leading to the site. These lanes are narrow and winding with blind bends. The presence of HGVs represents a potential hazard to road users. The volume of traffic envisaged in the application increases the likelihood of serious accidents occurring. The Parish Council therefore contends that harm to the local environment and community substantially outweigh any economic advantages to the community as a whole and the proposals are consequently unsustainable. Such advantages as there are can be still be secured by relocating the facility to more a suitable location meeting the County Council's waste strategy policies.
- **Policy 7 HWCS General Criteria.** The facility is proposed for non- local authority collected waste and does not lie within a strategic site or other defined area. The applicants have failed to demonstrate how the proposal contributes to the overall spatial strategy for waste management within the county.
- **Policy 9 HWSC Sustainable Transport.** The proposed facility is not well located in relation to the strategic road network. Although sited on the B180 this is restricted by a weight restriction. The closest main road is the A414 and connecting is via unclassified country lanes - Hunsdonbury and Church Lane. These roads are narrow with blind bends and are totally unsuitable for the nature and volume of traffic serving the facility. This proposal would therefore result in further harm to the local area.
- **Policy 11 HWCS General Criteria.** The proposals fail to meet the criteria in that they are inappropriate in this rural location and will continue to have a serious impact on the local environment resulting in loss of amenity, emissions nuisances and potentially a danger to the travelling public.
- **Policy 13 HWCS Transport and Traffic.** The proposals represent an expansion of an existing (albeit unlawful) operation and therefore should be subject to a detailed access appraisal. It is self- evident that such an appraisal would demonstrate that the means of access to the site are wholly unsuitable and potentially dangerous as detailed above. The predominant complaint being that the lorries on the local road network (some very large) adversely impact



Hunsdonbury Lane: articulated lorries trying to pass.



Acorn Street: bus has to mount footpath so HGV can pass.



Church Lane: large lorry approaches narrow blind bend.



Hunsdonbury Lane: large lorry nearly collides with car and damages tree canopy and verge.



B180: skip lorry forces motorist onto verge in order to pass.

people's quality of life due to the number of them, their size and the narrowness of the road that they use to reach the site. Policy 13 states that new waste related development and the expansion of existing waste management facilities will be permitted where it is clearly demonstrated that the provision within the site, the access to the site, or the conditions of the local highway network are such that the traffic impacts would not have a significant adverse impact on highway safety, the effective operation of the highway network, amenity, human health and the historic and natural environment. It is considered that the current situation causes a significant adverse effect on amenity and human health and the natural environment, and these factors will be severely and negatively impacted further still, if planning permission is granted for the expansion of the site.



Lorry parked on byway outside site.

- **Policy 15 HWCS Rights of Way.** The proposed facility cannot operate without impinging on the adjacent Byway. This represents a very real danger to the public and other users of the right of way. An attempt to provide an alternative route for the right of way by permissive right has been refused by East Herts District Council.



Village road gullies collapsing from the weight of the large vehicles.

- **Policy LTP3 Hertfordshire Local Transport Plan.** The proposals generate traffic on rural local distributor and access roads and consequently lead to an increased risk of accidents due to the poor alignment and width of the roads. The increased traffic generated has an adverse effect on the local environment due to the residential nature of lengths of the roads and the rural character of the roads through damage to the verges being overrun and adjoining trees being damaged. The right of way along side of the site is also significantly affected. The County Council's policy is to resist development having such impacts.



The lorries have damaged the verges on all of Hunsdon's roads.

In conclusion

This planning application is totally unacceptable for the community and will have an augmented adverse impact on the safety and wellbeing of the residents and other local road users. It is the Hunsdon Parish Council's belief that this application should be refused in its entirety and as we believe the operations are unlawful and not protected by any CLD's we maintain that enforcement action should be taken to effect a complete cessation of the operations. The current situation is totally improper and a real threat to the safety and a considerable loss of amenity to local residents. The County Council should not lose sight of their overriding responsibility and one of its principle objectives, stated as part of its own mission statement:



Skip lorry obstructing the footpath and road in the centre of the village.

Be Healthy and Safe

"We want Hertfordshire residents to have the opportunity to live as healthy as lives as possible and to live safely in their communities."



Skip lorry on weight restricted section of B180; in the centre of road approaching blind bend.

This application will not solve the problems caused by the waste operations at Fillets Farm whichever way it is determined. The Parish Council therefore urges the Spatial Planning team to call all interested parties together and explore the relocation of the business to an appropriate location and alternative uses for the site. We see relocation as the only way the issues can be resolved. We would be happy to participate in such discussions.

Conditions

If the County is minded to approve this application then the Parish Council would be anxious to see **strict conditions imposed to limit the harm that the operations inflict on the community.**

These would include limits on vehicle numbers, types and journeys, for the operator's vehicles as well as from third parties, and parking arrangements for all these vehicles clearly specified; the times of operations (to exclude all weekend working) and limits on emissions including noise.

Problems are then bound to arise with regard to enforcement particularly on noise emissions. No doubt the community will be monitoring the activities and it's hard to see why this sorry saga will not continue to run for many years.



Lorry on the A414 on its return trip from the waste site obstructs two lanes of traffic. This vehicle has just travelled along Hunsdon's very narrow Hunsdonbury Lane and Church Lane.

J Robinette (Parish Clerk)