

HERTFORDSHIRE COUNTY COUNCIL

DEVELOPMENT CONTROL COMMITTEE

THURSDAY 22 SEPTEMBER 2016 AT 10.00 AM

THREE RIVERS DISTRICT COUNCIL

Agenda No.

2

PROPOSED APPLICATION FOR ENHANCEMENT TO THE RESTORATION OF 31 HECTARES AT GREAT WESTWOOD QUARRY THROUGH THE IMPORTATION OF INERT MATERIALS WITH COMPLETION OF ALL OPERATIONS WITHIN 24 MONTHS TO DELIVER LANDSCAPE, DRAINAGE, ECOLOGICAL, COMMUNITY AND LONG-TERM MANAGEMENT BENEFITS AT GREAT WESTWOOD QUARRY, FIR TREE HILL, CHANDLERS CROSS, WATFORD, HERTS, WD3 4LY

Report of the Chief Executive and Director of Environment

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Local Member: Chris Hayward

1 Purpose of Report

1.1 To consider application 8/0780-16 (CM0122) for the proposed enhancement to the restoration of 31 hectares at Great Westwood Quarry through the importation of inert materials with completion of all operations within 24 months to deliver landscape, drainage, ecological, community and long-term management benefits at Great Westwood Quarry, Fir Tree Hill, Chandlers Cross, Watford, Hertfordshire, WD3 4LY ("the Site").

2 Summary

- 2.1 Great Westwood Quarry is a former mineral working. Mineral extraction from the Site ceased in 2002. Planning permission was first granted for importation of inert waste to restore the Site in 1990.
- 2.2 This application seeks permission to import approximately 237,000m³ (450,000 tonnes) of inert waste to the Site to enhance the restoration at the Site from September 2016 for completion of the restoration by September 2018, with 18 months of importation and 6 months of restoration.
- 2.3 The Site currently has permission to import 78,600m³ of inert material under permission 8/0825-15 ("the Original Planning Permission"). The current application allows for an increase in the time limit for restoration and to amend the final restoration contours; this is expected to be complete in September 2016. The current permission for restoration is deemed to be an acceptable restoration scheme.
- 2.4 During the process of restoring the Site, the applicant has identified further amendments that are required and which are intended to

enhance the appearance, quality and after-use benefits of the Site and has subsequently submitted this application.

2.5 The main changes to the current proposal compared with the scheme granted permission in 2015 are:

- Importation of additional inert waste
- Increase in height of between 1m and 2m across the Site with a more domed rather than flat topography in Phase 3
- Increased woodland planting
- Reorientation of catchment areas alongside implementation of drainage ponds
- New bridleway link on the edge of the Site and Public Right of Way footpath loop internal to the Site
- New on-site car park
- Implementation of Turtle Dove seed mix area in Phase 3
- Negotiation to purchase land to be used as a car park for the St. Pauls C of E Primary School or if unsuccessful the provision of between £25,000 and £30,000 for further community benefit to be agreed in writing with the council
- A 2-year delay in restoration until end of September 2018 from the completion date anticipated by the Original Planning Permission

2.6 The determination of the application should focus on:

- Green Belt
- Restoration / Afteruse
- Transport
- Landscape
- Drainage
- Noise, air quality and neighbour amenity
- Public access / Rights of way
- Ecology

3 Conclusion

3.1 Having considered all the relevant planning matters, it is recommended that permission be granted subject to referral to the Secretary of State and him not wishing to call the application in, signing and completion of the legal agreement and the conditions set out in this report.

4 The Site and Local Area

4.1 Great Westwood Quarry lies approximately 2km northwest of Watford and 2km southeast of Bucks Hill. Abbots Langley is 1.5km to the northeast and Chandlers Cross is 500m to the south west.

4.2 The Site originally comprised of three extraction areas: Lees Wood (to the south of Fir Tree Hill); Great Westwood (main central area to the

north of Fir Tree Hill); and Brickfield Spring (to the north of the main site, separated by a spur of the M25). Lees Wood is restored and now owned by the Leeswood Scout and Guide Activity Centre. This planning application relates to the Great Westwood part of the Site only, which covers an area of approximately 31 hectares.

- 4.3 The nearest properties to the southwest of the Site, off Fir Tree Hill, include The Grove Lodge, High Fires, Highoaks, Woodside, Chandlers Cottages and Hartfield. Leeswood Cottage lies to the south of the Site. The Lodge is located on the junction of Langleybury lane and Fir Tree Hill. South Lodge lies off Langleybury Lane to the northeast of Brickfield Spring.
- 4.4 The Site is bounded by an area of Ancient Woodland (Lees Wood) and a County Wildlife site. The Site is within the Metropolitan Green Belt.

