

Agenda



AGENDA for a meeting of the DEVELOPMENT CONTROL COMMITTEE in the Council Chamber, County Hall, Hertford on WEDNESDAY, 22 MARCH 2017 at 10.00AM.

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

D J Barnard, D S Drury, G R Churchar, 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 23 February 2017 (attached).

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.

Notification of intent to present 2 petitions have been received. Both petitions relate to item 1 below.

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 FOR THE PHASED EXTRACTION OF SAND AND GRAVEL, USE OF MOBILE DRY SCREENING PLANT, CREATION OF STOCKPILE AREA, INSTALLATION OF WEIGHBRIDGE, WHEEL CLEANING FACILITIES, ANCILLARY SITE OFFICES AND CONSTRUCTION OF A NEW ACCESS ONTO WADESMILL ROAD WITH PHASED RESTORATION TO LANDSCAPED FARMLAND AT A LOWER LEVEL ON LAND AT WARE PARK, WADESMILL ROAD, HERTFORD**

Report of the Chief Executive and Director of Environment

Local Member: Peter Ruffles

- 2. PROPOSED EXTENSION TO HATFIELD QUARRY FOR THE EXTRACTION OF APPROXIMATELY 0.45 MILLION TONNES OF SAND AND GRAVEL FROM WITHIN 17.7HA OF LAND KNOWN AS FURZE FIELD, INVOLVING RETENTION OF THE QUARRY ACCESS ROAD AND SITE INFRASTRUCTURE FACILITIES AND RESTORATION OF THE EXTENSION AREA TO AGRICULTURAL LAND AND MIXED HABITATS INCLUDING WETLANDS, ACID GRASSLAND AND WOODLAND PLANTING**

Report of the Chief Executive and Director of Environment

Local Member: Maureen Cook

3. PLANNING APPLICATION (0 / 0815-16 CM0888) FOR PROPOSED EXTENSION TO EXISTING BUILDING TO ENCLOSE GREEN WASTE COMPOSTING ACTIVITIES AT REVIVA COMPOSTING LTD, ELSTREE HILL SOUTH, ELSTREE, HERTFORDSHIRE WD6 3BL

Report of the Chief Executive and Director of Environment

Local Member: Caroline Clapper

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**

Minutes



To: All Members of the
Development Control
Committee, Chief Officers, All
officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Deborah Jeffery
Ext: 25563

DEVELOPMENT CONTROL COMMITTEE 23 FEBRUARY 2017

ATTENDANCE

MEMBERS OF THE COMMITTEE

D J Barnard, G R Churchard, D S Drury, M J Cook, J Lloyd, M D M Muir, S Quilty,
I M Reay (Chairman), P A Ruffles, A D Williams

Upon consideration of the agenda for the Development Control Committee meeting on
23 February 2017 as circulated, copy annexed, conclusions were reached and are
recorded below:

Note: There were no declarations of interest.

CHAIRMAN'S ANNOUNCEMENTS

- (i) If a Member wished their particular view on an item of business to be recorded in
the Minutes, it would be recorded on request by that Member.
- (ii) Members were reminded of their obligation to declare interests at the start of the
meeting.

PART I ('OPEN') BUSINESS

MINUTES

The minutes of the Committee meeting held on 25 January 2017
were confirmed as a correct record.

PUBLIC PETITIONS

There were no public petitions.

ACTION

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, THORLEY HALL FARM, THORLEY WASH, THORLEY, BISHOPS STORTFORD, HERTFORDSHIRE**

APPLICATION 2: A S.73 APPLICATION TO REMOVE CONDITION 8 (NO PROCESSING ON SITE) OF PERMISSION 3/1304-13 CM0951, THORLEY HALL FARM, THORLEY WASH, THORLEY, BISHOPS STORTFORD, HERTFORDSHIRE

1.1 The Committee were informed that the above applications had been withdrawn.

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**

[Officer Contact: Sharon Threlfall, Senior Planning Officer, Tel: 01992 556270]

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

2.2 Members were advised that Officers considered the proposal to be an inappropriate development in the green belt and very special circumstances that outweigh harm to the green belt had not been sufficiently demonstrated. Other planning issues included the need, highways impact, landscape and visual impact, impact on wildlife and the impact on residential amenity. The application sought to allow the importation of 31,955m³ (53,258 tonnes) of inert waste soils for the construction around existing on-site business units at Dog Kennel Farm.

