

Agenda



AGENDA for a meeting of the DEVELOPMENT CONTROL COMMITTEE in the Council Chamber, County Hall, Hertford on THURSDAY, 23 FEBRUARY 2017 at 10.00AM.

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

D J Barnard, D S Drury, G R Churchurch, M J Cook, J Lloyd, M D M Muir (Vice-Chairman), P A Ruffles, 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 January 2017 (*to follow*).

PUBLIC PETITIONS

The opportunity for any member of the public, being resident in or a registered local government elector of Hertfordshire to present a petition relating to a matter with which the Council is concerned, and is relevant to the remit of this Committee, containing 100 or more signatures of residents or business ratepayers of Hertfordshire.

Notification of intent to present a petition must have been given to the Chief Legal Officer at least 20 clear days before the meeting where an item relating to the subject matter of the petition does not appear in the agenda, or at least 5 clear days where the item is the subject of a report already on the agenda.

[Members of the public who are considering raising an issue of concern via a petition are advised to contact their local member of the Council. The Council's arrangements for the receipt of petitions are set out in Annex 22 - Petitions Scheme of the Constitution.]

If you have any queries about the procedure please contact Deborah Jeffery on telephone no. (01992) 555563.

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.

- 1 APPLICATION 1: AN EXTENSION OF THE AREA REQUIRED FOR THE CONSTRUCTION OF AN AGRICULTURAL RESERVOIR (PERMISSION 3/1304-13) TO ENABLE STOCKPILING OF THE EXCAVATED MATERIAL TOGETHER WITH ENVIRONMENTAL BUNDS, PROCESSING PLANT, WATER MANAGEMENT PONDS AND ANCILLARY ACTIVITIES FOR THE PERIOD OF CONSTRUCTION**

APPLICATION 2: A S.73 APPLICATION TO REMOVE CONDITION 8 (NO PROCESSING ON SITE) OF PERMISSION 3/1304-13 CM0951

Report of the Chief Executive and Director of Environment

Local Member: Graham McAndrew

- 2. APPLICATION FOR THE IMPORTATION OF 31,955M³ (53,258 TONNES) OF INERT WASTE SOILS FOR THE CONSTRUCTION OF A SOIL SHELF AROUND ON-SITE BUSINESS UNITS AT DOG KENNEL FARM, CHARLTON ROAD, HITCHIN, SG5 2AB.**

Report of the Chief Executive and Director of Environment

Local Member: Derrick Ashley

- 3. VALIDATION CHECKLIST**

Report of the Chief Executive and Director of Environment

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

There are no items of Part II business on this agenda but if an item is 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 ** of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information."*

If you require a copy of any of the reports mentioned above or require further information about this agenda please contact Deborah Jeffery, Assistant Democratic Services Manager on telephone no. 01992 555563 or email: deborah.jeffery@hertfordshire.gov.uk

Agenda documents are also available on the internet
<https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings.aspx>

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
THURSDAY 23 FEBRUARY 2017 AT 10.00AM**

DISTRICT: EAST HERTS DISTRICT

Agenda Item
No.

1

PLANNING APPLICATIONS (3 / 2533-16 and 3/2534-16 CM0951) FOR :

APPLICATION 1: AN EXTENSION OF THE AREA REQUIRED FOR THE CONSTRUCTION OF AN AGRICULTURAL RESERVOIR (PERMISSION 3/1304-13) TO ENABLE STOCKPILING OF THE EXCAVATED MATERIAL TOGETHER WITH ENVIRONMENTAL BUNDS, PROCESSING PLANT, WATER MANAGEMENT PONDS AND ANCILLARY ACTIVITIES FOR THE PERIOD OF CONSTRUCTION

APPLICATION 2: A S.73 APPLICATION TO REMOVE CONDITION 8 (NO PROCESSING ON SITE) OF PERMISSION 3/1304-13 CM0951

Report of the Chief Executive and Director of Environment

Contact: Felicity J Hart Tel: 01992 556256

Local Member: Graham McAndrew

1. Purpose of Report

- 1.1 To consider application nos. 3/2533-16 and 3/2534-16 (CM0951)
- 1.2 These applications have been submitted in relation to an adjacent piece of land situated to the north of an agricultural reservoir currently under construction.
- 1.3 Note: this is a joint report that covers issues relating to both applications.

2. Summary

2.1 These applications have been submitted in relation to a piece of land adjacent to a site currently under construction creating an agricultural reservoir. Permission was granted in 2013 for the construction of the 44 million gallon agricultural reservoir which would entail the removal of up to 200,000 cubic metres of sand, gravel and soil. This permission was time limited to be completed within 5 years from commencement. Development commenced in September 2016. The permission also required that there should be no processing of mineral on site and that all material should be removed from the site as raised.

2.2 These applications have been submitted in order to propose the use of an adjacent area of land for stockpiling of the excavated material, a plant site to enable treatment, together with the creation of a silt and water management area. The silt pond area would entail some further limited mineral extraction which would be added to the stockpiles.

3. Conclusion

3.1 It is concluded that the proposed development (both applications) should be refused planning permission for the following reasons:

1. The proposal constitutes inappropriate development in the Green Belt which would affect openness, for which no very special circumstances have been demonstrated that would override harm together with harm to the Green Belt. The proposed development is therefore contrary to the NPPF and East Herts Local Plan Policy GBC1. The development would cause substantial harm to the Green Belt by intrusion into the countryside resulting in its loss of openness and the development would fail to conserve the natural environment that surrounds the site.
2. The application has not demonstrated that the site will not increase flood risk to the site and elsewhere, nor that it can provide appropriate sustainable drainage techniques. Therefore, the proposal is contrary to the NPPF and Policy 17 of the Hertfordshire Minerals Local Plan Review.
3. The development is adjacent to an Ancient Woodland and the proposal has not demonstrated that it would not result in deterioration of an irreplaceable habitat and it is considered that the need for, or the benefits of, the development in that location do not outweigh the impacts that could occur. The proposal is therefore contrary to the NPPF and Policy 17 of the Hertfordshire Minerals Local Plan Review.

4. Description of the site and existing and proposed development

- 4.1 The application site comprises an area of land situated to the north of the previous planning application site which has planning permission for the construction of an agricultural reservoir. This development has commenced and the void has been partially created.
- 4.2 Condition 8 of the original agricultural reservoir permission states that: "There shall be no processing on site and that all material shall be moved off site for processing." This application (no.3/1304-13) proposes that an adjacent area of land to the north would be used for stockpiling and treatment.
- 4.3 Hence two parallel planning applications have been submitted. Application 1 for an extension of the area required for the construction of an agricultural reservoir [permission 3/1304-13 (CM0951)] to enable stockpiling of the excavated material together with treatment and ancillary activities for the period of construction. Application 2 is a S.73 application to remove Condition 8 (no processing on site) of permission 3/1304-13 (CM0951).
- 4.4 Planning permission was granted in 2014 for the extraction and removal of materials (sand, gravel and soils) to enable the construction of a 44 million gallon agricultural reservoir required for farm irrigation at Thorley Hall Farm. The proposed reservoir requires a substantial quantity of material to be removed to create the necessary depth of water storage volume.
- 4.5 The applicant has reviewed the scheme and has now decided that due to the landform and the underlying nature of the materials that an additional area will be necessary to provide stock piling capacity and a treatment plant. The applicant considers that treating the material on site is a more sustainable option as there are sometimes difficulties finding quarries to take the material to as many have a no importation condition on their own planning permissions.
- 4.6 It is proposed that the application site would contain stockpiles of material, and space for a low profile semi mobile modular treatment plant. The overall height of the treatment plant including lighting would be 8.3m. Some limited mineral extraction is also proposed which is proposed to create a silt and water management area. Water required for processing would be stored in a series of ponds in the east of the site. Earthworks would be required to construct environmental bunds. Additionally there would be ancillary buildings comprising a container style mess facility and a generator unit.
- 4.7 There would be no changes to the existing hours of operation at the site and no changes to lorry movements although the applicant states that if this application is approved then there could be a 10% reduction in lorry movements.

5 Planning History

- 5.1 3/1304-13 CM0951 Planning permission granted for extraction and removal of materials (sand, gravel & soils) to enable the construction of a 44 million gallon agricultural reservoir for farm irrigation.

6 Consultations

- 6.1 East Herts District Council – Environmental Health comments that in principle we have no objections. However, I make the following observations.

Application 1

- 6.2 The current permission includes a condition (Number 9) which limits noise emanating from the site. I believe that this could be improved using the following conditions.

- All mobile site based plant shall be fitted with broadband reversing beepers rather than single pitched.
- Site attributable noise when measured at noise sensitive properties shall not exceed the background level by more than 10dB(A). The only exception to which is that arising from any temporary operations (soil stripping, bund formation and removal and final restoration) where such shall not exceed 70dBLAeq between 08.000 and 18.00hrs Monday to Friday. Temporary operations shall not exceed a period of 8 weeks in any calendar year.
- No later than 3 months after the date of this permission, a Noise Monitoring Scheme ('the Scheme') shall be submitted for the written approval of the Mineral Planning Authority. The Scheme shall include details of:
 - a) The noise monitoring equipment;
 - b) The precise noise monitoring locations;
 - c) The frequency of measurements;
 - d) The presentation of results; and,
 - e) The procedures to be adopted in the event that noise levels exceed the limits approved or in the event that complaints are received.

- 6.3 The noise management scheme shall be reviewed at least annually, take into consideration any changes or proposed working arrangements to ensure that all monitoring is appropriate and considers the working practices in place.

- 6.4 I'd also recommend that Condition 7 (dust) and Condition 18 (hours) are replicated on any further permission.

Application 2

All known environmental impacts would be controlled through the above recommendations.

- 6.5 East Herts District Council (Planning Authority) considers that the applications represent an inappropriate form of development in the Green belt and, by definition is therefore harmful. The proposed development, although for a limited period of time, will result in a clear loss of openness, which is a fundamental aim of green belt policy and will conflict with the purposes of including land in the Green belt. EHDC draws the County Council's attention the allocation of the site to the north of the application site for development in draft Policy BISH5 of the pre-submission district plan.

6.6 Woodland Trust

As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We manage over 1,000 sites covering around 24,000 hectares (59,000 acres) and have 500,000 members and supporters.

The Trust **objects** to both of the aforementioned applications on the grounds that these proposals will result in the damage of ancient woodland. Thorley Wood (grid reference: TL482185), which borders the site, is listed on Natural England's Ancient Woodland Inventory as ancient semi-natural woodland (ASNW).

Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since at least AD1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be recreated and cannot afford to be damaged or lost.

National Planning Policy Framework paragraph 118 states that "planning permission should be refused for development resulting in the **loss or deterioration of irreplaceable habitats, including ancient woodland** and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

Natural England's Standing Advice on Ancient Woodland (2015) states: "Mitigation measures will depend on the development but could include:

· leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of development, a minimum buffer should be at least 15 metres)”

For buffers to be effective they need to be designed on a case by case basis. The 15m buffer referred to in the Standing Advice was in relation to a housing development. There is no one size fits all approach to buffer design and each buffer will be unique to its location and the functions it is to fulfil. A good understanding of what needs to be protected is needed before any buffer construction takes place. Furthermore, once a buffer is constructed its effectiveness needs to be monitored and assessed and the results made available so that subsequent buffer designs can be amended and improved.

This buffer should be made up of at least 50% native tree cover which should be allowed to develop into a semi natural habitat. Around the trees of high value it should be maintained as scrub or grassland so that younger tree competition does not establish and compromise their crowns.

These measures will help to protect the ancient woodland from the impacts of the adjacent development and are in line with the recommendations in the NPPF. In addition, a larger buffer will also increase the available habitat onsite helping to contribute to an increase in biodiversity locally as well as mitigating the impacts of this development.

The buffer should be planted before construction commences on site. It is vital that the fence, referenced in the application, is put in place during construction to ensure that the buffer area does not suffer from encroachment of construction vehicles/stockpiles etc.

Ancient woodland is an irreplaceable habitat, once lost it is gone forever. The Woodland Trust maintains an objection to these planning applications as it believes that the processing and stockpiling of minerals adjacent to Thorley Wood, will damage this recognised ancient woodland.

Dust, light, noise and vehicle emission pollution are of particular concern as long as the activities are taking place in the proposed area.

Should consent be granted on the above applications in their current form, against our recommendations, the Trust urges the council to act on the above advice regarding a 30m planted buffer zone and makes this a condition of any planning consent.

6.7 Environment Agency No comment received.

6.8 Hertfordshire County Council – as Highway Authority does not wish to restrict the grant of permission and provides the following advice note.

APPLICATION 2. This seeks permission for the removal of Condition 8 (No processing of material on site) from permission 3/1304-13 and covers an area to the south of Application 1 of approximately 15.8ha within the curtilage of Thorley Hall Farm. Thorley Hall Farm is located to

the South of Bishop's Stortford and is to the South West of St James Way (A1184).

Planning permission was granted on the 13th May 2014 (ref. 3/1304-13) for the extraction and removal of materials (sand, gravel and soil) to enable the construction of a 44 million gallon agricultural reservoir for farm irrigation at Thorley Hall Farm. This application did not allow for the processing of the excavated material and only allowed the material to be exported off-site in its 'as dug' condition. These proposed applications would, if granted, enable the material to be processed on site and would expand the site area to allow for the placing of environmental bunds, processing plant and water management ponds.

Within the new area proposed to be created for Application 1, the principal stock area would be in the centre / west close to the internal access road. The processing plant would be located centrally and the water treatments ponds would be located on the east side and would require the excavation of approximately 20,000m³ of material to construct, which would be added to the total amount of material to be processed and exported. A 'container' style temporary building is also proposed for welfare facilities and it is proposed that the site would be surrounded by temporary environmental bunds of between 3m and 5m. It is intended that the majority of the 200,000m³ of material to be excavated for the creation of the agricultural reservoir would be processed on the adjacent application site subject of Application 1, and then exported off site. All works at the site are proposed to be completed within 5 years resulting in the removal of all the temporary structures and restoration and landscaping of the agricultural reservoir.