5 The Proposal

- 5.1 The application seeks to extend the operation of the Site to September 2018, by using 450,000 tonnes of inert waste to enhance the existing permitted restoration; this would include 18 months of material importation and 6 months restoration period. The enhancements being offered as part of this application to be considered as the very special circumstances for importing further material include; a landform which better fits the character of the Local Character Area Sarrat Plateau, improved drainage within Phase 3 with re-profiling to redistribute run-off and implementation of retention/infiltration basins and swales, creation of habitat within the infiltration ponds, further woodland planting to closer match the pre-extraction landscape, introduction of turtle dove grass seed mix within Phase 3, creation of a new public right of way (Bridleway) on the eastern boundary of the main site and public Right of Way footpath within the Site, early restoration of the former plant site, further access for the local scout and guide group, new car parking provision on-site for public access and CEMEX offering to negotiate the purchase of land to construct a car park for the St. Pauls C of E Primary School or if unsuccessful the provision of between £25,000 and £30,000 for the provision of further community benefit to be agreed in writing with the council.
- 5.2 Phase 1 would deliver the early restoration of the majority of the old quarry plant site through the use of approximately 1,564m³ (or 2,815 tonnes) of site derived soils suitable to aid the creation of dry acid grassland habitat and seasonal ponds for amphibians and invertebrates, and to provide temporary storage as part of the proposed drainage strategy.
- 5.3 Phase 2 would comprise the restoration of the southern half and the western edge of Great Westwood. This area requires approximately 181,705m³ of (or 327,069 tonnes) of imported clay to deliver the proposed landform. The original site derived soils would then be placed above the clay for restoration planting to provide a mosaic of habitat

types including wood pasture (grassland and tree planting), lowland meadow, and amenity grassland. The maximum elevation across this part of the Site would be 89m AOD.

- 5.4 Phase 3 would complete the restoration of Great Westwood, and would require approximately 53,325m³ (or 95,985 tonnes) of imported clay to create the proposed landform. The existing soils across Phase 3 would be stripped and stored and then placed above the clay for planting. This part of the Site would be restored to a combination of lowland meadow, ponds and damp grassland, and amenity grassland linking the lowland meadow to the retained woodland edge of Great Westwood Quarry. The maximum elevation across this part of the Site would remain 89m AOD, and would be designed to provide a suitable shallow gradient for pedestrians to walk along the new public right of way. Habitat suitable for Turtle Doves would be created in Phase 3 – it would be sown with a mix of Early English Common Vetch, Birdsfoot Trefoil, Early White Clover, Black Medick, Early Red Clover, and Fumitory. A new tree belt, which would replicate a former plantation belt, would be established between phases 2 and 3.
- 5.5 Phase 4 would see the restoration of the existing plant site which would involve re-profiling with indigenous material and limited imported soils to slopes (approximately 510m³ or 918tonnes). The existing structures and haul route would be removed, although the route of the haul road would be retained for a public right of way and maintenance access. It is proposed to construct a new car park for visitors to access the Site once fully restored.
- 5.6 The anticipated number of daily HGV movements would be on average 120 (60 in and 60 out). There would be some seasonal variation but this would be below the currently permitted 300 daily movements.
- 5.7 The operational hours would remain as currently permitted i.e. 0700 to 1800 Monday to Friday, 0700 to 1300 Saturdays and no operations would take place on Sundays or Public Holidays.
- 5.8 In addition to the material differences set out in paragraphs 2.5 and 5.1 above, the main differences between the submitted restoration master plan (P5/158/18) and the consented restoration masterplan (P5/158/16/H) relate to:

(a) Landform

- Phase 3 – contours are steepened to a dome shape
- Phase 2 – increase of between 1m and 2m of landform
- Phase 4 – increase of between 1m and 2m of landform
- Phases 1 and 2 – introduction of infiltration basin

(b) Landcover

- New tree belt in-between Phases 2 and 3
- Turtle Dove seed mix in Phase

6 Policy Considerations

6.1 National Planning Policy Framework 2012

- Section 9 Protecting Green Belt Land
- Section 11 Conserving and Enhancing the Natural Environment

6.2 Hertfordshire Minerals Local Plan Review: Adopted 2007

- Policy 9 – Contribution to Bio-Diversity
- Policy 12 – Landscape
- Policy 13 – Reclamation Scheme
- Policy 14 – After use
- Policy 15 – Landfill

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

- Policy 4 – Landfill and Landraise
- Policy 6 – Green Belt
- Policy 7 – General Criteria for Assessing Planning Applications Outside of Identified Locations
- Policy 11 – General Criteria for Assessing Waste Planning Applications
- Policy 13 – Road Transport & Traffic
- Policy 14 – Buffer Zones
- Policy 15 – Rights of Way
- Policy 16 – Soil, Air and Water
- Policy 19 – Protection and Mitigation

6.4 Three Rivers Development Management Policies Local Development Document: Adopted July 2013

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

7 Relevant Planning History

- 8/0258-15: Application for the proposed variation of condition 1 (Approved Plans), 2 (Time Limit for Completion), 17 and 19 (Pre/post Settlement Contour Levels) of Planning Permission 8/0874-11 to increase the time period to complete restoration by one year and

amend final restoration contours i.e. by August 2015 using 78,600m³ of inert material.

- 8/0874-11: Application for the proposed variation of conditions 4, 19, 20, 21 and 30 of planning permission 8/0503-90 to increase the time period to complete infilling and restoration by 3 years, a temporary increase in vehicle movements and to amend the final restoration scheme from woodland and heath grassland to woodland, amenity grassland and agriculture.
- 8/1398-03: Application to vary condition 3 of planning permission 8/0735-96 to extend time limit for completion of extraction and restoration (land south of Fir Tree Hill).
- 8/0496-03: Change of use of land from general plant area to designated sorting area for recycling of construction waste. Completion (excluding aftercare) by 31st October 2004.
- 8/0860-98: Review of Minerals Planning Permission. All mineral working and deposit of mineral waste to cease on or before 31st December 2005.
- 8/0735-96: Sand and gravel extraction with restoration to woodland (land south of Fir Tree Hill). Complete restoration within 3 years of commencement.
- 8/0704-95: Variation of condition 4 pp 8/603-77 to allow importation of crushed concrete.
- 8/0466-84: Retention of aggregates processing plant.
- 8/0603-77: Mixed and batching unit for ready mixed concrete.
- 8/0407-77: Ready mix mortar plant.