2.3 Prior to questions and debate the Committee was addressed by Mr William Taylor, landowner of Dog Kennel Farm, speaking in support of the application.

The Committee were advised that the Local Member, Derrick Ashley, was opposed to the application.

**CHAIRMAN'S
INITIALS**

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2.4 During general debate, Members were of the view that development of a soils shelf at Dog Kennel Farm would have a negative visual impact on the area and also considered that alternative arrangements should be looked into for security/protection of the land.

CONCLUSION

2.5 That the proposed scheme would result in a number of unacceptable impacts on the local environment, therefore the Chief Executive and Director of Environment was authorised to refuse planning permission for the following reasons:

- 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. VALIDATION CHECKLIST

[Officer Contact: Christopher Martin, Graduate Planning Officer
Tel: 01992 556308]

- 3.1 The Development Control Committee considered a report which sought approval of the implementation of a Validation Checklist for all planning applications for which the Council is the determining authority.
- 3.2 The Committee heard that the purpose of the Validation Checklist was to provide potential planning permission applicants with clear guidance on the form and content of information required for the submission of planning applications; thereby providing them with greater certainty of their responsibilities and ensuring that the public and decision makers were better informed about development proposals. Approval of the updated Validation Checklist would allow the Council to require applicants to comply with the Local Checklist and also bring Hertfordshire’s Validation Checklist in-line with current best practice.

CONCLUSION

- 3.3 That the Chief Executive and Director of Environment be authorised to approve the Validation Checklist for the following reasons:
 - 1) that one checklist document to meet the requirements of having an up-to-date checklist should be produced and reviewed every two years onward.
 - 2) the approval of this updated Validation Checklist would 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.

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

CHAIRMAN _____

**CHAIRMAN’S
INITIALS**

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HERTFORDSHIRE COUNTY COUNCIL
DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY, 22 MARCH 2017 AT 10.00AM

EAST HERTS DISTRICT

Agenda Item

No.

1

**APPLICATION FOR THE PHASED EXTRACTION OF SAND AND GRAVEL,
USE OF MOBILE DRY SCREENING PLANT, CREATION OF STOCKPILE
AREA, INSTALLATION OF WEIGHBRIDGE, WHEEL CLEANING
FACILITIES, ANCILLARY SITE OFFICES AND CONSTRUCTION OF A NEW
ACCESS ONTO WADESMILL ROAD WITH PHASED RESTORATION TO
LANDSCAPED FARMLAND AT A LOWER LEVEL ON LAND AT WARE
PARK, WADESMILL ROAD, HERTFORD**

Report of the Chief Executive & Director of Environment

Contact: Felicity J Hart, Principal Planning Officer
[Tel: 01992 556256]

Local Member: Andrew Stevenson
Adjoining Member: Ken Crofton

1. Purpose of report

- 1.1 To consider planning application referenced 3 /0770-16 for the phased extraction of sand and gravel, use of mobile dry screening plant, stockpile area, weighbridge, wheel cleaning facilities, ancillary site offices, construction of a new access onto Wadesmill Road with phased restoration to landscaped farmland at a lower level.

2. Summary

- 2.1 The application proposes the extraction of 1.75 million tonnes of sand and gravel, the use of a mobile dry screening plant, a stockpile area, a weighbridge, wheel cleaning facilities, ancillary site offices and construction of a new access onto Wadesmill Road with phased restoration to landscaped farmland at a lower level. The application is accompanied by an Environmental Statement.
- 2.2 The application was originally submitted in 2016 and was for the extraction of 2.25 million tonnes of sand and gravel over 15 years. The application has since been amended with the quantity to be extracted reduced to 1.75 million tonnes and the time period for extraction reduced to between 7 to 10 years.
- 2.3 There are many issues to consider in the determination of this application. These include assessment of the extraction of the mineral in relation to the county's need in Hertfordshire, impact on the Green Belt and appropriateness, landscape and visual assessment, hydrogeological issues and flood risk,

ecological issues, rights of way issues, traffic and transport issues and health and air quality issues.