The proposed hours of operation would be 0700 – 1800 hours Monday to Friday with no operations occurring on Saturday, Sunday or Public / Bank Holidays. 100 HGV movements per day are proposed (50 in, 50 out). This number is the same as approved on the previous application. Access to the site would be achieved from St James Way (A1184).

ADVICE NOTE:

The amount of HGV movements generated by this proposal will be as approved by the previous application. Therefore subject to the following existing conditions remaining in force the Highway Authority has no objection to the proposal.

(Ref. 3/1304-13) 20. Limit on HGV movements There shall be no more than 100 Heavy Goods Vehicle (HGV) movements, (50 in and 50 out) in respect of all operations granted in this permission in anyone working day, Monday to Friday. For the purposes of this permission, HGVs are any vehicle in excess of 7.5 tonnes.

Reason: In the interests of highway safety.

21. Signage requiring HGVs to turn left out of the site Details of the design and location of a sign requiring all HGVs to turn left out of the site onto the Bishop's Stortford By-Pass in a northerly direction shall be submitted to and approved in writing by the Local Planning Authority. The approved sign shall be in position by the commencement of development.

Reason: In the interests of Highway safety.

22. Wheel washing and cleaning facilities Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during the construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. Efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development to allow for the cleaning of the wheels of all lorries leaving the site.

Reason: In the interests of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highways in the vicinity of the site.

6.9 Hertfordshire County Council – Historic Environment (Archaeology)

APPLICATION 1 – 3/2533-16:

Proposed application for the extension of the area required for the construction of an agricultural reservoir (3/1304-13) to enable stockpiling of excavated material together with environmental bunds, processing plant, water management ponds and ancillary activities for the period of construction at Thorley Hall Farm, ThorleyWash, Thorley, Bishop's Stortford, Hertfordshire

APPLICATION 2 – 3/2534-16:

Proposed application for the removal of condition 8 (no processing of material on site) from permission 3/1304-13 to enable material to be processed on site before removal at Thorley Hall Farm, Thorley Wash, Thorley, Bishop's Stortford, Hertfordshire

Please note that the following advice, concerning Application 1: 3/2533-16, is based on the policies contained in the National Planning Policy Framework. I have no specific comment to make with regard to the second, parallel, application (Application 2: 3/2534-16), given its nature. The proposed development site possesses high potential for prehistoric and Romano-British archaeological remains (heritage assets) to be present. It is close to the Iron Age hillfort known as Wallbury, and several significant early occupation sites are known nearby. These include Bronze Age and Romano-British sites immediately to the north on the land between Whittington Way and St James Way, and a Roman

occupation site containing several timber framed buildings with mortar floors, located east of the agricultural track to Thorley Hall Farm [HER 1526]. A complex of Roman ditches was recorded along the entire length of the existing agricultural track to Thorley Hall Farm, when it was under construction [HER 12617].

Further evidence of for Roman occupation and of prehistoric settlement and cultivation was revealed in 2016, when a programme of archaeological work was carried out at Thorley Hall Farm prior to the construction of the access road for the agricultural reservoir, and the excavation of the agricultural reservoir itself. A report on these investigations, which were carried out in relation to the archaeological conditions placed on planning application ref. 3/1304-13, has yet to be received.

I consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest, as defined by the NPPF. I therefore recommend that the following provisions be made, should you be minded to grant consent for **Application 1: 3/2533-16**:

1. The archaeological investigation of the proposed extension to the permitted agricultural reservoir (3/1304-13), by means of strip, map and sample methodology. The removal of grass and topsoil, and all ground reduction, should be archaeologically monitored.
2. The appropriate archaeological excavation and recording of any remains identified during the monitoring programme.
3. The analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate.
4. Such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015). In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- Condition B
- i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).
 - ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. If planning consent is granted, then this office will be able to provide details of the requirements for the investigation and to provide information on archaeological contractors who may be able to carry out the work.

6.10 Hertfordshire County Council – Ecology

The removal of Condition 8 will not materially change the ecological constraints present on site, and therefore I offer no comment on this application.

The application site is located adjacent to the southern boundary of Thorley Wood, which is classified as ancient woodland and designated as a Local Wildlife Site. The site is also just within 500 m of a known great crested newt (GCN) breeding pond at Thorley Hall.

The Preliminary Ecological Appraisal submitted with the application has highlighted all the above potential constraints. The ecologist has recommended that the construction site not be placed within 20 m of Thorley Wood and that a 3 m high temporary bund is created along the boundary of the construction site to screen the woodland. I agree with this mitigation strategy and believe it to be the best course of action. In addition to the bund, root protection will be implemented where necessary to prevent damage to any trees.

The species Phase 1 assessments have shown that the habitats affected by the application are of low quality for most protected species including GCN. However, there was evidence of an active outlier badger setts 30 m south of the boundary of the construction site. Suitable mitigation has been recommended in the report.

I am confident that the recommendations that have been outlined in the Preliminary Ecological Appraisal have taken into account the ecological constraints present on site. There is also mention of a post construction Landscape Plan which as far as I can see has not been submitted with the application. I would advise that its production is **Conditioned** within any

planning decision, and approved by HCC before the construction phase is completed.

6.11 Hertfordshire County Council - Lead Local Flood Authority

Objects to the application and recommends refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.

In the absence of a Flood Risk Assessment (FRA) we object to the grant of this planning application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

In order for the Lead Local Flood Authority to advise the relevant authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the FRA should as a minimum include the following;

- Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information.
- Location of any ordinary watercourses including any which may be un-mapped.
- The location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (River) and surface water flood maps.
- Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided.
- Detailed drainage calculations for all rainfall return periods up to and including the 1 in 100 year + climate change event including pre-development greenfield run-off rates.
- Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 Year rainfall return period).
- Provision of a SuDS management train to manage surface water runoff.

6.12 Hertfordshire County Council – Landscape

Landscape and visual effects

The submitted Landscape and Visual Impact Assessment, Chapter 7 '*Summary of Key Landscape and Visual Effects*' provides a fair overview of the likely landscape and visual effects of the proposed development and are summarised below:

Operational stage

- Minor - moderate adverse landscape effects
- Minor - moderate adverse visual effects for public rights of way and resident's becoming negligible further away

10 years post restoration stage

- Minor beneficial landscape effects
- Neutral visual effects

Operational stage – landscape effects

The proposal is for the extension of an existing minerals site for the extraction and removal of materials, to accommodate a minerals development for the processing of materials. Whilst both operations are minerals development, they differ in their nature; in particular the processing operation requires additional stockpile areas, silt and water management lagoons, and a processing plant.

Overall, the proposed development appears as a moderate extension of the existing site, into an adjacent field unit well defined by an existing track and woodland belt (Thorley Wood). The extension results in the disturbance of a greater area of characteristic arable farmland, and providing that a sufficient buffer is provided to protect Thorley Wood, does not affect any important landscape features.

Operational stage – visual effects

There are short distance views from the public rights of way network and highways that pass in close proximity to the site. From here the adverse visual impact of the proposed development is reduced due to the screening of Thorley Wood and the bunds associated with the existing and proposed development.

The most significant views are from the highly sensitive public right of way that passes through the site. From here the proposed development is viewed in context with the existing minerals development, the provision of a bund to the southern side of the public right of way should help reduce the adverse impact upon visual amenity.

At a distance, the variations in topography and intervening roadside vegetation provide an effective screen to views. There are some views towards the site where the top of the processing plant is likely to be

discernible however the significance of impact is reduced due to the transient and long distance nature of the views.

The height of the proposed stockpiles has not been given and should be limited to 5m, in order to ensure that the bunds can provide adequate screening.

Restoration stage – landscape and visual effects

At the restoration stage, the proposal to restore the land to agricultural use is deemed acceptable, and should not result in any adverse landscape and visual effects.

Conclusion

Providing that the proposed development is completed and restored in line with the timescales for the existing development (June 2021), it is concluded that the proposed development should not result in any unacceptable adverse landscape and visual effects, above that already experienced under the extant permission.

This is largely due to the duration of the proposals (for a temporary and relatively short term), the scale of the proposals (as a moderate extension of an existing minerals development it is largely viewed in context with the existing development), and the effectiveness of the landscape and visual mitigation measures (bunds and the screening effect of Thorley Wood)

6.13 Thorley Parish Council

Application 1.

The comments of Thorley Parish Council on the original planning application were specific regarding no processing on site of excavated materials. If processing on site was intended, then Thorley Parish Council would have objected to the original application. The reasons for agreeing to the application was the imposition of the agreed conditions of the application including condition 8. Therefore Thorley Parish Council object to this application.

Notwithstanding any claims made by the contractor, there has been no change in circumstances or findings since the original application to warrant a change of the planning conditions.

Application 2.

Thorley Parish Council object to this, as condition 8 was, after discussion and agreement, one of the conditions imposed on the planning consent. Its inclusion was a conditional reason for not objecting to the original application.

Thorley Parish contends that Application 2 be refused and if this is the case there will be no need for site extension as proposed in Application

1.

Thorley Parish Council would like to make you aware that there has been a breach of Condition 8 in that 2 mobile processing plants have already been installed on the site. Furthermore a visit to the site showed that there was no water browser on site to mitigate the dust from the site.

Thorley Parish Council contends that the applications for installation of a processing plant and extension of the site will noise and dust pollution to residents of the Parish and as such be refused.

6.14 NERL Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

6.15 Natural England

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Thorley Flood Pound Site of Special Scientific Interest has been notified. Natural England understands that no water discharges from the application site will be required (Planning Statement, paragraph 4.4). On this basis, we have no objection to the proposal, mindful of a hydrological linkage between the application site and the nearby Thorley Flood Pound SSSI. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

- 6.16 A total of 98 consultation letters were sent out and **2 letters** objecting to the application *has been received*. The issues of concern can be summarised as:
- Noise, dust.
 - Damage to rural environment
 - Hours of operation
- 6.17 Publicity for the application was as follows: A site notice was erected on November 2016 and the *application was advertised in the Herts & Essex Observer on 17th November 2016*.

7 Planning Policy

National Planning Policy Framework 2012 (NPPF)

- 7.1 The NPPF was released in March 2012 and 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.
- 7.2 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 to people's quality of life and improving the conditions in which people live, work, travel and take leisure.
- 7.3 The environmental role in the NPPF promotes the purpose of the plan in contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity and use natural resources prudently.
- 7.4 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.

- 7.5 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.
- 7.6 The NPPF goes on to say in Para 90 that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include mineral extraction.
- 7.7 Regarding flood risk, the NPPF says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.8 In para 109 of the NPPF it states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and 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. It goes on to say that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In addition, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; ensure that there are any unavoidable noise, dust and particle emissions.

Development Plan

7.9 The Development Plan is the Hertfordshire Minerals Local Plan Review and the East Herts Local Plan. The NPPF is also a material consideration.

7.10 The relevant development plan policies are:

East Herts Local Plan Policy GBC1 Appropriate Development in the Green Belt Hertfordshire Minerals Local Plan Review 2002-2016
Policy 17 – Criteria for the control of mineral development to protect critical capital and other environmental assets.

8 Planning Issues

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

- Green Belt
- Minerals development impact on local area
- Ancient Woodland
- Flood risk

8.2 The application site is situated in the Green Belt. The NPPF (para 90), does allow certain forms of development such as mineral extraction (referred to as not inappropriate) in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

8.3 This application forms an extension to the existing site. The primary purpose of the existing development is to create an agricultural reservoir for irrigation at Thorley Hall Farm, although the operational development would in itself result in the extraction of minerals which would be used elsewhere. It is for this reason that the application was determined by the County Council as a minerals application. The extension of the site to the north (subject of these applications) would involve land being used for the processing of the mineral which would provide adequate space for the stockpiling of excavated material, together with a treatment plant and the creation of silt lagoons.

8.4 The proposed development is not 'mineral extraction' in itself, the planning application site is solely being proposed to be used for stockpiling and a treatment plant. Therefore it is considered that the proposed development represents inappropriate development in the Green Belt and would adversely affect openness. The planning application states that processing of the material would take place over a five year period, however the original application submitted for the construction of the agricultural reservoir indicated that it would take no longer than 3-4 years

to construct. Development commenced on the construction of the agricultural reservoir in Autumn last year and therefore according to the original timescale it should be complete by 2020. The current application would lengthen that timeframe until a possible 2022. It is acknowledged that the harm that would occur would be over the relative short term and that the site would be landscaped and restored back to agriculture at the end of the development with the long term result of the proposed development having no greater impact on openness. However the harm that would occur by reason of impact on openness during the proposed timescale is considered to be unacceptable and inappropriate in the Green Belt.

- 8.5 Planning permission was previously granted for the original development on the basis that all material would be removed from the site 'as dug' and that no processing would take place on site. This was to ensure that the least impact on openness in the Green Belt, over the shortest possible time would take place. The current application does not ensure that and it is considered that the extension of the site for the proposed purpose would have a significant impact on openness and therefore be contrary to Green Belt policy.
- 8.6 With regard to the site being a minerals development, it should be remembered that although it is anticipated that the site will produce approximately 200,000 cubic metres of sand and gravel, it is in effect a windfall site which has only come about due to a specific need for the agricultural reservoir required for irrigation of farmland in an area potentially forecast to become drier in years to come due to climate change. The permission was not granted due to a requirement for the mineral, but rather due to the very special circumstances that were considered to exist for irrigation. It is therefore considered that there is no specific need to process the mineral on land adjacent to the site and that the issue of removing the mineral as raised off site was assessed at the time of the original planning application and the issues have not changed since then.
- 8.7 Immediately to the north of the proposed planning application site lies Thorley Wood which is an area of Ancient Woodland. Thorley Wood is listed on Natural England's Ancient Woodland Inventory as ancient semi-natural woodland (ASNW). The Woodland Trust objects to these planning applications and considers that the proposal will result in the damage of ancient woodland. Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since at least AD1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be recreated and cannot afford to be damaged or lost.