8 Consultations & Representations

8.1 Three Rivers District Council: raises no objection subject to the following conditions being implemented:

1) That the hours of operation are 0700-1800 Monday to Friday and 0700-1300 on Saturdays with no workings on Sundays or public/bank holidays.

2) That site traffic continues to approach and exit the Site via Langleybury Lane and wheel washing, dust, mud and debris mitigation measures are properly utilised and enforced.

8.2 Environment Agency: raises no objection and does not require the implementation of any conditions.

8.3 Forestry Commission: has suggested it would be beneficial to restore the Site to woodland and using the same species that are in the existing Cartpath wood would be desirable.

8.4 Hertfordshire County Council as Highway Authority: as the proposal will not generate additional HGV movement greater than already permitted

the Highway Authority does not wish to restrict the grant of planning permission.

- 8.5 Hertfordshire and Middlesex Wildlife Trust: are interested in the long-term management of the Site and would be happy to work alongside CEMEX to ensure a well-designed, feasible and appropriately resourced scheme that delivers ecological and community benefits. They see this as an exciting opportunity to use their knowledge and experience to add to and enhance the biodiversity of the Site.
- 8.6 Natural England: does not consider that this application poses any likely or significant risk to those features of the natural environment.
- 8.7 Rights of Way: welcome the proposed new bridleway and footpaths shown on the Restoration Masterplan. However HCC would wish to see Bridleway Status rather than the footpaths shown on the restoration plan. This would cater for multi-user demand, as they link to the verge route on Langleybury Road, Sarratt Restricted Byway 71 and Bridleway's within Whippendell Woods (see attached Rights of Way plan). To achieve this you as landowner would need to enter in agreement with Hertfordshire County Council to dedicate the Bridleway's under the Highways Act 1980 section 25.
- 8.8 Sarrat Parish Council: The Parish Council object strongly to the granting of a further extension on this property for the purpose of importing inert materials. The infilling and landscaping has been going for 13 years now with approximately 120 lorries per day entering and leaving the Site. The Council feel that the time has come to cease this operation and therefore no further extensions should be granted.
- 8.9 Highways England: raises no objection subject to the condition below:
- 1) The applicant is required to provide and submit a Construction Phase Plan to the Local Planning Authority, prior to commencement of works, detailing appropriate mitigation measures to ensure that the risk of dust and air borne particles are minimised. Any mitigation measures should be agreed with Connect Plus Services, who are the operations and maintenance contractor for the M25 network on behalf of Highways England.
- 8.10 Lead Local Flood Authority: initially objected to the proposal as the submitted flood risk assessment was not suitable. Further information was submitted by the applicant and the objection was removed subject to the following conditions:
- 1) The development permitted by this planning permission shall be carried out in accordance with the Further information to support Outline SuDS Drainage Design prepared by ESI, reference 6496cTN2 dated May 2016 and the following mitigation measures as detailed within the surface water drainage strategy.

2) No development shall take place until a detailed surface water drainage scheme for the Site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

8.11 Local Member: objects to the proposal on behalf of their constituents and has objected to the application being determined under delegated powers.

8.12 Neighbours / Publicity: Publicity for this application was as follows:

1 site notice was erected on the main vehicular access on 6th April 2016. An advert was also placed in the Watford Observer on Thursday 14th April 2016.

A total of 119 properties were consulted and 2 responses have been received from individual residents, as well as a joint response from the Chandlers Cross Residents Association. The concerns raised in these representations include:

- Noise from vehicles and site operations
- Vehicle movements on the highway
- Suitability of the road for HGVs
- Continued extension in use of the Site
- Lack of consultation with residents
- Application has been submitted purely for financial gain
- Doubts regarding drainage issues
- Condition of the road surface due to mud
- Impact on pickup / drop off at St. Paul's Primary School

9 Planning Issues

9.1 The principal planning issues to be taken into account in determining this application are:

- Green Belt
- Transport
- Landscape
- Restoration / Afteruse
- Flood Risk / Drainage
- Noise, air quality and neighbour amenity