- 2.4 These issues have been considered and following initial consultation and assessment the applicant amended the application. The County Council has received a large volume of objections to the proposed mineral extraction, both in respect of the original submission and in respect of the amended scheme, totalling more than 1300 letters.

3. Recommendation

- 3.1 It is concluded that the proposed development should be refused planning permission for the following reasons:

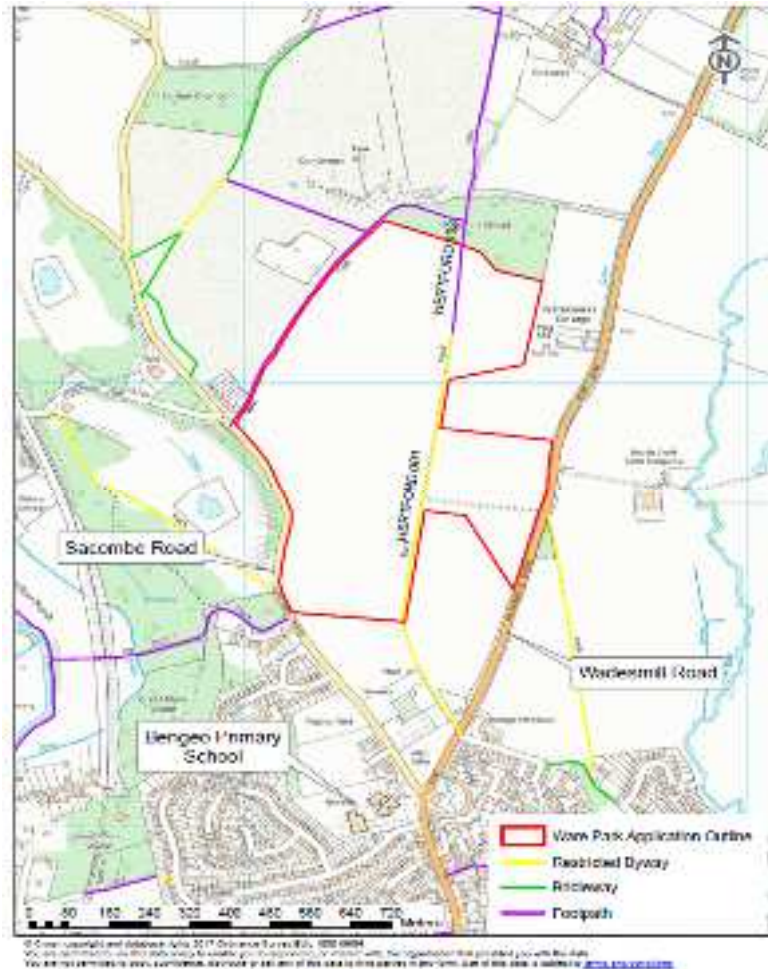
1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds, stockpiling area and plant including associated activity would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances of benefits of mineral extraction and potential avoidance of sterilisation do not clearly outweigh the harm to the Green Belt and any other harm, including harm to landscape, transport and access, rights of way, air quality and health. This is contrary to the NPPF and Policy GBC1 of the East Herts Local Plan 2007.
2. The proposal would have significant detrimental impact upon landscape, these include the significant negative landscape and visual impacts from phase 4 both operational and the restored landform, the significant negative landscape and visual impacts from the stockpiling area, plant and site access (including the loss of hedgerow associated with the new access). This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
3. The proposed access shown on Drawing No 131124/A/04 C would conflict with the existing access serving Revels Croft Farm and would be unacceptable in highway terms. The proposal would therefore be contrary to policy 16 of the Minerals Local Plan and paragraph 32 of the NPPF.
4. The proposal has not demonstrated that the development would not have detrimental impact upon air quality, particularly PM10 and PM2.5 and this has not been assessed via a Health Impact Assessment. Therefore the proposal is contrary to policy 18 of the Minerals Local Plan and paragraph 109 of the NPPF.
5. The proposal would have a negative impact upon the existing rights of way and users of these rights of way that cross the site. The proposal would impact the rights of way including, crossing of the right of way

by the haul road and the diversion of the right of way for working of phase 4. This would conflict with policy 18 of the Minerals Local Plan as the proposal does not ensure that the rights of way are not adversely affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way is made. This is contrary to Policy 18 and Policy 3 of the Minerals Local Plan.