- 8.8 NPPF para.118 states that “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.” It is considered that no substantive reasons have been put forward by the applicant which change the requirements of the construction of the agricultural reservoir to require processing on site rather than material being taken off site. It is considered that there is no justification to allow the potential deterioration of the Ancient Woodland.
- 8.9 The Lead Local Flood Authority (LLFA) objects to the application and recommends refusal of planning permission in the absence of a satisfactory surface water drainage assessment. As a Flood Risk Assessment (FRA) has not been submitted the LLFA objects to this planning application and recommends refusal of planning permission.

9 Conclusions

- 9.1 It is concluded that the proposed development, being adjacent to an area of Ancient woodland would result in deterioration of an irreplaceable habitat and that the need for, or the benefits of, the development in that location do not outweigh the impacts that could occur. The proposal is therefore contrary to NPPF and Policy 17 of the Hertfordshire Minerals Local Plan Review.
- 9.2 The application has been submitted without a Flood Risk Assessment nor a satisfactory surface water drainage assessment. The Lead local Flood Authority therefore object to the application as it has not been demonstrated that the site will not increase flood risk to the area nor can provide appropriate sustainable drainage techniques. The application is therefore considered to be contrary to the NPPF and Hertfordshire Minerals Local Plan Review Policy 17.
- 9.3 The planning application site is located in the Green Belt. Para.88 of the NPPF requires that Local Planning Authorities when considering any planning application, 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.
- 9.4 The location of the proposed development with stockpiles and treatment plant (not mineral extraction per se) would result in a clear loss of openness, which is a fundamental aim of Green Belt policy and would conflict with the purposes of including land in the Green Belt. The proposal is therefore contrary to NPPF para.88.

9.5 For the above reasons it is therefore concluded that planning permission should be refused.

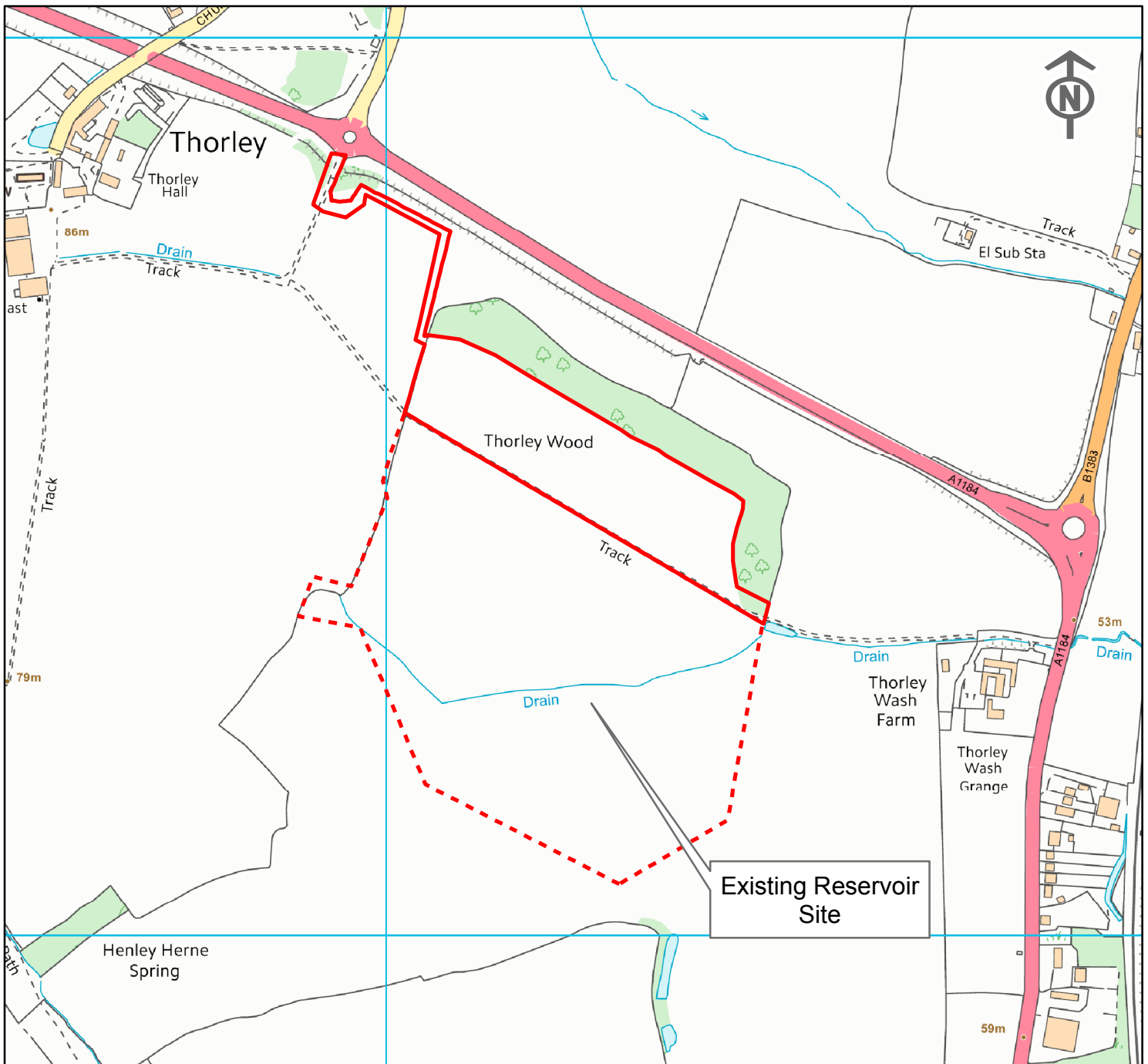
10 Recommendation

10.1 It is recommended that planning permission for both applications be refused for the following reasons:

1. The proposal constitutes inappropriate development in the Green Belt which would affect openness, for which no very special circumstances have been demonstrated that would override harm and harm to the Green Belt. The proposed development is therefore contrary to the NPPF and East Herts Local Plan Policy GBC1. The development would cause substantial harm to the Green Belt by intrusion into the countryside resulting in its loss of openness and the development would fail to conserve the natural environment that surrounds the site.
2. The application has not demonstrated that the site will not increase flood risk to the site and elsewhere, nor that it can provide appropriate sustainable drainage techniques. Therefore the proposal is contrary to the NPPF and Policy 17 of the Hertfordshire Minerals Local Plan Review.
3. The development is adjacent to an Ancient Woodland and the proposal has not demonstrated that it would not result in deterioration of an irreplaceable habitat and it is considered that the need for, or the benefits of, the development in that location do not outweigh the impacts that could occur. The proposal is therefore contrary to the NPPF and Policy 17 of the Hertfordshire Minerals Local Plan Review.

Background information used in compiling this report

NPPF
Herts Minerals Local Plan Review
Representations received



DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 23rd February 2017

Application 1: Proposed application for the extension of the area required for the construction of an agricultural reservoir (3/1304-13) to enable stockpiling of excavated material together with environmental bunds, processing plant, water management ponds and ancillary activities for the period of construction

Application 2: Proposed application for the removal of condition 8 (no processing of material on site) from permission 3/1304-13 to enable material to be processed on site before removal at Thorley Hall Farm, Thorley Wash, Thorley, Bishops Stortford

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HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
THURSDAY, 23 FEBRUARY 2017 AT 10.00AM**

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Agenda Item <u>No.</u> 2

**APPLICATION FOR THE IMPORTATION OF 31,955M³ (53,258 TONNES)
OF INERT WASTE SOILS FOR THE CONSTRUCTION OF A SOIL SHELF
AROUND ON-SITE BUSINESS UNITS AT DOG KENNEL FARM,
CHARLTON ROAD, HITCHIN, SG5 2AB.**

Report of the Chief Executive and Director of Environment

Author: Mrs Sharon Threlfall Tel: 01992 556270

Local Members: Councillor Derrick Ashley

1 Purpose of Report

- 1.1 To consider planning application reference number 1/2975-16 for the creation of a soil shelf at Dog Kennel Farm, Charlton Road, Hitchin SG5 2AB.

2 Summary

- 2.1 The application seeks to allow the importation of 31,955m³ (53,258 tonnes) of inert waste soils for the construction of a soil shelf around existing on-site business units at Dog Kennel Farm, Charlton Road, Hitchin, SG5 2AB.
- 2.2 The application site is located immediately to the south of the town of Hitchin, and to the north of the hamlet of Charlton. It is within the Metropolitan Green Belt. The land is also located within Flood Zones 2 and 3, and public footpath Hitchin 032 passes across the field within which the soil shelf is proposed.
- 2.3 The wider field is used for grazing, although the application site covers approximately 2.73 hectares of the larger holding. There are a number of units adjacent to the site that are let to separate businesses. The applicant asserts that the soil shelf is required to prevent unauthorised access to the field and to the units, and to reduce the noise from the units to nearby residential properties.
- 2.4 The main planning issues are inappropriate development in the Green Belt, need, highways impact, landscape and visual impact, impact on wildlife, and impact on residential amenity.

2.5 The report concludes that the Chief Executive and Director of Environment should be authorised to REFUSE planning permission on the following grounds:-

1. The proposed development fails to maintain the openness of the Green Belt contrary to the NPPF, Waste Policy 6 and Local Plan Policy 2.
2. The proposed development is inappropriate development in the Green Belt for which very special circumstances to clearly outweigh the harm to the Green Belt and any other harm have not been demonstrated contrary to the NPPF, Waste Policies 1, 4, 6 and 11 and Local Plan Policy 2.
3. The proposed development has a permanent negative impact on the landscape, reducing the openness of the Green Belt, and does not enhance or improve the setting of the adjacent Conversation Area contrary to the NPPF, Waste Policies 6, 11 and 18 and Local Plan Policy 2.
4. The application fails to set out how the Right of Way, and access to it, will be protected during the construction phase contrary to the NPPF and Waste Policy 15.
5. The application fails to quantify, address or mitigate against the risk of pollution to controlled waters contrary to the NPPF and Waste Policies 11 and 16.
6. The development is incongruous and less incongruous development could improve the security of the farm and business units, and enhance local biodiversity. The application is therefore contrary to the NPPF, Waste Policies 4, 11, 19 and Local Plan Policy 14.

3 Description of the site and proposed development

- 3.1 The application site is within the land holding of Dog Kennel Farm, to the south west of the town centre of Hitchin. It is less than 400 metres from the urban fringe of Hitchin, but within the Metropolitan Green Belt.
- 3.2 The farmland itself is used for grazing, but there are a number of former agricultural units on the site that are let to other businesses. These include Ark Wildlife, which sells bird food and garden products, and a car repair unit. It is understood that there are as many as six businesses operating from the units.
- 3.3 The farm is accessed by a narrow single carriageway minor road, Charlton Road, which leads from Charlton Road/Willow Lane; the link between the A602 and A505. There is a weight restriction on the Willow Lane section to the west of Charlton Road.
- 3.4 The landscape is characterised by open fields and farmland, separated from the urban fringe of Hitchin by a tree belt. To the north, and towards the centre of Hitchin, the area is residential in character. There are also a number of houses along Charlton Road facing west towards Dog Kennel Farm, which lead to Charlton.
- 3.5 The hamlet of Charlton is a designated Conservation Area. It is within the Langley Valley Landscape Character Area, which is characterised by a rolling nature. As a result, only the first floor windows of these properties are visible from the farmhouse and business units.
- 3.6 A Local Wildlife Site, The Willows, is located to the north of the farm access road. This is described as an ecologically interesting marshy grassland with wet willow and alder woodland.
- 3.7 Public footpath Hitchin 032 passes north to south, across the eastern section of the field, approximately 100 metres from the public highway. The applicant states that the development would not include the deposit of inert material on the public footpath, or in any way that would impact its access and use, either during construction or after completion. Details of how the Right of Way would be protected have not been submitted.
- 3.8 The site is within Flood Zones 2 and 3, which have an increased risk of flooding. The majority of the site is within Groundwater Source Protection Zone 1, which is the highest zone of source protection.
- 3.9 The applicant is seeking planning permission to construct a 'soil shelf'. It is proposed to import 31,955m³ or 53,258 tonnes of inert waste soils to raise the level of the land across the western section of the site. It is understood that the majority of the material would be imported from an existing soil processing facility at Codicote Quarry, approximately 8 miles to the south.

- 3.10 At present the levels in the field rise in the north eastern corner and drop away to the south western corner. The land raising operation seeks to level out the contours of the field from the eastern boundary, which would result in a two metre high, steep bank facing the existing barns.
- 3.11 The development is sought to improve the security of the barns and to limit unauthorised access to the grazing field. The soil shelf would also act as an acoustic barrier, protecting the residential properties on Charlton Road from the noise of the businesses in the barns.
- 3.12 There have been no previous planning applications submitted to Hertfordshire County Council in respect of this site.
- 3.13 An application to demolish existing mixed-use buildings and replace with a commercial B1 building was made to North Hertfordshire District Council (reference 16/03024/1) in November 2016. This application was withdrawn prior to determination.

4 Consultations

- 4.1 A total of 89 properties were consulted in respect of the application. A press notice was placed in the Comet series, and site notices were erected on 7 November 2016.
- 4.2 North Hertfordshire District Council as District Planning Authority states that whilst the site is located within the Green Belt it is noted paragraph 90 of the NPPF advises that engineering operations are not inappropriate in such locations provided they preserve its openness and do not conflict with the purposes of including land within it. Having assessed the application against the third bullet point of paragraph 80 of the NPPF it is felt that the development may be considered as assisting in safeguarding the countryside from encroachment, by screening the business units from public views from Charlton Road. ... Finally, in addition to the Green Belt consideration I anticipate you will also be consulting with the Highway Authority with regard to the traffic issues relating to the number and size of vehicles which would need to visit the site during the construction period and their impact on the nearby road network and local residents amenities.
- 4.3 North Hertfordshire District Council Environmental Health has no objection to the proposed development.
- 4.4 The Environment Agency object to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled water is acceptable. There are also concerns over whether the applicant will be able to meet the necessary legislative requirements for the proposal.
- 4.5 CPRE Hertfordshire has serious reservations regarding the proposed development in that it will materially affect the openness of the Green Belt and the landscape character of the area. The applicant has failed to

demonstrate very special circumstances to outweigh the harm to the openness of the Green Belt or the landscape character. There are no details of the ecological impact or the impact on ground water or drainage. No details are given of the process for the removal, storage or reinstatement of the topsoil. There is no clear benefit from the raising the level of the field.