- Public access / Rights of Way
- Ecology / Biodiversity

Green Belt

- 9.2 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence (NPPF, paragraph 79). Inappropriate development is by definition harmful to the Green Belt and should not be permitted except in very special circumstances (NPPF, paragraph 87). Very special circumstances will not exist unless the harm by inappropriateness and any other harm are clearly outweighed by other material considerations (NPPF, paragraph 88). Certain other forms of development, such as mineral extraction, are not inappropriate in the Green Belt, provided that they would preserve the openness and would not conflict with the purposes of including land in the Green Belt (NPPF, paragraph 90).
- 9.3 Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access and recreation (NPPF, paragraph 81).
- 9.4 Policy DM2 (Green Belt) of the Three Rivers Development Management Plan states the purpose of Green Belt is to prevent urban sprawl by keeping land permanently open and Policy 6 of the Hertfordshire Waste Core Strategy requires applications within the Green Belt to demonstrate very special circumstances.
- 9.5 The quality of the Green Belt in this location is already compromised by the existing major road development in the area. The construction of the M25 and slip road divided the original area of the Site. The land south of the Site is characterised by a large area of ancient woodland (Lees Wood). The character of the northern part of the Site is defined by major roads and speeding vehicles are clearly seen from the northern and western parts of the Site. Nonetheless, the land retains an open character, particularly in the southern part of the Site.
- 9.6 The proposed infilling across the Site would increase the levels of the land between 1m and 2m across Phases 1, 2 and 4 of the Site and this would have an impact upon openness, although this impact would be very limited and the Site would retain an overall feeling of openness. The land will form a dome shape in Phase 3 but will retain a gently sloping and open aspect with the maximum height of the land not increasing, such that the impact upon openness would be very limited. As the landform will keep the overall sloping characteristic, albeit at a raised level, the absence of any excessively raised points means that openness is retained.
- 9.7 The proposed number of HGV movements which have an adverse impact in terms of visual amenity, vehicle noise and emissions are to

be reduced significantly from existing movements. These movements would however be temporary, ceasing in September 2018 and can be effectively managed by planning condition.

- 9.8 The development would not conflict with the purposes of including land in the Green Belt because it would allow a former mineral working to be restored to a mix of woodland and open pastures, provide opportunities for access to the countryside with a new carpark, one new bridleway and one footpath, create a landform more in keeping with the Landscape Character Area, improve the drainage of the land and provide additional habitat with particular emphasis on turtle doves which are endangered.
- 9.9 These matters, alongside those stated in section 5.1, are considered to constitute very special circumstances that clearly outweigh the harm to the Green Belt, in terms of inappropriateness and any other harm.

Transport

- 9.10 The Site is accessed via an entrance on Fir Tree Hill close to Langleybury Lane and is close to the core road network provided by the A41 and M25. Access to the Site from the west is not entirely suitable and essentially all of vehicles do access the Site from Langleybury Lane on the eastern approach, as requested by the operator who will take action against vehicles not adhering to this routing. Vehicles are not permitted to turn right out of the Site towards Fir Tree Hill and Chandlers Cross; however residents have reported this does occur on occasion.
- 9.11 Currently the Site has permission for 300 vehicle movements (150 in, 150 out) per day. The Applicant has stated that they expect that the number of vehicle movements would fall to an average of 120 (60 in, 60 out), with some requirement for seasonal variation and this has been reflected in the condition attached.
- 9.12 Residents have raised concerns about the condition of the highway due to deposit of mud from Lorries connected to the Site. The operator of the Site will be responsible to ensure that the highway remains in a suitable condition during site operations and will make provision for highway clearance if required. Conditions will be imposed as part of this permission to ensure the operator adheres to its responsibility to keep the road in suitable condition.
- 9.13 The impact upon the local roads would be for a limited time period, notwithstanding the Site has been in operation for many years, and would not result in significant harm for the extended period of the Site operating.
- 9.14 As part of this application, the applicant has offered to negotiate the purchase of land off Langleybury Lane for the construction of a car park for St. Pauls C of E Primary School, which if successful would reduce

the impact of HGV movements occurring at the same time as the peak school pick up / drop off. It is proposed to include this offer as part of the S106 to be signed as part of this application to ensure that best effort has been made to secure the land. In the event that the applicant cannot secure the land for the provision of a carpark for the school, they have offered the alternative of a set amount of money (£25,000 to £30,000) to be provided which would be used for community benefit in a way to be agreed in writing with the Council if the land cannot be secured.

- 9.15 Highways England have formally responded to the proposal and have requested that a condition be implemented to ensure that any dust as a result of operations is managed to ensure that any potential risk from dust on the nearby M25 does not impact users.
- 9.16 Overall it is considered that the application complies with Policy 13 (Road Traffic & Transport) of the Hertfordshire Waste Core Strategy and there has been no objection from the Highway Authority.

Landscape

- 9.17 The Site is situated within the 'Sarrat Plateau' Landscape Character Area, which is described in the Hertfordshire Landscape Character Assessments as 'a gently undulating plateau area divided by steep narrow chalk valleys with a mix of woodland throughout'. The strategy for managing change within this area is to 'improve and conserve' with specific objectives for Great Westwood Quarry to achieve a 'mix of woodland and grassland with landforms to blend with the local landscape'.
- 9.18 Policy 12 (Landscaping) of the Hertfordshire Minerals Local Plan requires proposal to respect the landscape character, protect any distinctive landscape features and provide measures that both strengthen the character and enhance the condition of the landscape.
- 9.19 Policy DM7 states proposals should make a positive contribution to the surrounding landscape.
- 9.20 The Site has been in the restoration phase for a number of years and it is considered that this long term disturbance of the Site has resulted in negative landscape and visual impacts. However these impacts are temporary and can be reversed upon the final restoration when permanent benefits for the landscape and visual amenity can be delivered.
- 9.21 The proposed restoration landform would be higher than the approved restoration landform but taking into consideration the overall size of the Site, it is considered that the variation in topography would not be excessive and the Site would integrate well with the surrounding undulating landscape. The highest level on the Site will not increase.