6. The proposed development includes land within Phase 4 and the stockpiling and plant site area, land adjoining Sacombe Road and the Wick/ The Orchard, all of which are outside of the Preferred Area within the plan. The development is also not proposed to be worked as an extension to Rickneys Quarry. This is contrary to Policy 3 of the Mineral Local Plan that requires proposals to satisfactorily fulfil the requirement of the proposals for the preferred area identified on the inset maps.

4. Site and surroundings

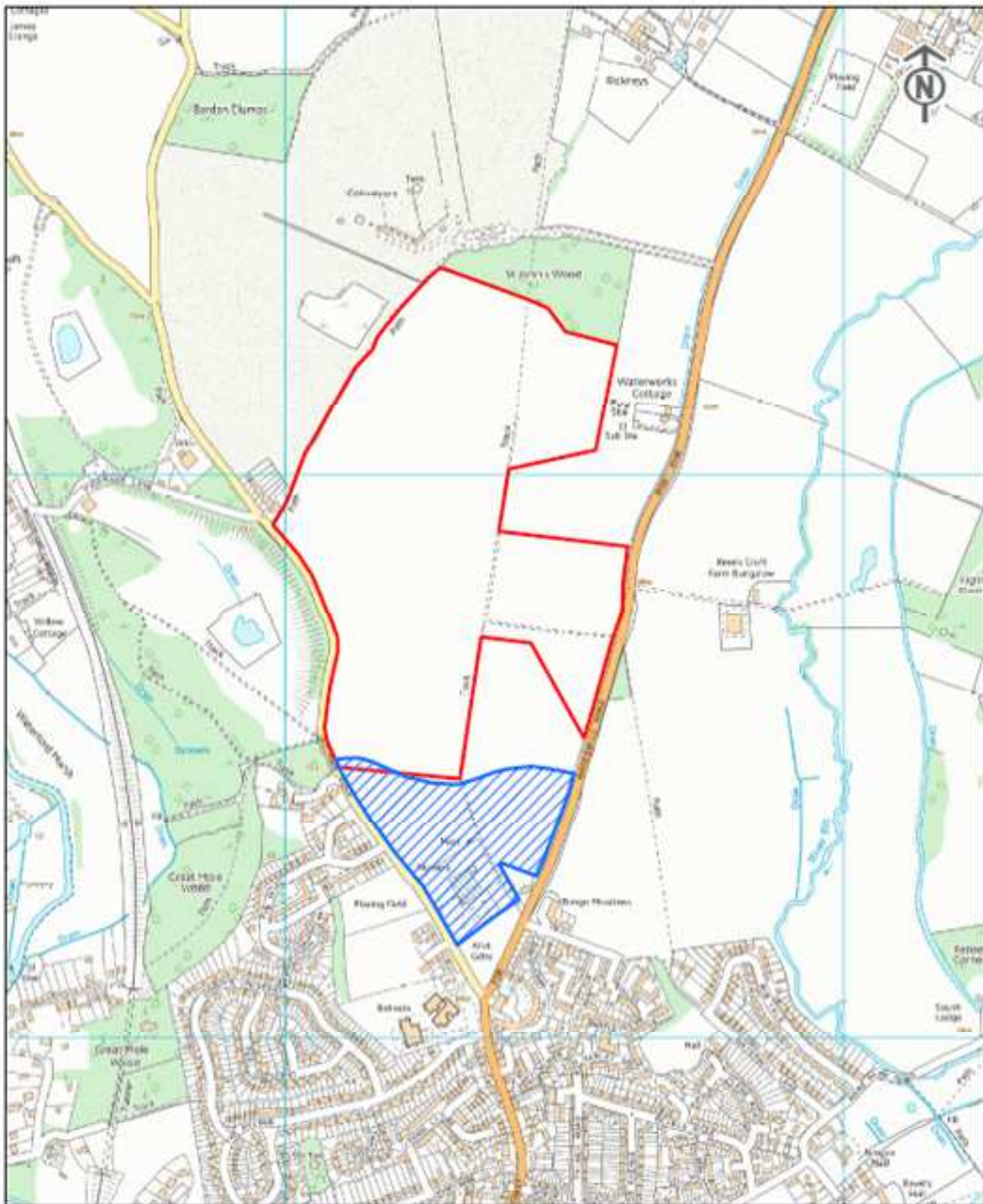
- 4.1 The application site comprises open rural land located to the west of Wadesmill Road and to the east of Sacombe Road, to the north of the built up area of Hertford. The site is currently used for arable farming and consists of open fields with a Restricted Byway and public footpath running through the centre of the field linking the settlements of Bengo with Chapmore End.
- 4.2 The site is situated in the Metropolitan Green Belt and is also in a groundwater protection area in Source Protection Zone 1 (SPZ1).
- 4.3 The nearest residential properties are situated to the south and west with others on the eastern side of the site. The settlement of Bengo is sited to the south together with Bengo Primary School being sited in relatively close proximity.
- 4.4 The distances to the nearest properties are as follows:
 - Houses to the West – 2.5m
 - Houses to the East – 53m
 - Houses to the South – 27m
 - School – 340m