- 4.6 Historic England does not consider the proposed increase in ground level would result in harm in terms of the National Planning Policy Framework as to merit an objection. Historic England is satisfied to allow the county council to determine the application in accordance with extant planning policy and giving consideration to the effect on the conservation area during construction.
- 4.7 Hertfordshire Ecology advises that the proposed development is unlikely to directly impact The Willows (Hitchin) Local Wildlife Site (LWS) which is designated as a wet woodland. However, security could be increased through planting a hedge with semi-mature trees along the access road. This option would create habitat, enhance biodiversity and increase security.
- 4.8 Hertfordshire County Council as Highway Authority does not wish to restrict the grant of planning permission subject to the following conditions:-

Unless otherwise agreed in writing by the Waste Planning Authority, there shall be no more than 22 Heavy Goods Vehicle movements (11 in, 11 out) at the site in any one working day.

Reason: To minimise the adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

Best practical means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times for the duration of the construction operation.

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

- 4.9 HCC Flood Risk Management as Lead Local Flood Authority has no objection to the development on flood risk grounds. The LLFA recommends the imposition of three conditions, to manage the impact on surface water management due to the change in topology. These conditions are stated at Appendix 1.

- 4.10 The Landscape Officer from Hertfordshire County Council advises that the construction phase of the development would introduce an industrial activity into a field unit in an area characterised by farmland. A objection is raised due to the unacceptable permanent negative landscape and visual effects through the creation of a 2m vertical shelf that appears incongruous within the consistent sloping topography, that detract from local landscape character and visual amenity. The consultation response is included at Appendix 2.
- 4.11 Rights of Way advised that the site is crossed by public footpath Hitchin 32. This will need to be temporarily diverted, under the Highways Act 1980, to allow works to take place if permission is granted. Hertfordshire County Council would need to process the order. In return for the inevitable disruption caused to users of this route, consideration should be given to the creation of a new path running along the farm track from Charlton Road to the A505 Moormead Hill, which would fill a missing link in the local path network, and prove a very useful route.
- 4.12 HCC Waste Management as Waste Planning Authority (for disposal) has no comment on the application.

4.13 No other statutory consultation responses were received.

4.14 Public consultation

22 responses were received. There were 21 responses either objecting to, or raising concerns in respect of the proposed development.

There was one letter of support, although this made no comment on the planning merits of the proposed development.

4.15 The objections can be summarised as follows:-

Objection 1 – Green Belt

- Inappropriate development in the Green Belt
- Applicant has failed to demonstrate ‘very special circumstances’ in terms of necessity to reduce noise or for security improvements
- The proposed development does not enhance or improve the Green Belt

Objection 2 – Traffic impact

- There is a local weight limit of 7.5T on Willow Lane
- Increase in the number of HGVs
- Safety impact of HGVs using narrow lanes
- Risk to pedestrians and cyclists

Objection 3 – Impact on Resident Amenity

- Noise, disruption and inconvenience during construction phase
- Adverse impact on the quality of life of Charlton residents
- A 7am start for HGV movements is unreasonable

- Unclear how long the import of material would take, but anticipated to be at least a year
- There be a loss of light to residential properties due to the scale of the soil shelf
- The development will prevent the use and enjoyment of the Right of Way in the field, and compromise users' safety during construction

Objection 4 – Landscape Impact

- The development will have an adverse landscape impact
- The development will not enhance or support the adjacent Conservation Area
- Alternative security measures, such as fencing or CCTV, would be more effective in their purpose and have a lesser impact on the landscape

Objection 5 – Ecological Impact

- The development will disrupt the habitat in The Willows Local Wildlife Site
- Local drainage will be impacted and will result in localised flooding

5 The Development Plan

- 5.1 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. For the purposes of the Act, the development plan is the Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011 – 2026 (Adopted November 2012).
- 5.2 The current Local Plan is the North Hertfordshire District Local Plan No 2 with Alterations (Originally adopted April 1996) and the saved policies within it. As the Plan was prepared in 1996, the policies in the plan need to be balanced and given 'due weight' against the National Planning Policy Framework (the "NPPF"). The NPPF is a material consideration and how policies from the Development Plan are in conformity with it needs to be considered.
- 5.3 The emerging Local Plan was be subject to a Pre-Submission (or Regulation 19) consultation from 19 October 2016 until 30 November 2016. The plan has not been subject to consideration by the Planning Inspectorate and therefore great weight cannot be given to the draft policies contained within it. However, the Proposed Submission Proposals Map retains the Green Belt status of the site.
- 5.4 The most relevant planning policies to consider for this application are:

Waste Core Strategy & Development Management Policies

- | | |
|----------|--|
| Policy 1 | Strategy for the Provision for Waste Management Facilities |
| Policy 4 | Landfill and Landraise |

Policy 6	Green Belt
Policy 9	Sustainable Transport
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
Policy 17	Protection of Sites of International and National Importance
Policy 18	Protection of Regional and Local designated sites and areas
Policy 19	Protection and Mitigation

5.5 North Hertfordshire District Local Plan No 2 with Alterations

Policy 2	Green Belt
Policy 14	Nature conservation
Policy 16	Areas of archaeological significance and other archaeological areas

6 Planning Issues

- 6.1 The principal planning issues to be taken into account in determining this application can be summarised as:
- Green Belt development
 - Need and justification
 - Impact on highways and transport
 - Landscape and visual impact
 - Impact on ecology and biodiversity
 - Impact on residential amenity

Green Belt development

- 6.2 The application seeks development in the Green Belt. Paragraph 90 of the National Planning Policy Framework (NPPF) states that certain forms of development are not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Engineering operations may be considered “not inappropriate”, providing they preserve openness.
- 6.3 The construction of a soil shelf may be considered an engineering operation for the purposes of assessing the appropriateness of the proposed development in a Green Belt location. The soil shelf would create a levelling of the grazing field, and the addition in the landscape of a steep bank adjacent to the existing business units. The opinion of both the Landscape Officer and the CPRE is that the resultant landform is incongruous and does not preserve the openness of the presiding rolling and open landscape.

- 6.4 It is considered that the landform is incongruous in the landscape. Therefore, the proposed development is not in conformity with the NPPF, and accordingly conflicts with Waste Policy 6 and Local Plan Policy 2.

Need and justification

- 6.5 Alternatively, the planning application may be assessed on the basis of inappropriate development in the Green Belt, for which very special circumstances exist to outweigh the harm to the Green Belt, and any other harm. The proposed development is the disposal of inert waste soils for the creation of a soil shelf to improve security, thereby supporting the rural economy and serving to reduce the noise emitting from the units.
- 6.6 In considering the need to improve the security of the site, the applicant has submitted a signed letter from the farmer. This is not a sworn statement. The letter is dated 14 December 2016, and refers to the “two most recent events on 7 August 2016 and 24 September 2016”. While the county council does not dispute that these incidents took place, this does not establish a regular pattern of security incidents.
- 6.7 The applicant does not set out why alternative security measures, which are more sensitive to the setting of the field and the business units would not be appropriate. Local residents have stated that the gate to the access road is rarely closed. If the need for enhanced security measures is established, the Landscape Officer suggests that the security solution to the field and the business units should be considered separately.
- 6.8 For example, the applicant could consider a shallow ditch inside the perimeter of the grazing field to restrict unauthorised access while maintaining the area readily available for agricultural use. The field could then either be enclosed by post and wire fencing which would have a lesser impact on the openness of the Green Belt, or by the planting of semi-mature trees which would also serve to enhance the habitat and biodiversity of the local area.
- 6.9 The applicant states that the creation of the soil shelf would reduce the noise impact on the residential properties of Charlton. Those residents responding to the consultation assert that they do not experience any noise nuisance from the business units.
- 6.10 The Environmental Health team of North Hertfordshire District Council does not object to the proposed development. However, it does not identify a noise nuisance that requires mitigation or otherwise justifies the proposed development.
- 6.11 The applicant correctly identifies the NPPF’s support for the rural economy. The aims of this policy, set out at Paragraph 28, must be balanced against the need to protect and enhance the openness of the Green Belt. The applicant has not provided any evidence to support an

assertion that there has been any difficulty in letting out the barns to businesses, and a recent application to the district council to increase the provision of business units has been withdrawn.

- 6.12 Whilst it is acknowledged that the soil shelf will facilitate the disposal of inert waste soils in close proximity to their source, the applicant has not demonstrated that such disposal cannot be met on non-Green Belt sites, or at locations identified by the Site Allocations DPD.
- 6.13 Therefore, the proposed development is not in conformity with the NPPF, and accordingly conflicts with Waste Policies 1, 4, 6 and 11 and Local Plan Policy 2.

Impact on highways and transport

- 6.14 The application has been made on the basis of 22 HGV movements (11 in, 11 out) between the hours of 7am to 5pm, Monday to Friday, with no working on Saturdays, Sundays or public holidays. The applicant has suggested a routing agreement would be in place with the drivers, but the route is not clearly identified in the application, other than to state that vehicles would not need to pass any other properties in Charlton.
- 6.15 Residents have expressed concerns regarding the use of narrow country lanes by HGVs, representing a risk to other vehicles and non-motorised road users.
- 6.16 Hertfordshire County Council as Highway Authority does not wish to restrict the grant of planning permission subject to conditions relating to number of vehicle movements and measures to prohibit the deposit of mud on the road.
- 6.17 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.

Landscape and visual impact

- 6.18 The application site is located within the Langley Valley Landscape Character Area, which is characterised by a “large rolling nature”.
- 6.19 The proposed development seeks to create a soil shelf, which will result in a levelling of the existing contours within the grazing field, and create a two metre steep bank, or “escarpment” facing, and screening, the existing business units.
- 6.20 The CPRE response identifies that there are no details as to how this escarpment would be supported. This view is also adopted by the HCC Landscape Officer who identifies that to prevent erosion and collapse, this element of the development would require a significant engineering solution.

- 6.21 It is considered that the construction phase of the development would introduce an industrialised element to a rural landscape, during which time it is unclear how the existing Right of Way across the field would be protected. However, it is acknowledged that this phase of development would be temporary and is anticipated to require up to 12 months.
- 6.22 The final landform would appear contrived and be highly visible, resulting in a permanent negative landscape impact. The flattening of the field's contours would jar against the rolling landscape of the surrounding area, despite returning the land to grazing after the construction of the soil shelf.
- 6.23 The proposed development fails to retain or enhance either the openness of the Green Belt or the local landscape, as required by Paragraph 81 of the NPPF, or the setting of the adjacent Conservation Area, as subsequently set out at Paragraph 131.
- 6.24 The application is, therefore, not in compliance with Waste Policies 4, 6, 11, 15 and 17 and Local Plan Policy 16.

Impact on ecology and biodiversity

- 6.25 The NPPF states that the planning system should seek to contribute to and enhance the natural and local environment, and to provide net biodiversity gains. The application site is within Flood Zones 2 and 3, and is close proximity to The Willows (Hitchin) Local Wildlife Site (LWS).
- 6.26 The Environment Agency objects to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled water is acceptable. On that basis, it is impossible to assess whether the proposed development puts the water environment at unacceptable risk of pollution, as set out at Paragraph 109 of the NPPF.
- 6.27 The Lead Local Flood Authority has no objection to the development on flood risk grounds. The LLFA recommends the imposition of three conditions, to manage the impact on surface water management due to the change in topography. These conditions are stated at Appendix 1.
- 6.28 The consultation response from Hertfordshire Ecology finds that it is unlikely that the wet woodland of The Willows LWS would be directly impacted by the proposed development. Whilst this would not result in an irreversible adverse impact on the LWS, as set out in Waste Policy 18, it fails to enhance the asset as promoted by Paragraph 109 of the NPPF. It is considered that the security of the land could be improved through the planting of a hedge with semi-mature trees along the access, which would deliver a less intrusive solution and enhance biodiversity.
- 6.29 Furthermore, the applicant fails to clearly set out how the soils will be removed, stored or reinstated, or how the topsoil will be reinstated to an agricultural standard that facilitates grazing.

6.30 The proposed development therefore fails to comply with Waste Policies 4, 11, 16, 18 and 19 and with Local Plan Policy 14.

Impact on residential amenity (e.g. noise, light, air quality)

6.31 Residents have raised concerns regarding the potential impact on their amenity relating to the importation of inert waste material. This includes noise and dust from the construction process, and the loss of light due to the physical presence of the soil shelf.

6.32 The construction process is temporary, and at 12 months is considered to be short term. It is reasonable to assert that matters such as noise, dust and mud on the road may be regulated through the imposition of robust conditions. There is already a level of activity associated with the farm itself and the existing, operational business units.

6.33 The application does not propose to raise the level of the land along the eastern boundary of the application site, and therefore, the view from the residential properties would not be impacted. These houses would not experience a loss of light, as at present it is only possible to view across the field from the facing first floor windows.

6.34 The proposal is therefore compliant with Waste Policies 4 and 11.

7 Conclusion

7.1 The application seeks the importation of inert waste soils to create a soil shelf, for the purposes of improving security and thereby supporting the rural economy by improving the opportunities to let the business units. The soil shelf also seeks to protect local residential properties from the noise generated by those businesses.

7.2 Engineering operations of this nature are not necessarily inappropriate development in the Green Belt, provided that the openness of the Green Belt can be maintained. It is clear that the proposed development will not maintain the openness of the large rolling landscape, by creating an artificial and incongruous landform.