- 9.22 During a site visit the county landscape officer noted the poor drainage on the north east corner of the Site. They have reported that the change in landform in this area would remove the standing water and therefore deliver a landscape and visual enhancement.
- 9.23 The county landscape officer has also commented that the introduction of the new tree belt, which reflects a historic tree belt, is fully supported and the overall net gain in tree cover enhances the landscape character of the area. Furthermore they have supported the creation of ponds, swales and the car park provided that they are designed to fit the rural location to be secured by condition.
- 9.24 Although a scheme has already been approved, which would provide for restoration of a landscape that has been negatively affected by mineral extraction and restoration, it is considered that the new proposal would offer a slight enhancement compared to the currently approved scheme and it is therefore deemed to be borderline acceptable from a landscape perspective.
- 9.25 It is considered that the application is in accordance with Policy DM6 (Biodiversity, Trees, Woodland and Landscaping) of the Three Rivers Development Management Plan.

Restoration / Afteruse

- 9.26 The primary aim for reclamation of former mineral workings is to prevent sites becoming derelict or remaining out of beneficial use (Minerals Policy 13 – Reclamation Scheme). Mineral operators will be required to facilitate proposals for sustainable after-use as part of the reclamation scheme; proposals will enhance the local area and benefit the local community (Minerals Policy 14 – After use). The reclamation of mineral workings with waste will only be permitted where it can be demonstrated that the disposal of waste is necessary and within an appropriate timescale. Sufficient resources must be available and the past and present record of the operator will be considered (Minerals Policy 15 – Landfill).
- 9.27 Disposal of waste and the restoration of the Site with inert material by raising the level of land will only be granted permission where it would result in significant other environmental benefit and it would not give rise to unacceptable implications to human health, amenity, landscape and the environment (Waste Core Strategy Policy 4 – Landfill and Landraise).
- 9.28 Although a scheme already exists to meet the primary aim of reclaiming the former mineral working to prevent the Site becoming derelict or remaining out of beneficial after use, it is considered that the further enhancements being provided as part of this application will improve the beneficial after use of the Site and offer environmental improvements.

- 9.29 The enhancements to the local area as part of this restoration include further woodland planting, enhanced biodiversity, a more suitable landform and improved drainage. While the improvements for the local community include the provision of a car park on site for access, one new bridleway, one public right of way footpath, access for the local scout group (who have provided a letter of support) and the potential of a new car park for St. Pauls C of E Primary School subject to negotiations.
- 9.30 It is stated that restorations must occur within an appropriate time scale and as quickly as possible. The Site has been subject to several applications for extension to the restoration period, which does contravene the need to restore the Site as quickly as possible. However previous delays were caused by a lack of available material, which have now been resolved with a new provider (Lynch), inclement weather conditions, economic downturn and previous extensions to the restoration. However with the significant enhancements being offered within a reasonable timeframe of two years, it is considered that the benefits resulting from this proposal outweigh the inconvenience caused by final restoration being delayed.
- 9.31 The current permission has a 10-year aftercare period and as part of this application a 10-year aftercare period will be required to ensure that potential biodiversity benefits are secured and the land is appropriately managed throughout the aftercare period.
- 9.32 Questions have been raised about the potential loss of benefit to the local area and local community from the proposed after use of the Site due to an option on the land held by the Grove Golf Club. However, the Section 25 and S106 legal agreement being entered into between the County Council and CEMEX on this application will secure the Rights of Way being offered and the car park on site regardless of whether the ownership of the land changes hands.
- 9.33 Concern has also been raised by local residents over the repeated applications to extend the restoration period at Great Westwood. The applicant has agreed that this will be the last application submitted for importation of material at the Site; however this is not part of the legal agreement and cannot be secured by condition either.

Flood Risk / Drainage

- 9.34 The Site is within Flood Zone 1 and therefore has a low probability of flooding from rivers. The majority of the Site is considered to be at a low risk of pluvial flooding. The groundwater flood risk to the Site is considered to be low. The Site is considered to be at low risk in the event of reservoir failure.
- 9.35 Changes to the topography would increase run-off to the west and decrease run-off to the east of the Site when compared with the consented scheme. Currently there are issues with the land within

Phase 3 not draining in an appropriate manner. This application includes an outline strategy comprising a combination of swales and retention/infiltration basins. The combination of proposed changes to the topography, and measures to prevent run-off leaving the Site would, together, have a beneficial effect on the drainage of the Site.

- 9.36 The proposal is not subject to unacceptable risk from flooding and incorporates Sustainable Drainage Systems and is therefore considered to comply with Policy DM8 (Flood Risk and Water Resources) of the Three Rivers District Plan.