7.3 While it is reasonable to conclude that the impact on residential amenity and the traffic impact could be appropriately regulated through the imposition of robust conditions, the proposed development fails to improve or enhance the local wildlife and biodiversity, or the setting of the adjacent Conservation Area.

7.4 The applicant has failed to demonstrate very special circumstances to clearly outweigh the harm to the openness of the Green Belt and any other harm. The applicant has also failed to provide sufficient information on how flood risk would be mitigated, groundwater would be protected and how the access to the Right Of Way would be maintained and protected during the construction process.

- 7.5 Therefore, it is recommended that the application for the importation of 31,955m³ (53,258 tonnes) of inert waste soils for the construction of a soil shelf around existing on-site business units at Dog Kennel Farm, Charlton Road, Hitchin, SG5 2AB be refused.

8 Reasons for refusal of planning permission

- 8.1 It is recommended that the Chief Executive and Director of Environment should be authorised to REFUSE planning permission on the following grounds:-

1. The proposed development fails to maintain the openness of the Green Belt contrary to the NPPF, Waste Policy 6 and Local Plan Policy 2.
2. The proposed development is inappropriate development in the Green Belt for which very special circumstances to clearly outweigh the harm to the Green Belt and any other harm have not been demonstrated contrary to the NPPF, Waste Policies 1, 4, 6 and 11 and Local Plan Policy 2.
3. The proposed development has a permanent negative impact on the landscape, reducing the openness of the Green Belt, and does not enhance or improve the setting of the adjacent Conversation Area contrary to the NPPF, Waste Policies 6, 11 and 18 and Local Plan Policy 2.
4. The application fails to set out how the Right of Way, and access to it, will be protected during the construction phase contrary to the NPPF and Waste Policy 15.
5. The application fails to quantify, address or mitigate against the risk of pollution to controlled waters contrary to the NPPF and Waste Policies 11 and 16.
6. The development is incongruous and less incongruous development could improve the security of the farm and business units, and enhance local biodiversity. The application is therefore contrary to the NPPF, Waste Policies 4, 11, 19 and Local Plan Policy 14.

Background information used by the author in compiling this report

Planning application reference 1/2975-16 and supporting documents

Consultee responses

Relevant policy documents:

National Planning Policy Framework 2012

National Planning Policy for Waste October 2014

Hertfordshire Waste Core Strategy & Development Management Policies

DPD 2011 - 2026

North Hertfordshire District Council District Local Plan No.2 with Alterations

North Hertfordshire Landscape Study

Appendices

1. Conditions proposed by the Lead Local Flood Authority
2. Consultation response from HCC Landscape Officer

Appendix 1 – Conditions proposed by the Lead Local Flood Authority

Condition 1

No development shall take place until the surface water drainage assessment for the site, has been completed including the information listed below, submitted to and approved in writing by the relevant planning authority.

The drainage assessment should include:

- Exiting flow routes through the site and expected changes caused by the construction of the shelf.
- Evidence of ground conditions and permeability including BRE Digest infiltration tests

Condition 2

Once the work is completed, the applicant should demonstrate the imported soil has the same or a higher infiltration rate compared to the initial conditions.

For this purpose, further infiltration tests should be carried out to demonstrate that the drainage on site is not compromised after compaction of the imported soil

Condition 3

If after the infiltration tests required in condition 2 it cannot be demonstrated that the infiltration tests on the completed site are the same or higher than those for the undeveloped site, the applicant will need to provide a revised drainage strategy to the Local Planning Authority for approval.

Reason

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

Appendix 2 – Consultation response from HCC Landscape Officer

Landscape Report		15th December 2016
From: HCC Landscape Officer, Natural Historic and Built Environment Advisory Team		To: HCC Planning Officer, Spatial Planning
Application No.	1/2975-16	
Location:	Dog Kennel Farm, Charlton Road, Hitchin, SG5 2AB	
Proposal:	Application for the proposed importation of 31955m ³ (53258 tonnes) of inert waste soils for the construction of a soil shelf around on-site business units	

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 Assessment

The site lies within the Langleigh Valley landscape character area as defined within the North Hertfordshire local Landscape Character Assessment. The area is described as a *'large scale rolling landform. Predominantly in arable land use but with pockets of grazing ... Field sizes vary with extensive arable land to the southwest of Hitchin and smaller fields associated with grazing land. Hedges generally well-trimmed with remnant mature trees.'*

The following guidelines for managing landscape change should help shape the proposed development:

- Promote planting of new woodland to encourage a diverse woodland flora especially in relation to sub-urban fringe areas
- Promote the creation of buffer-zones between intensive arable production and areas of semi natural habitat and the creation of links between habitat areas

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)

Introduction

The following comments are given with reference to the submitted planning application and further information received on the 14th December 2016.

Description

The site lies at the foot of Halfway Hill, characterised by its consistent sloping topography, on the periphery of an open area dominated by large scale arable farming, adjacent to a distinct linear corridor of grassland and woodland that follows the River Hiz and associated waterways to the north and east of the site.

The site rises over approx. 12m, from its lowest point at 68m in the north, to its highest point at 80m in the south-west.

The proposal is for the importation and spreading of 31955m³ of inert waste soils and the creation of a 2m soil shelf along the northern and western site boundaries for security.

Landscape and Visual³

The landscape and visual effects of the proposed development are considered for the operational stage that includes the importation and spreading of material, and the restoration stage that includes the final landcover and landform.

Operational Stage

Enabling Development

There is no information regarding enabling works, to include stripping and storage of topsoil, stockpile location and design, wheel washing facilities and other necessary ancillary facilities etc.

Public right of way

There is no information regarding the treatment of the public right of way during the operational stage.

Duration

It is proposed to carry out importation over a period of 240 days at the rate of 11 HGV movements per day. This operational stage is considered temporary, and at just under a year relatively short term.

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)

Landscape & Visual Effects

The proposal will result in significant disturbance to the landcover and the introduction of industrial activity into a field unit in an area characterised by farmland. There are also concerns regarding the impact HGVs on the condition of the highway and verges between the site and the main road.

Due to the open, sloping and elevated nature of the site, there is strong concern for the negative visual impact of the operational stage upon views from the residents of Charlton Road that overlook the site, and users of the public highways and rights of way network.

Restoration stage

It is proposed to raise land levels across the field unit and create a 2m soil shelf along the northern and western site boundaries for security. From the submitted cross sections it is also apparent that it is proposed to create a distinct ditch and/or bank feature along the eastern site boundary.

Security

It is understood that the proposed shelf is intended to provide a security barrier to the field unit and the building complex. Overall there is concern that the proposed 2m shelf would not be effective in preventing unwanted access, indeed ground level access can still potentially be achieved through the gateway and/or where the public right of way enters the site.

Public right of way

It is not clear how the access point, for the public right of way that crosses the site, will be accommodated.

Landscape Effects

Contours – land raising

From the submitted cross sections it appears that the proposed contours over the general area of raised land reflect the consistent sloping profile of the existing landform. However there are significant issues regarding the creation of the 2m soil shelf along the northern and western site boundaries, and the distinct ditch and/or bank feature along the eastern site boundary.

Proposed 2m shelf

The proposed shelf has a negative effect on landscape character and quality due to the introduction of a 2m vertical face that appears contrived within the consistent sloping topography of the site.

In addition there is strong concern regarding the stability of the proposed 2m vertical face that is at significant risk of erosion and collapse that would also detract from the quality of the landscape. It is suggested that to create a vertical face would require the implementation of substantial engineering solutions.

Proposed ditch/bank feature

The purpose of the proposed ditch/bank feature is not stated or justified.

Visual Effects

Proposed 2m shelf

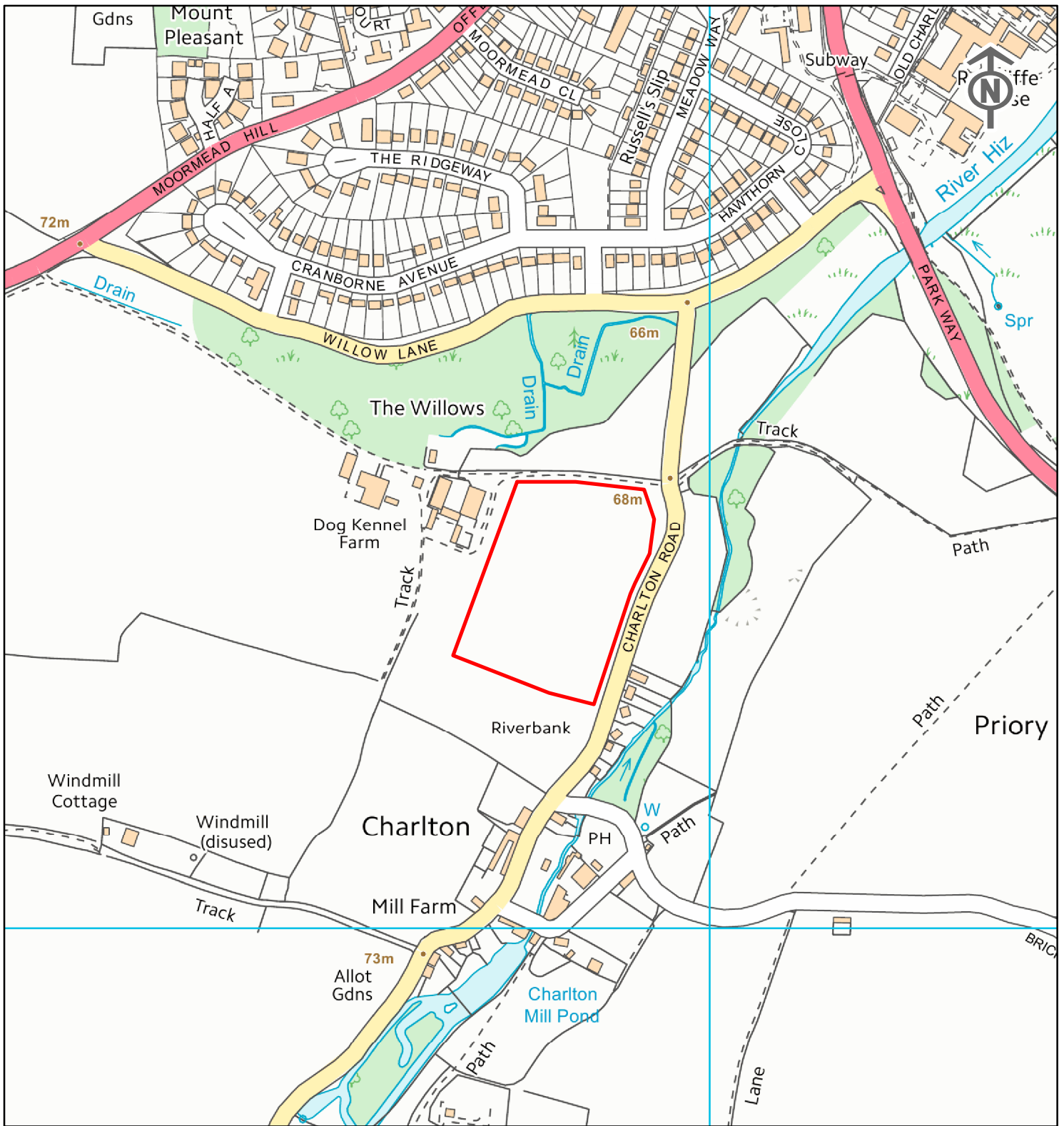
The vertical face has a negative impact upon views from users of the highway and the public right of way that crosses the River Hiz before crossing the highway and entering the site itself. Users of the public rights of way are considered to be most sensitive to change due to their focus on the enjoyment of the countryside.

From these public viewpoints the vertical face is visible as an incongruous element extending along the access road, with the sloping topography rising above.

Conclusion

Overall the proposed development results in unacceptable negative landscape and visual effects due to the introduction of a waste disposal activity within an area characterised by farmland, and the creation of a 2m vertical shelf that appears incongruous within the consistent sloping topography, that detract from local landscape character and visual amenity.

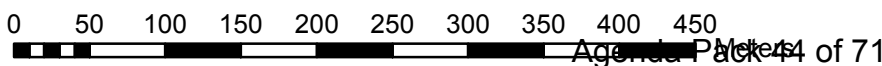
Where it is agreed that there is a demonstrable need for security measures, then it is advised that the security of the field unit and the building complex should be approached separately and employ appropriate security and landscape mitigation measures that are sensitive to the local landscape character and visual amenity.



DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 23rd February 2017

Proposed application for the proposed importation of 31955m³ (53258 tonnes) of inert waste soils for the construction of a soil shelf around on-site business units at Dog Kennel Farm, Charlton Road, Hitchin, SG5 2AB



HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
THURSDAY, 23 FEBRUARY 2017, AT 10.00AM**

Agenda Item
No.

3

VALIDATION CHECKLIST

Report of the Chief Executive and Director of Environment

Authors: Christopher Martin

Tel: 01992 556308

1. Purpose of Report

To review the implementation of a Validation Checklist for all planning applications for which Hertfordshire County Council is the determining authority.

2. Summary

2.1 The purpose of the Validation Checklist is to provide potential applicants for planning permission with clear guidance on the form and content of information required for the submission of planning applications. By providing checklists on the scope and extent of the information required, applicants should have a greater certainty of their responsibilities and the public and decision makers will be better informed about the development proposals leading to a more open, accessible and efficient service. The Validation Checklist specifies what documents must be submitted with planning applications and what information must be included within these documents to make an application valid. If an application is not valid, it cannot be determined by the County Council.

3. Conclusion

3.1 The report concludes that one checklist document to meet the requirements of having an up-to-date checklist should be produced and reviewed every two years onward.

3.2 The approval of this updated Validation Checklist will allow Hertfordshire County Council to require applicants to comply with the Local Checklist, rather than just the National Checklist. It will also bring Hertfordshire's Validation Checklist in-line with current best practice.

3.3 It is therefore respectfully requested that Members approve the adoption of this proposed update to the Validation Checklist.

4. Background

- 4.1 Validation Checklists are present at national and local levels. National level checklists contain what is required to make applications valid across the entire country, whereas local level checklists contain what is required to make applications valid within a specific authority. The purpose of the Validation Checklist is to provide potential applicants for planning permission with clear guidance on the form and content of information required for the submission of planning applications. By providing checklists on the scope and extent of information required, applicants should have a greater certainty of their responsibilities while the public and decision makers will be better informed about the development proposals leading to a more open, accessible and efficient service.
- 4.2 Validation is the process where planning applications are examined to see if they are legally acceptable and can be used as a basis for consultation and determination. The validation process does not judge the quality of the submission, only that the documents are present; it may be that even if an application is acceptable for validation, it could be refused on grounds of insufficient information.
- 4.3 Local checklists must be updated every two years. Hertfordshire County Council has not updated their local checklist since 2011. Where an authority has not kept their local checklist updated every two years, applicants are only required to comply with the national checklist. Where a valid local checklist exists, planning officers may attach a lot of weight to the checklists and can rely upon them to measure applications against. If those applications do not measure up, they can be rejected and a robust position exists if challenged.
- 4.4 The checklists should improve the quality of applications helping eventually to improve the quality of development. This can occur through better proposals in the first place, through more thorough evaluation, more informed consultations to greater certainty and understanding for applicants of what good planning applications should contain. There is a balance however, as Government has stated checklists should not be overly onerous on applicants but should aim to help reduce the requirement of pre-commencement conditions.
- 4.7 The checklist to which this report relates will be all applications for which the County Council is the determining body.

5. Structure of the Validation Checklist

- 5.1 Hertfordshire County Council has used Validation Checklists produced by Buckinghamshire County Council, Gloucestershire County Council and Oxfordshire County Council, as examples of best practice, when constructing a checklist for Hertfordshire County Council. Hertfordshire County Council has used these examples as they are currently up-to-

date and many other authorities do not have an up to date local checklist, making them invalid.

- 5.2 The checklist is structured to contain all the national level and local level requirements, together with a clear description of what each document must contain and when each document is required to be submitted as part of an application.

6. Consultation Procedure

- 6.1 As it has been a significant amount of time since the last update, 2011, Hertfordshire County Council has undertaken a consultation process on the new checklist. This has entailed consulting various expert teams within the County Council such as Ecology, Landscape, Waste & Minerals, Flood and Archaeology as well as several others. Consultations have also been sent to all applicants / agents who have applied to Hertfordshire County Council for planning permission since 2011. There was a significant response from internal teams and this helped to ensure that the checklist contains information that those expert teams require. There was 1 response received from an agent, which did not raise any concerns in respect of the checklist.

7. Conclusions

- 7.1 This report concludes that at present Hertfordshire County Council cannot require applicants to meet the specifications of the Local Checklist as it has been more than two years since this was updated. However if this proposed checklist is approved by members, it will bring the Validation Checklist in-line with best current practice and will be enforceable, so as to ensure the submission of required documents for planning applications. It will also ensure that this checklist is reviewed every two years to ensure it remains enforceable.

8. Financial implications

- 8.1 There are no significant financial implications arising from this report. However, the consultation process has used administration time to prepare letters and associated postage costs.

Background information used by the author in compiling this report

Best Practice for validation of planning applications

Buckinghamshire County Council Validation Checklist
Gloucestershire County Council Validation Checklist
Oxfordshire County Council Validation Checklist

Appendix 1 – Proposed Validation Checklist

Hertfordshire County Council, Validation Checklist
Adopted February 2017

National and local requirements for the validation of planning applications submitted to Hertfordshire County Council

1. INTRODUCTION

This guidance document updates and supersedes the previous version adopted in June 2011. The purpose of this updated guidance is to provide users of Hertfordshire County Council's Development Management Planning Service with an overview of all supporting assessments and plans required at the time of submitting a planning application to make an application valid. Hertfordshire County Council is the determining planning authority for mineral, waste and the County Council's own development.

The form and content of planning applications are set out within the Town and Country Planning (Applications) Regulations 1988 (the 1988 Applications Regulations), the Town and Country Planning Act 1990 (the 1990 Act), the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMP) and within the Department for Communities and Local Government's (DCLG) Guidance on the Information Requirements and validation - March 2010. For the purposes of this document, a planning application is an application for outline or full planning permission, for approval of reserved matters pursuant to an outline permission, an application pursuant to Section 73 of the 1990 Act to carry out a development other than in accordance with conditions previously attached to a planning permission or Section 73A of the 1990 Act for development already carried out. Reference to other applications includes applications for the non-material amendments to planning permissions, Lawful Development Certificates (either for existing or proposed use or development) and applications for the discharge of conditions attached to planning permissions (details pursuant applications).

The National Planning Policy Framework (NPPF) was published in March 2012 and requires all Local Planning Authorities (LPAs) to publish a validation checklist to help applicants submit the right information with an application. This ensures that Hertfordshire's Development Management Planning Service is able to deal with applications as quickly and comprehensively as possible. The list should be proportionate to the nature and scale of the development proposals and reviewed on a frequent basis. LPAs should only request information that is relevant, necessary

and material to the application in question (paragraph 193). The County Council will review this document at least every 2 years and make it available on our website.

2. VALIDATION REQUIREMENTS

Validation is what is required to enable the County Council to register and process a planning application through to determination. The validation checklist system consists of 'national information requirements' and 'local information requirements'. The compulsory requirements (the 'national list') are listed in the Part One: Statutory National Requirements; set out below. This information must be submitted with all planning applications and is the same throughout the country. The Part Two: Local Information Requirements sets out the additional information Hertfordshire County Council may require from applicants. This additional checklist is sometimes referred to as the 'Local List' and is derived from development plan policies affecting development proposals in that particular part of the country.

If the information required from either Part One or Part Two checklists is not included with any application for planning permission, the County Council will be entitled to declare the application invalid and not register or process it. If this is the case, the Council will set out the reasons for declaring the application invalid, in writing, to the applicant.

The validation requirements refer only to the information required to validate the application but the applicant should be aware that the County Planning Authority may still require and request further information where it considers it necessary to determine the application. The validation checklist is not exhaustive and simply aims to cover the most common requirements of planning applications. This will usually be determined by any locational constraints affecting the application site and the likely impacts of the proposed development. A pre-application discussion with a Planning Officer is strongly recommended, particularly with large scale and sensitive development to establish the type and scope of detailed assessment required for the County Council to determine a proposal and whether any community engagement should be carried out prior to the submission of a planning application.

3. VALIDATION PROCESS

The applicant has the option of making a planning application electronically or using a paper copy of the 1APP form. Where there are numerous large documents to submit, such as with mineral and waste applications, the documents should be submitted in both digital and paper format. This authority only wishes to receive one paper copy of application documents but reserves the right to request additional paper copies for consultation, particularly for larger proposals and EIA development. The County Planning Authority may also request further sets of plans or documents but will not refuse to process the application for this reason alone.

The submission of a valid application for planning permission requires a completed application form, compliance with national information requirements, the provision of local information requirements and the correct application fee. Details of valid applications will be placed on the Planning Register held by the District/Borough Council in which area the application site is located. The details will also be visible on the County Council's own database of planning applications which is available to view on-line via the County Council's website.

The County Planning Authority will start the process of determining the application as soon as a valid application, including the full fee, is received. An acknowledgement will be sent giving the date the application was registered and the date by which the decision should be made. A valid application is registered on the day of receipt. If the application is received after 4pm it will be treated as having being delivered at 9am on the next working day.

Fee Payment

The County Planning Authority can receive payment by cheque (made payable to Hertfordshire County Council) or BACs transfer which can be arranged by calling the Senior Support Officer on 01992 556266 quoting the Planning Portal reference number and name of the site.

4. CONTACTS

If you have any enquiries relating to submitting a planning application, please contact us by:

Telephone: 01992 556266

E-mail: spatial.planning@hertfordshire.gov.uk

Write to:

Spatial Planning and Economy Unit
Environment Department CHN216
Hertfordshire County Council
County Hall
Hertford
SG13 8DN

Our Website:

<http://www.hertfordshire.gov.uk/services/envplan/plan/planningapps/>

6. PART ONE: Statutory National Information Requirements:

Applicants are encouraged to supply documentation which has been produced electronically in that format. This applies whether the application is made on-line or whether a paper application is made. This facilitates the transfer of information to consultees and for the public to view planning proposals on-line without the need to have to visit the County or District/Borough Council Offices. It would be appreciated if the scale of the plans and paper size is no larger than is required to illustrate the proposals.

The national standards for on-line submission of electronic planning documents are as follows:

- Maximum single file size is 5 Mbytes;
- Maximum 25 Mbytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted off-line using CDROM/DVD;
- Portable Document Format (PDF) is the recommended file format to ensure that they are accessible to consultees;
- All drawings shall be saved in a single layer;
- All drawings shall specify the printing page size for which the scale applies;
- All drawings shall be correctly orientated for on-screen display
- All drawings shall include a scale bar and key dimensions; All documents and drawings shall be named in accordance with the Royal Institute of British Architects' naming conventions.
- Scanned documents must be a minimum of 200 dpi resolution for black and white and 100 dpi for colour; All photographs in PDF file format and no larger than 15 cm x 10 cm.
- All documents and drawings shall be given a meaningful title with drawings given a unique plan reference.
- Updated or revised versions of plans or documents should be clearly named to show a change so that the new documents can be easily identified when uploaded.

i. Application forms:

The Council's relevant 1APP application form(s) are required and these must be signed and dated with all relevant sections completed. This can be downloaded from the Planning Portal.

Planning Portal 1APP Form:

<http://www.planningportal.gov.uk/planning/applications/planningapplications>

ii. Application Fee:

Planning applications and other submissions cannot be processed without payment of the correct fee. The correct fee, as determined in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2015, where one is necessary. As fees are subject to change, the latest version of these regulations should be checked or the Planning Portal's fee calculator can be used. Payment of the application fee may be made by cheque or by arranging BACs Transfer with the Team's Senior Support Officer. Cheques should be made payable to 'Hertfordshire County Council'. If the cheque is subsequently dishonoured or payment refused, the application becomes invalid until such time as the correct fee is received.

The current application fees may be viewed at:

http://www.planningportal.gov.uk/uploads/english_application_fees.pdf or

<http://planningguidance.communities.gov.uk/blog/guidance/fees-for-planning-applications/>

iii. Ownership & Agricultural Holding Certificates:

A completed, signed and dated Ownership Certificate A, B, C or D shall be submitted as set out under Section 65(5) of the Town and Country Planning Act 1990, and Section 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The ownership certificate states the ownership of the whole of the application site, including land which gives access to the site from the public highway or where development abuts or simply overhangs the boundary with the adjoining land or property. For this purpose an owner is "anyone with a freehold interest or leasehold interest, the unexpired term of which is not less than 7 years". A completed, signed and dated agricultural holdings certificate shall be submitted whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. The agricultural holding certificate is incorporated into the standard

application form for all except applications for approval of reserved matters, renewal of temporary consent, discharge or variation of conditions, conservation area and listed building consent and lawful development certificate.

iv. Design and Access Statement:

From June 2013, the government amended the DPO, reducing the types of development proposals that require a Design and Access Statement (DAS) to accompany an application to the following:

- Major development (full or outline where the site area is greater than 1 ha or buildings have a floorspace in excess of 1,000m²);
- Provision of buildings in a Conservation Area with floorspace of more than 100 m².

A statement will not be required for:

- permission to develop land without compliance with conditions previously attached, made pursuant to section 73 of the 1990 Act;
- permission to extend the time period for commencement of development already the subject of an existing planning permission;
- engineering or mining operations;
- a material change in use of the land or buildings;
- development which is waste development.

The statutory requirements for DAS are set out in Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

A DAS is a short report accompanying and supporting a planning application to illustrate the process that has led to the development proposal and to explain the proposal in a structured way. The level of detail required in a DAS depends on the level of complexity of the application and the length of the statement should vary accordingly but need not be long. Further advice is contained in DCLG Guidance on information requirements and validation and also from the Design Council. If crime prevention measures for major development are not addressed in a DAS then these should be addressed in a separate document.

v. Location Plan:

The location of the application site should be identified on a plan based on an up to date Ordnance Survey Map at a scale of:

- 1:1250 or 1:2500 for planning applications relating to development that the County Council itself proposes to carry out. Wherever possible the plans should be scaled to fit onto A4 or A3 sized paper;
- 1:10000 or 1:50000 for large scale development (e.g. Mineral and waste development).

Plans should be clearly titled, given a unique reference number and dated. The plans should wherever possible show at least two named roads and surrounding buildings and the properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site must be edged clearly with a solid red line and include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscape treatment, car parking and open areas around the buildings). The size of the application site can in some cases determine the fee payable for the application and should be carefully drawn. A blue line must be drawn around any other land owned by the applicant, close to or adjoining the application site.

vi. Site Plan:

The site plan should be submitted, at an appropriate scale:

- 1:500 or 1:200 for planning applications relating to development that the County Council itself proposes to carry out. (An exception to this may be large scale County Council development such as roads.)
- 1:1250 or 1:2500 for development relating to other development.

Plans will not be accepted unless the following is accurately show:

- The direction of North ;
- Scale bar on the plan;
- The scale and specified page size at which the original plan was produced (e.g. 1:1000 at A3).

And the following unless these would not influence or be affected by the proposed development:

- All the buildings, roads and footpaths on land adjoining the site including access arrangements.

- All public rights of way crossing or adjoining the site;
- The position of all trees on the site and those on adjacent land;
- The extent and type of any hard surfacing;
- Boundary treatment including walls or fencing where this is proposed.

The Site Plan may also show the red line for the application area and the blue line for land in the applicant's ownership if this can be shown more accurately than would be possible at the location plan's scale.

vii. Other Plans:

In addition to the location plan and site plan, other plans should be submitted (dependent on the type of application and development proposed) to explain the proposal in detail. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. Where existing buildings and or walls are to be demolished these should also be clearly shown.