Noise, Air Quality and Neighbour Amenity

- 9.37 The dominant background noise source is from traffic on the M25 and A41. The waste operations at the Site will form part of the background noise, although to a lesser degree than road traffic noise. The nature of noise created by HGVs, excavators and dozers is fairly typical of many restoration sites but will be at a lesser level than present due to a reduction in vehicle movements.
- 9.38 HGVs using the haul road, weighbridge and wheel wash will be audible from the nearest residential properties, although for six of the properties (Little Liz Caravan Park; South Lodge; The Grove Lodge; Long Pightley Mobile Home Park; Kesma; and Green Hedges. It is not at a level which would be considered a nuisance or cause a change in behaviour. However for the Lodge, Grove Mill Lane, the calculated noise without mitigation exceeds the suggested site noise limits. Therefore a temporary bund of approximately 3.5m would be placed to mitigate the noise issue during the importation phase.
- 9.39 The proposed restoration enhancements have the potential to generate air quality impacts from the movement, placements and shaping of restoration material and the movement of HGVs. It is commonplace to mitigate these effects through the use of water bowsers, wheel wash facilities and if necessary suspending operations during high prevailing wind speeds cause nuisance to residential properties.
- 9.40 The waste operations proposed as part of this application should not have an adverse impact on air pollution levels in the locality and the impact of dust particulates and emissions can be satisfactorily mitigated by condition and this is necessary to avoid unacceptable impacts.
- 9.41 The proposal is therefore considered to comply with Policy 16 (Soil, Air and Water) of the Hertfordshire Waste Core Strategy and Policy DM9 (Contamination and Pollution) of the Three Rivers Local Plan.

Public Access / Rights of Way

- 9.42 As part of this proposal a car park will be provided on the Site, which will allow local residents to travel to the Site by vehicle and access the

Site via the new right of way around the boundary of the Site. Gates will be provided at three points at the Site to access the right of way from the external area.

- 9.43 The applicant has proposed a new bridleway on the eastern side of the Site which would connect the verge route on Langleybury Road, Sarratt Restricted Byway 71 and the Bridleway's within Whippendell Woods as well as a Public Right of Way footpath loop internal to the site. This proposal for new rights of ways has been supported by the Hertfordshire Rights of Way Team.
- 9.44 Access to the Site would be made available for the Lees Wood Scout and Guide Group who have written a letter in support of the application.
- 9.45 Both the extended Rights of Way and public access car park will be secured by S106 to ensure their permanence and can be given significant weight in the determination by securing public access to the Site, which is supported in Paragraph 81 of the NPPF.
- 9.46 Overall it is considered the proposals comply with Policy 15 (Rights of Way) of the Hertfordshire Waste Core Strategy.

Ecology / Biodiversity

- 9.47 The planning system should contribute to and enhance the natural and local environment (Paragraph 109, NPPF) and local authorities should aim to conserve and enhance biodiversity (Paragraph 118, NPPF).
- 9.48 The aims for biodiversity are set out in Policy 9 (Contribute to Biodiversity) of the Hertfordshire Minerals Plan, Policy 19 (Protection and Mitigation) of the Hertfordshire Waste Core Strategy and Policy DM6 (Biodiversity, Trees, Woodland and Planting) of the Three Rivers District Plan for development to provide opportunities to contribute to biodiversity action plan targets and through restoration seek long-term overall enhancement to local biodiversity.
- 9.49 The Site offers considerable potential to enhance biodiversity on a local level through the creation of additional habitats and links with the existing network of habitats in the area. The existing habitats on site will remain and further habitats will be created with the implementation of further mixed deciduous woodland and provision of ponds. The enhancement of biodiversity should be given significant weight.
- 9.50 Phase 3 of the restoration will incorporate a special seed mix to encourage Turtle Doves to stop and feed. Turtle Doves are currently considered to be vulnerable and the provision of further habitat is necessary. The applicant has provided similar habitat at other sites under its ownership and has been encouraging evidence of success with Turtle Doves appearing at two CEMEX sites including three

juveniles. The measure is fully supported by the RSPB who work alongside CEMEX on a national programme of enhancing bird habitats and have provided a letter of support for this scheme.

- 9.51 A letter from the Hertfordshire and Middlesex Wildlife Trust has been submitted stating that CEMEX have asked the HMWT about taking on the long term management of the land. HMWT have said they would be happy to work alongside CEMEX to ensure a well-designed, feasible and appropriately resourced scheme that delivers ecological and community benefits.

10 Summary

- 10.1 The application proposes the infilling and restoration of Great Westwood Quarry by importation and disposal of 237,000m³ of inert waste material.
- 10.2 The application will enable the Site to be restored to an enhanced restoration scheme compared to the scheme currently approved. The importation of additional material supports the viability of the scheme to enable enhanced restorations to be completed. The planning conditions will ensure that the Site is restored within the specified time scale, reflecting the position that the extension of operations is only acceptable due to the enhancements being offered and the Site must be restored completely.
- 10.3 The proposal represents inappropriate development in the Green Belt, however very special circumstances have been demonstrated, including allowing a former mineral working to be restored to a mix of woodland and open pastures, provide opportunities for access to the countryside with a new carpark, creating two new bridleways, creating a landform more in keeping with the Landscape Character Area, improving the drainage of the land, providing additional habitat with particular emphasis on turtle doves and negotiating the purchase of land to provide a car park for St. Pauls C of E Primary School. Such considerations clearly outweigh the harm to the Green Belt and limited other harm in this particular case.
- 10.4 The timescale for completion of the restoration is extended until 30th September 2018 in order to provide ample opportunity to restore the Site whilst the weather conditions are suitable.
- 10.5 It is not necessary to refer the application to the Secretary of State under the Town and Country planning (Consultation) (England) Direction 2009 because the proposed development would not have a significant impact on the openness of the Green Belt.
- 10.6 Overall having taken the balance of all the issues and policy into account, it is recommended that planning permission should be granted subject to referral to the Secretary of State and him not wishing to call the application in, signing and completion of the legal agreement and

the conditions as follows:

11 Conditions

Accordance

1. The development shall be carried out in accordance with the following plans and documents submitted as part of the application:
 - Planning Statement (March 2016)
 - Transport Assessment (21283/TA/01 – March 2016)
 - Flood Risk & Drainage Assessment (6496cR2 – March 2016)
 - Further information to support outline SuDS Drainage Design (6496cTN2 – May 2016)
 - Noise Assessment (4410 – March 2016)
 - Air Quality Assessment (March 2016)
 - Habitat Management Plan Area (PLAN A – March 2016)
 - Landscape and Visual Appraisal (March 2016)
 - Woodland and Habitats Management Plan (PLAN B – March 2016)
 - Preliminary Ecological Appraisal (June 2015)
 - Sequence of Restoration (March 2016)
 - Annual Schedule of Landscape and Management Operations (March 2016)
 - Outline Woodland and Habitats Aftercare and Management Plan (March 2016)
 - Site Plan (P5/158/20 – February 2016)
 - Restoration Master Plan (P5/158/18 – March 2016)

Reason: to ensure that the Site is properly restored in accordance with the planning application documents.

Date for completion

2. The Site to which this development relates shall be restored (excluding aftercare) by 30th September 2018.

Reason: to ensure restoration is completed at the earliest opportunity in accordance with the NPPF (Paragraph 144).

Inert waste only

3. Only inert waste shall be deposited at the Site, consisting of clean rubble and excavation material. 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.

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.

Final contours

4. After the placement of topsoil the final pre-settlement contours of the Site shall conform to and not exceed the levels shown on drawing number P5/158/18 dated March 2016. No further material shall be placed above the level of the final contours, except as may be permitted as part of the aftercare requirements.

Reason: to ensure that an appropriate landform is achieved in accordance with the restoration plan in accordance with Policy 13 (Reclamation Scheme) of the Hertfordshire Minerals Local Plan Review 2007.

Hours of operation

5. All operations at the Site authorised by this planning permission shall only take place within the following hours:
 - 7.00am and 18.00pm on Mondays to Fridays
 - 7.00am and 13.00pm on Saturdays

No operations shall take place on Sundays or Public Holidays. For the purposes of this condition operations shall include vehicle movements connected with the importation of waste.

Reason: in the interest of residential amenity

Vehicle movements

6. For the purposes of the development hereby permitted, there shall be no more than 180 lorry movements (90 in, 90 out) at the Site Monday to Friday, and 100 lorry movements (50 in, 50 out) on Saturdays unless otherwise agreed in writing in advance with the Mineral 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 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.

OPERATIONAL REQUIREMENTS

Traffic Direction

7. HGV traffic should approach and exit the Site via Langleybury Lane (Right turn into the Site and left turn out of the Site only).

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

Noise from operations

8. Noise levels from temporary 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 from vehicles

9. All vehicles, plant and machinery operated within the Site shall be maintained in accordance with manufacturer specification at all times. All such vehicles shall be fitted with white noise (non-tonal) reversing alarms and effective exhaust silencers.

Reason: in the interests of residential amenity.

Mud on the highway

10. The operator shall ensure that mud and other debris are prevented from being deposited on to the public highway. The operator shall put in place the following measures:
 - i. suitable wheel wash facilities maintained in working condition throughout the operation,
 - ii. all HGVs shall use the wheel wash facilities before exiting the Site,
 - iii. HGVs shall not be permitted to enter the public highway until all mud and debris likely to be deposited on to the road surface has been removed from the chassis and wheels,
 - iv. the haul road shall be kept free of mud and debris at all times,
 - v. Fir Tree Hill and Langleybury Lane shall be kept free of mud and debris originating from the Site at all times,
 - vi. a truck mounted road sweeper shall be deployed to clean the haul road, Fir Tree Hill and Langleybury Lane for each day of the operation (as regularly as required).

Reason: in the interests of highway safety and amenity

Haul road: maintenance

11. The surface of the haul road shall be properly maintained for the period of restoration specified in Condition 2. The haul road shall be inspected by the operator each day prior to the Site opening. Any damage identified by the operator or brought to their attention by the Mineral Planning Authority shall be repaired using ready-mix concrete within **one week** of the fault having being identified.

- Reason: to ensure the haul road is maintained in a suitable condition
12. The operator shall take all necessary steps to prevent unauthorised access to the Site and take appropriate measures to secure the Site through the provision and maintenance of suitable gates, fences, and other means of enclosure that shall have been agreed in writing the Mineral Planning Authority.

Reason: to prevent unauthorised access to the Site and reduce the risk of accidental damage to persons and property.

FURTHER INFORMATION REQUIREMENTS

Scheme of working

13. Within **one month** of the date of this planning 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 waste stockpiles;

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

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

Dust Suppression scheme

14. 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 and approved in writing by the Mineral Planning Authority. The scheme shall include:
- the use of water bowsers on haul roads and stockpiles,
 - cessation of working when the wind speeds are high enough to carry dust emitted from the Site toward 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

Car Park Details

15. Within **three months** of the date of this permission the operator will submit full drawings detailing the layout and visual aesthetic of the proposed car park.

Reason: to ensure the car park is suitable and fits the rural aesthetic.

Surface water management scheme

16. The development permitted by this planning permission shall be carried out in accordance with the Further information to support Outline SuDS Drainage Design prepared by ESI, reference 6496cTN2 dated May 2016 and the following mitigation measures as detailed within the surface water drainage strategy.