Existing and proposed elevations:

All elevations should be submitted drawn to a scale of 1:50, or 1:100 and should show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and orientations labelled. It will not be sufficient to state front, side and rear elevation. Elevations should indicate the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case. Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.

Existing and proposed floor plans:

These should be shown at a scale of 1:50 or 1:100 and be labelled to show the existing and proposed usage. Where buildings or walls are to be demolished these should be clearly shown. New buildings should be shown in relation to adjacent buildings.

Existing and proposed site sections and finished floor and site levels:

In cases where a proposal involves a change in ground levels or is on a sloping site, drawings at a 1:50, 1:100 or 1:200 scale should be submitted showing a cross section through the proposed building or site. Illustrative drawings should be submitted to show both existing and finished levels. The drawings may take the form of contours, spot levels or cross or long sections as appropriate.

Roof Plan:

A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for floor plans. Details such as roofing materials, vents and their location are typically specified on a roof plan.

Proposed Landscaping or Restoration Plans:

Where a development involves changes to land contours, soils, substrates, waterbodies, vegetation and/or landscape features then a proposed landscaping and restoration concept is expected to be depicted on one or more plans.

7. PART TWO: Information Requirements for Hertfordshire County Council

i. Air Quality Impact Assessment

When Required: When the site lies within or adjoining an Air Quality Management Area or where proposals will have a significant adverse impact on air quality.

Further Information: This will include proposals which will significantly alter the traffic composition in an area such as heavy goods delivery traffic or industrial activities with significant emissions to the atmosphere regulated by Environmental Permit or introduction of a new school or public building close to an existing source of air pollution. Any application that has the potential to generate increased dust should include a dust suppression scheme and will need to indicate how the applicant will minimise the impact of dust on the surrounding area, for further information please see Section x Dust Assessment. Where the development is proposed inside, or adjacent to, an Air Quality Management Area (AQMA), where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of a Planning Authority's air quality action plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Planning Policy Drivers and related guidance: The National Planning Policy Framework March 2012 - paragraphs 124

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance – How Detailed Does An Air Quality Assessment Need to Be <http://planningguidance.planningportal.gov.uk/blog/guidance/air-quality/how-detailed-does-an-air-quality-assessment-need-to-be/>

ii. Bio-aerosols Risk Assessment

When Required: Proposals involving the handling, storage or treatment of biodegradable wastes, particularly composting within 250 metres of sensitive land uses such as dwellings.

Further Information: Applications that involve the handling, storage or treatment of biodegradable waste, particularly composting applications within 250 metres of sensitive land uses such as housing will need to be accompanied by a bio-aerosol assessment. This will provide a risk assessment to ascertain the potential impacts on neighbouring sensitive properties or other sensitive locations. Bio-aerosol assessments should identify sources, pathways and receptors, paying particular attention to sensitive receptors and including mitigation measures. De-aerosol

developers with proposals for anaerobic digestion (AD) in an enclosed building will need to demonstrate that bioaerosols will not be generated from the AD plant.

iii. Biodiversity Assessment

When Required: When there is a potential for significant impact on biodiversity that is adverse or beneficial. The appraisal is required to ascertain, through survey and assessment, the effect of the development on designated sites, legally protected species, priority habitats and species on the English List (Section 41 of the Natural Environment & Rural Communities Act 2006), Wildlife Sites, Regionally Important Geological Sites ecological and /or landscape features of importance to biodiversity. There is also often an important time restraint on surveying ecology which must be properly considered when planning survey work to inform applications, as well as the need to obtain appropriate licences when necessary. Background information on the presence of habitats, sites and species recorded in Hertfordshire can be obtained from the Hertfordshire Environmental Records Centre. Proposals should aim to follow the 'mitigation hierarchy' of avoidance, mitigation, compensation and enhancement to achieve a no net loss and seek biodiversity gains where possible, including considering Biodiversity Offsetting where appropriate as part of a suitable assessment. Proposals should also follow BS 42020 on biodiversity and development.

Further Information: Ideally the Biodiversity Assessment should include monitoring of the site prior to, during and after implementation.

The National Planning Policy Framework March 2012 paragraphs 109, 117, 118, 119 and 125

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance – Natural Environment:

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment>
Circular 06/05: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system

<https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

BS 42020:2013 Biodiversity. Code of practice for planning and development
shop.bsigroup.com/bs42020

iv. Birdstrike Risk Management Plan

When Required: All applications involving mineral extraction or quarrying, landfill, sewage disposal and restoration schemes with major tree planting or nature reserves which would be attractive to birds falling within 13 kilometres of Civil Airports and Ministry of Defence Airfields will need to be accompanied by details of appropriate bird control measures to reduce the risk of birdstrike to aircraft.

Further Information: Further guidance is available from the Civil Aviation Authority.

v. Borehole or Trial Pit Analysis

When Required: For all mineral extraction proposals.

Further Information: The analysis should identify the depth and volume of soils and minerals proposed to be extracted, the extracted mineral type and position of the winter water table.

vi. Climate Change Statement

When Required: For mineral extraction proposals.

Further Information: A Climate Change Statement should be submitted containing details and reasoning of any measures that have been considered to adapt to and mitigate against the future impacts of climate change.

vii. Cross-section Drawings

When Required: In all cases where the proposal involves a change in ground level, drawings, information should be provided showing existing and proposed site levels and how proposed buildings relate the existing site levels and neighbouring development.

Further Information: Such plans should relate to a fixed datum point off site.

viii. Daylight / Sunlight Assessment

When Required: In circumstances where there is a potential adverse impact upon the current levels of daylight/sunlight enjoyed by adjoining properties or building(s), including associated gardens or amenity space. As such, this is a material planning consideration, so applications that may have an impact will need to be accompanied by a daylight/sunlight assessment.

Further Information: Further guidance is provided in 'Site layout planning for daylight and sunlight: a guide to good practice' (updated in Sept 2011) (<http://www.brebookshop.com/details.jsp?id=326792>). This guidance is intended to be used in conjunction with the British Standard Code of Practice for daylighting (BS 8206-2:2008, Lighting for buildings) (<http://shop.bsigroup.com/ProductDetail/?pid=000000000030157088>).

ix. Draft / Proposed Heads of Terms for Planning Obligations (\$106)

When Required: Planning obligations are contractual arrangements negotiated between local planning authorities and persons with an interest in a piece of land (or "developers"), and are intended to make acceptable development which would otherwise be unacceptable in planning terms. Planning obligations may be made by

agreement with the Local Planning Authority or unilaterally by a landowner/developer.

Further Information: Further advice on planning obligations can be found in the NPPF at paragraphs 203-206.

x. Dust Assessment

When Required: For developments with the potential to generate dust and applications involving major construction works where dust is likely to be an issue.

Further Information: Dust emissions have the potential to cause significant nuisance effects and adverse impacts on human health and sensitive ecological sites both during the construction phase and the operational phase. This includes dust particles that can be seen and those too fine to be seen by the human eye. Applicants will need to assess any adverse effects of dust resulting from the development of the site and describe the appropriate controls that will be used to mitigate the impact. This could be a stand-alone Dust Management Scheme or as part of a wider Air Quality Assessment where there are operational phase effects to be considered. The National Planning Policy Framework March 2012 paragraphs 143 to 144:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf and National Planning Policy for Waste, Appendix B: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>.

xi. Environment Statement

When Required: The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require a developer to prepare an Environmental Statement (required for Schedule 1 projects and for some Schedule 2 projects as stated in the Regulations) to enable the Planning Authority to give proper consideration to the likely environmental effects of a proposed development.

Further Information: A “screening opinion” can be obtained from the Council as to whether the development proposed comprises development falling within the scope of the Regulations.

xii. Flood Risk Assessment

When Required: A Flood Risk Assessment (FRA) will be required for the following types of development: All development proposals of 1 hectare or greater in Flood Zones 1, 2 and 3; Operational development of less than 1 hectare in Flood Zones 2 and 3; Change of use resulting in ‘highly vulnerable’ or ‘more vulnerable’ development in Flood Zone 2 and 3; Change of use from water compatible to less vulnerable development in Flood Zone 3 and Non-residential extensions with a footprint of less than 250m² where the development includes culverting or control

of any river or stream or development within 20 metres of the top of a bank of a main river.

Further Information: The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

For further advice on what the LLFA expect to be contained within the surface water drainage assessment, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

xiii. Surface Water Drainage Strategy

When Required: A drainage strategy is required for all development likely to significantly increase or change patterns of surface water run-off.

Further Information: Detailed calculations of the greenfield run off rate and post development run off rate, discharge rate, attenuation volume and consideration of climate change should be given. The strategy must follow the discharge hierarchy, whereby: Infiltration is preferred where it is safe and acceptable to do so; If infiltration is not possible discharge to a water course is the next most preferable option and discharge to storm water sewer is a last resort. A demonstration that the drainage strategy will function as required will show: Ground investigation to prove the hydrological behaviour of the site (i.e. geological and ground surface characteristics); Infiltration rates of where infiltration is being proposed; if the site will drain to a water course, the location and adequacy of the watercourse is required and if connecting the surface water system to a sewer is the only option, written agreement to connect to the sewer from the sewerage undertaker will be required. Sustainable drainage systems (SuDS) components should be designed to best practice standards.

For further advice on what the LLFA expect to be contained within the surface water drainage assessment, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

xiv. Foul Sewage and Utilities Statement

When Required: If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). Where the development involves the disposal of trade waste

or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

Further Information: Guidance on what should be included in a non-mains drainage assessment is given in DETR Circular 03/99 and Building Regulations Approved Document Part H and in BS6297. Applicants should discuss the specific details required with the relevant utility provider. An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

xv. Green Belt Statement

When Required: For applications in the Hertfordshire Green Belt, a statement where a development is inappropriate within the Green Belt will be required including an explanation of how the proposal relates to the purposes of including the site within the Green Belt, how the development impacts on the openness of the Green Belt and the case for any very special circumstances. Planning applications for extensions to buildings or replacement buildings in the Hertfordshire Green Belt need to include volume calculations (measured externally) of the existing building, the proposed extension/replacement building and any previous extensions to the building.

Further Information: The Green Belt Statement does not necessarily need to be a separate document and it can be included within the Planning Statement. For further guidance please see The National Planning Policy Framework March 2012 paragraphs 79 to 92:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

xvi. Heritage and Archaeological Statement

When Required: For developments affecting the historic environment (Listed Buildings, Conservation Areas, Scheduled Monuments, Historic Parks and Gardens, World Heritage Sites and other sites with known or the potential for, archaeological interest), a Heritage and/or Archaeological Statement may be required. The scope and degree of detail necessary in a Heritage and Archaeological Statement will vary according to the particular circumstances of each application.

Further Information: The Heritage / Archaeological Statement can include an archaeological desk-based assessment and/or field evaluation. **Archaeological Desk-based Assessment:** This will comprise the collation of existing archaeological and historic information about the application site, including previous land uses and the production of a report summarising this material. An assessment of the impact of the proposed development on heritage assets may be required, together with an assessment of significance. These may comprise known and/or currently unknown archaeological remains, historic buildings, historic gardens and landscapes or other aspects of the historic environment. **Field evaluation:** More detailed investigation of the site or building may be required to complete the assessment of the impact of the proposed development. This is likely to involve on-site investigation such as geophysical survey and the excavation of test pits or trenches. This work must be discussed with the County Council's Historic Environment team, including their Planning Advisors and the Historic Environment Record, in advance and carried out in accordance with a brief issued by the historic environment team and an approved written scheme of investigation.

xvii. Hydrological / Hydrogeological Assessment

When Required: For minerals and/or waste related development proposals, where dewatering is proposed or proposals affect the water table hydrological and/or hydro-geological assessments will be required.

Further Information: The assessment and technical information, including the calculation of the extent and volumes of dewatering may need to include details of topography and surface drainage, artificial ground, superficial deposits, landslip deposits, rockhead depth, bedrock geology and details of any borehole reports including any information with regard to both licensed and unlicensed abstractions. Applicants should indicate natural water table including its depth, source catchment areas and characteristics. Consideration of the potential impact upon any wetland site of special scientific interest should be incorporated. The statement must show that third parties will not be affected by the dewatering. Where investigations show that dewatering is likely to have an impact on public and private water supplies or water bodies or watercourses details of mitigating measures must be included in the application e.g. recharging reservoirs etc. Details of proposed methods of dewatering and proposed methods of water disposal must be given. Applicants should include proposed measures to control potential pollution to protect ground and surface water. They should also give an indication of any necessary drainage and

flood control measures; and proposed monitoring measures, including any requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; and the prevention of material entering open watercourses.

Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.'

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/ordwatercourse/>

xviii. Land Contamination Assessment

When Required: Where there is reason to suspect contamination of the application site or neighbouring land due to previous operations e.g. the existence of former industrial uses, the presence of former landfill sites, and the presence of former mineral tips.

Further Information: Sufficient information is required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable (such as schools or near public water supplies), the applicant should provide such information, in the form of a preliminary risk assessment, with the application as is necessary to determine whether the proposed development can proceed. The preliminary risk assessment should comprise the following: A desk study; Walkover site reconnaissance and Conceptual model identifying potential pollution sources, pathways and receptors (pollutant linkages) as a basis for assessing the risks and appraising the options for remediation. Applications involving development of sites on or within 250 metres of a former landfill site will need to include a risk assessment of landfill gas migration. In addition, long-term monitoring may be required, and this would need to be secured through a legal agreement.

xix. Landscape and/or Visual Impact Assessment

When Required: Any proposal that is likely to bring about change in visual amenity and/or the landscape.

Further Information: Landscape and Visual Impact Assessments should be carried out by a landscape professional in line with current good practice guidance 'Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute of Environmental Management and Assessment.'

The assessment baseline should identify the relevant landscape character areas as set out in the Hertfordshire Landscape Character Assessment and viewpoint locations should be agreed with the local planning authority. Photomontages and other visualisations may be required.