1) The surface water run-off generated by the Site will infiltrate via infiltration basins as shown in drawing P5/158/18 included in Appendix A of the Further information to support Outline SuDS Drainage Design prepared by ESI, reference 6496cTN2 dated May 2016.

2) A minimum attenuation volume of 10,604m³ must be provided to ensure that there is no flooding from surface water run-off for all rainfall events up to and including the 1 in 100 year + climate change event. Attenuation to be provided in three infiltration basins and four soakaways shown in drawing P5/158/18 included in Appendix A of the Further information to support Outline SuDS Drainage Design prepared by ESI, reference 6496cTN2 dated May 2016.

The mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided by the soakaways, such changes will need to be agreed with the LLFA.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the Site.

17. A detailed surface water drainage scheme for the Site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development will be submitted to and approved in writing by the local planning authority. The drainage

strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- 1) Infiltration tests in accordance with the BRE Digest 365 should be conducted where the infiltration basin of catchment 2 is proposed to be located.
- 2) Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations in accordance with the results of the infiltration tests.
- 3) Design details of the proposed swales and drainage basins.

Reason: To prevent the increased risk of flooding, both on and off site.

RESTORATION, SOIL HANDLING, & AFTERCARE

Soil handling

18. Topsoil and subsoil shall only be handled in dry and friable conditions between May to September unless it is demonstrated to the Mineral Planning Authority that operations can take place satisfactorily outside this period. Operations shall be suspended if:
 - (a) there is any standing water on the soil or soil storage bunds; and
 - (b) the surface of the material over which the machinery has to pass is wet or has exceeded its plastic limit.

Reason: To ensure that soils and other restoration material are handled and stored in such a way as to achieve the best possible standard of restoration and to minimise compaction and damage to the soil.

Soil layer composition

19. On completion of landfilling, the stored subsoil and topsoil shall be spread over the filled area to an even depth so as to conform to the levels shown on Drawing number P5 /158/18. The final (top) one metre of fill shall be kept free from any material which may damage cultivation machinery or interfere with the subsequent land 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 after use.

Commencement of soil placement

20. The Mineral Planning Authority shall be given a minimum of **one week** notice of the intention to commence any soil replacement and cultivation works.

Reason: to allow the Mineral Planning Authority the opportunity to inspect the soil conditions and proposed working methods.

Topsoil

21. 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.

Aftercare

22. Within **three months** of the date of this planning permission a full aftercare scheme requiring such steps as may be necessary to bring the land to the required standard suitable for use as woodland and grassland shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall specify the steps as may be required to achieve and maintain the required standard of land for use for woodland and pasture, 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 annual site meetings 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.

Reason: to ensure the proposal meets the standards of aftercare specified in Policy 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007.

23. The approved aftercare scheme shall be implemented in full on completion of restoration in accordance with Condition 22 for a period of ten years.

Reason: to ensure the land is provided in a suitable condition for its intended after use.

24. The period for aftercare specified in Condition 22(a) shall not commence until the Year 1 annual aftercare report has submitted to and agreed in writing by the Mineral Planning Authority.

Reason: to ensure the land is in a suitable condition to be accepted into aftercare

Annual report

25. The applicant shall submit a written report to the Mineral Planning Authority at the end of each calendar year detailing progress in restoring the Site. This report shall include:
- a) a drawing indicating existing site levels for each of the phases of the development
 - b) details of the volume and nature of materials ripped for each of the phases of development at the Site during the year;
 - c) and estimation of the volume and nature of materials required for each of the phases of development to complete restoration to approved levels;
 - d) a statement as to whether the operation considers that a sufficient volume of materials will be forthcoming in the following year, together with anticipated sources of material, to achieve restoration to the approved levels;
 - e) additional measures as may be required as part of the restoration and aftercare, and proposed timescales.

Reason: to enable the Mineral Planning authority to review the need for further remediation works during the aftercare period.

Annual aftercare meeting

26. The applicant (or successor in title) shall meet the Mineral Planning Authority in each calendar year during the aftercare period specified in Condition 22. The meeting shall take place no later than 30th March. Any works deemed necessary under Conditions 22 shall take place not later than the following year of aftercare.

Reason: to assess the condition of the land and aftercare requirements as may be necessary

COMPLETION OF RESTORATION

Removal of hardstanding areas

27. Within **three months** of the date of the completion of restoration (excluding aftercare) specified under Condition 2 (i.e. by 30th September 2018), all plant, foundations, hard-standings, machinery, haul and access roads shall be removed from the land and the land reinstated in accordance with the approved masterplan.

Reason: to ensure all development associated with the former mineral working is removed, and in the interests of providing the Site with a comprehensive landscaping scheme as required under Policy 13 of the Hertfordshire Minerals Local Plan Review 2007.

GENERAL RESTRICTIONS

Removal of permitted development rights

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent amendment of 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: (a) the Site is within the Metropolitan Green Belt (b) structures are not required for the purposes of mineral extraction.

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.

Groundwater protection

30. 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

31. 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.

Background information used by the author in compiling this report

Application documents

NPPF 2012

Hertfordshire Minerals Local Plan Review: Adopted 2007

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

Three Rivers Development Management Policies Local Development
Document: Adopted July 2013

Neighbour representations

Consultee responses