An assessment of effects should be carried out for each stage of the project lifecycle (for minerals development this should include the operational (extraction and infilling activity), and the restoration stages). Mitigation measures should ensure that any negative effects are avoided as far as possible. An assessment of cumulative effects may be required, in line with good practice guidance.

Hertfordshire Landscape Character Assessment:

[http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape Character Areas&layers=\[6:5\]](http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape+Character+Areas&layers=[6:5])

Hertfordshire Green Infrastructure Plan March 2011

<http://www.hertfordshire.gov.uk/services/leisureculture/heritage1/landscape/about/bioplan/>

Landscape Institute, Appointment of a landscape professional

<https://www.landscapeinstitute.org/technical-resource/appointing-landscape-professional/>

xx. Landscape Scheme

When Required: Where the proposal contains, or is likely to require, some form of landscaping to make it acceptable in planning terms. Some form of landscaping is expected for most application types.

Further Information: Landscape schemes should be underpinned by a comprehensive site survey and analysis, identify key environmental constraints and opportunities in line with national and local landscape, green infrastructure, biodiversity, and historic environment policy.

A Landscape Scheme should show the proposed landform (existing and proposed contours/levels, including any areas of cut and fill), layout of buildings and open spaces (including car parks), areas of hard surfacing, areas of new and retained planting (together with measures for its protection during the course of construction), boundary treatments, vehicle and pedestrian access points, routes and circulation areas services, and any other structures and ancillary objects (refuse bins, lighting columns etc.).

Schemes should be accompanied by hard (materials and workmanship) and soft (planting) landscape construction details, planting plans and schedules (noting plant numbers, sizes, species, density and locations), and written specifications (including site preparation and other operations associated with plant and grass establishment).

Aftercare should be provided for at least 5 years and detailed within management and maintenance specifications and schedules.

Applications for full planning permission (apart from change of use) should preferably be accompanied by a fully detailed scheme as above. In some circumstances

development may be approved subject to certain conditions such as hard and soft landscape details.

Hertfordshire Landscape Character Assessment

[http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape Character Areas&layers=\[6:5\]](http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape%20Character%20Areas&layers=[6:5])

Hertfordshire Green Infrastructure Plan March 2011

<http://www.hertfordshire.gov.uk/services/leisureculture/heritage1/landscape/about/bioplan/>

xxi. Lawful Development Certificate Supporting Information

When Required: These are certificates of lawfulness for either a proposed use or operation/development or an existing use or operation/development. This type of application can also be one where condition(s) on a planning consent have not been complied with and you are wishing to regularise the situation.

Further Information: Hertfordshire County Council will need information specifying the land in question, describing the use, operations or other matter in question and stating under which paragraph of either section 191(1) or 192(1) of the Town and Country Planning Act 1990 the application is being made. You will need to provide evidence to support your application so that, in the balance of probabilities, your application can be proven. It is important that you collate as much evidence as possible to support your application, and copies of any documents; affidavits etc. can be useful in such cases. You will need to tell us about the use of the land at the time of the application (or, when the land is not in use at the date, the purpose for which it was last used). You will need to provide a statement detailing your interest in the land, the name and address of any other person known to you to have an interest in the land and whether you have notified any such person. If your application relates to a certificate of lawfulness of an existing operation or use, you will need to tell us the date on which the use, operations or other matter in question began or, in the case of operations carried out without planning permission, the date on which operations were substantially completed. If your application is for a use or operation which has not yet commenced, you will need to give reasons for why you believe the use or operation as described in the application is lawful and should be granted a certificate. In the case of applying where a development has taken place without complying with any condition or limitation, you will need to provide sufficient details/evidence to support your claim.

xxii. Lighting Scheme

When Required: Where proposals involve the provision of external lighting, where it will be necessary due to the nature of the development, and where it may have an impact upon the locality or biodiversity. Examples include in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside.

Further Information: Details should include the type of lighting, including details of the height above ground and the power rating of the lighting, the proposed hours of use of the lighting (including the means of control over the hours of illumination) and should be accompanied by drawings to demonstrate the spread of the light and the means of ensuring that the light does not extend beyond the site to the detriment of the amenity of neighbouring properties. The assessment of potential impact should include the impact on any sensitive biodiversity feature where relevant.

xxiii. Mineral Resource Assessment

When Required: Regulation 3 and waste applications on areas of significant mineral resources or within the County Council's Mineral Consultation Area.

Further Information: Policy 5 of the Minerals Local Plan encourages prior extraction of minerals where proposals for non-mineral developments have the potential to sterilise significant mineral resources. As a minimum, this assessment should establish the extent and quality of the resource, the likelihood of being able to work it in an environmentally acceptable way and economic viability in association with the proposed scheme. From this information the Mineral Planning Authority can consider whether it is necessary for the mineral to be extracted or allowed to be sterilised. This assessment should be undertaken by a suitably qualified professional.

xxiv. Noise and Vibration Impact Assessment

When Required: All land-filling and land raising applications; reworking or reclamation of former landfill sites; recycling of inert waste; where the proposal is likely to generate a noise level above background noise levels (mineral and road developments) which may have a detrimental impact on the nearest noise sensitive property.

Further Information: The statement should normally include the existing ambient noise climate and a survey of both pedestrian and vehicular numbers in and around the premises; assessment of the existing and future noise climate due to the proposed development, indicating any increase in predicted noise levels; assessment of the existing and predicted number of events and their size and scale and finally details of management procedures to reduce the impact of the premises' operation on the locality, including noise from incoming and outgoing vehicles. Developments that may require sound insulation of a building to contain the noise generated within it need to be accompanied by these details. Proper sound insulation can assist to minimise the disturbance experienced by other properties in the area of a proposal. Where development generates no significant noise a technical statement is not required but a statement to that effect in the application's supporting statement may provide sufficient assessment.

Proposals should consider BS 4142:2014 for noise considerations and The Planning Practice Guidance Noise section <https://www.gov.uk/guidance/noise--2>

xxv. Parking Provision

When Required: All applications involving the provision of parking space for cars and heavy goods vehicles.

Further Information: Details can be shown on the site plan. An assessment of the parking requirements of the proposal and how that provision would be accommodated should be provided. The plan should, where necessary, provide details of the existing parking provision and how the requirements of the new development relate to it. Temporary arrangements during construction for construction workers and materials delivery and storage should also be considered, especially in residential areas where car parking is limited. Each of the separate Hertfordshire District / Borough Councils has their own individual parking standards. Please also see Section xxxv Travel Plans.

xxvi. Phasing Plan

When Required: All applications for mineral extraction and landfill.

Further Information: Proposals for mineral extraction or land fill should clearly demonstrate the phasing of the mineral extraction or waste cell development. This should be to an appropriate timescale (1 or 5 years) relative to the overall timescale for the application and should cover phasing of extraction, restoration and landscape management. Where phasing is reliant on imported materials the application should include sufficient detail to demonstrate that the phasing timescale and restoration can be achieved with the potential availability of suitable material. Proposals for mineral extraction should have a quarry development plan with the location of benches with heights shown in measurements Above Ordnance Datum.

xxvii. Restoration Strategy and Aftercare

When Required: Where proposals involve the disturbance of the ground for the extraction of minerals or waste disposal.

Further Information: A restoration strategy is required to ensure that minerals and waste disposal operations do not have unacceptable impacts upon the natural and/or historic environment, and that restoration is carried out at the earliest opportunity to a suitable after use, that conserves and enhances local landscape character and visual amenity, and is of a high environmental standard.

The restoration strategy should demonstrate the approach to restoration and include details regarding the phasing and direction of working and progressive restoration (see also number xxvi Phasing Plan). For each working phase, site layout plans should show the location of enabling infrastructure (site access, offices, welfare facilities, car parking, haul roads and plant etc.), temporary and permanent mitigation measures (advanced planting, retained planting, protection measures, bunds and boundary treatments etc.)

and the location of voids, stockpiles and waste materials. Cross sections should also be provided to show the relative height of the above aspects within the wider site context.

The strategy should include details regarding the proposed restoration material and soils (overburden and/or importation of infill material), and the final landform. Plans showing existing and proposed contours should be provided alongside cross sections to show existing and proposed ground levels and gradients (where high settlement rates are expected, pre and post settlement contours may be required).

A landscape scheme should be provided in line with the requirements set out under Section xx Landscape Scheme. It should show the proposed land use (e.g. agriculture, geodiversity, biodiversity, native woodland, historic environment, recreation). For proposals that affect agricultural land, a statement of the existing and proposed Agricultural Land Classification is required. The scheme should also show site access and vehicular/pedestrian routes and public rights of way, retained and new landscape features (to include water/drainage features).

Aftercare should be provided for at least 5 years, and detailed within management and maintenance specifications and schedules.

Sufficient detail should be provided to avoid the imposition of pre-commencement conditions.

National Planning Policy Framework March 2012 'Facilitating the sustainable use of materials,' section 13. <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Planning Practice Guidance March 2014 'Restoration and aftercare of minerals sites,' paragraph 36 to 59. <https://www.gov.uk/guidance/minerals#Restoration-and-aftercare-of-minerals>

Defra Guidance for successful reclamation of mineral and waste sites.
<http://www.sustainableaggregates.com/library/docs/I0276guidance-full.pdf>

xxviii. Rights of Way

When Required: Where a public right of way traverses or passes close by the application site or involves the temporary diversion or closure of part of a route in order to construct the development.

Further Information: The National Planning Policy Framework March 2012 paragraph 75:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf.

xxix. Site Waste Management Plan

When Required: Regulation 3 applications with over 500m² of new building development.

Further Information: As a minimum this document should include: Estimates of waste arising, recordings of waste managed, list of waste carriers, proportion of wastes re-used, recycled, disposed.

Policy 12 of the Hertfordshire Waste Local Plan specifies the requirement for Site Waste Management Plans and can be found at

<http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/wasteplan/wstdevfrmkr/wcsdmpd/>

xxx. Soils Management and Handling Strategy

When Required: For mineral applications where significant development of agricultural land is involved.

Further Information: Proposals will require a comprehensive assessment of existing soils including a detailed soil survey to identify soil types, profiles and depths. A soil management and handling strategy would also be required to demonstrate how a proposal will undertake any soil operations including stripping, movement, storage and replacement.

xxxi. Supporting Planning Statement

When Required: All applications should include a supporting document to provide the context for the application.

Further Information: Information will include additional detail to that set out in the application form together with any additional supporting information. This should include an assessment of how the proposed development accords with policies in the development plan, supplementary planning document(s), masterplans or development briefs, national policy and guidance and any other technical guidance which may be of relevance. Unless it is concluded that the development is entirely in accordance with development plan policies, the need for the development should be stated and justification to any departure from policy, including very special circumstances for the development if it is contrary to Green Belt policies, must be provided.

xxxii. Sustainability Appraisal

When Required: For major school development valued over £500,000 and other schemes valued over £1 million.

Further Information: The sustainability appraisal must outline the elements of the scheme that address sustainable development issues. This should include an

assessment of the following: Water use – particularly where water scarcity is a recognised issue locally, and for major development involving surface or groundwater abstraction. Energy consumption – incorporation of renewable energy schemes, for example photovoltaic panels and wind turbines, aiming to reduce CO2 emissions. Sustainable construction – utilising recycled and locally-sourced building and landscaping materials. Waste management – promoting resource efficiency.

xxxiii. Statement of Community Engagement / Consultation

When Required: Where the development is expected to have significant effects on the local community such as a large mineral or waste proposal, the developer will need to provide evidence of how communities were involved and what issues were raised, prior to submitting an application as set out in the Statement of Community Involvement.

Further Information: The following sets out the specific circumstances under which a Statement of Community Engagement / Consultation will be required for each type of development:

- **Waste Applications:** Applications for disposal of degradable wastes with a capacity of 500,000 tonnes or more and/or a disposal life of 10 years or more; Applications for a waste processing plant having a throughput of 100,000 tonnes per annum (TPA) or more; Applications for the disposal to land of air pollution control residues (APCRs) from the incineration of waste for periods in excess of five years and Applications for new developments.
- **Mineral Applications:** Application for a new quarry and Applications for extensions of existing quarries of 25 hectares and/or with a production capacity of 250,000 tpa or more.
- **Other Applications:** School or other educational establishments with six classes per year group on a greenfield site and with significant transport implications and Road proposal with a length of 2km or more in an urban environment or a length of 5km or more in a rural environment and all bypasses.

xxxiv. Transport Assessment

When Required: All applications where there is likely to be a significant impact upon the existing transport network, and/or where additional parking is proposed. All applications where the use of HGVs is required will require a Transport Assessment (TA).

Further Information: For smaller schemes, the TA should simply outline the transport aspects of the application, while for major proposals the TA should illustrate accessibility to the site by all modes of transport and the likely modal split of journeys to and from the site. It should also give details of proposed measures to

improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

xxxv. Travel Plan

When Required: For development which would lead to new or increased employment and/or new or additional visitor footfall, a draft travel plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts, and a strategy for implementation. Where schools will be expanding the number of pupils a Travel Plan will be required.

Further Information: For example, in terms of a school it could indicate that any new pupil levels generated by the new proposal will be brought on to the site either by public transport or by hired coaches. The draft must identify a plan coordinator, the management arrangements for the plan – e.g. a steering group and the development timetable. The strategy could also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.

xxxvi. Tree Survey / Arboricultural Statement

When Required: Where there are trees within, on the boundary or in close proximity to the site that could be affected by the proposed development.

Further Information: All surveys and statements should be prepared by a suitably qualified and experienced Arboriculturist and use the methodology set out in the British Standard BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' which is available at <http://shop.bsigroup.com/>. Adherence to the processes set out within this British Standard will help to ensure that the most suitable trees are retained, development is suitably and fully integrated with trees, appropriate protection is provided for retained trees and that any potential conflicts are identified early on in the process and can subsequently be avoided.