5. Proposed development

- 5.1 It is proposed that the mineral development would be carried out in four consecutive phases starting in the south and completing in the north. The soils would be stripped from each phase in sequence and the soils would then be used to create environmental bunds around the working phases. Any unusable material such as overburden or interburden would be placed into the previously excavated strip so they are in the correct place when restoration is carried out at the end of the phase.
- 5.2 Each of the four phases would be varying lengths of between 2 and 3 years totalling a maximum of 10 years and a possibility of completing extraction within 7 and half years. The total amount of sand and gravel that is proposed to be extracted under this proposal would be 1.75 million tonnes. (Note: this figure has been reduced in amended information submitted from the original 2.25 million tonnes and the length of the operation reduced down from 15 years).
- 5.3 It is intended that the southern phase (Phase 1) would be carried out and completed within four years of commencement in order to allow the housing development to start immediately to the south.

- 5.4 Excavated materials would either be loaded directly to vehicles or taken to the stockpiling area in the east of the site adjacent to Wadesmill Road. Any dry screening will also take place at the point of excavation or within the stockpiling area.
- 5.5 Access to the site is proposed to be directly off Wadesmill Road using an existing farm entrance with the access being upgraded to create a junction with a ghost right hand turn lane. The road into the site is proposed to be fully concreted as far as the weighbridge and wheel cleaner.
- 5.6 Within the stockpiling area there are proposed two single story site offices together with a security compound, fuel store and carpark for employees together with a weighbridge and wheel cleaning facility.
- 5.7 Traffic movements (HGVs) are estimated at 100 per day on average comprising 50 in and 50 out. All vehicles would travel north on Wadesmill Road with no vehicles travelling south through Bengoe. All vehicles would turn right into the site and turn left when exiting the site.
- 5.8 It is proposed that the stockpiling area would be surrounded by perimeter bunds, designed to reduce visual and noise impacts. Hours of operation proposed for the operation are standard within the quarrying industry 7.00am to 6.00pm Monday to Friday and 7.00 to 1.00pm on Saturdays with no working on Sundays or bank holidays.
- 5.9 The Restricted byway and footpath that cross the site would be temporarily re-routed around the mineral workings and where the internal quarry roads would cross rights of way it is intended that fencing and gating would be installed, as well as signage to warn both pedestrians and drivers.
- 5.10 It is proposed that the site would be restored in phases to a lower level without the importation of any material. It is proposed that the majority of the site would be returned to agriculture with the western and northern slopes being planted as woodland.
- 5.11 The applicant states that this planning application has been submitted to avoid any conflict between the mineral extraction and possible residential development to the south. [East Herts District Plan (pre-submission version) shows a site for 150 houses to the south of this planning application site]. See following map on page 7. The applicant considers that it is important that minerals are extracted ahead of the residential development to avoid any unacceptable impacts and that this site therefore needs to be developed independently of Rickneys quarry in order to fit in with the timescale for the possible residential development.



**East Herts District Plan (Pre-Submission Version)
150 Homes Policy HERT4 - Hatched Blue**



6. Development plan and planning policies

6.1 Town and Country Planning Act 1990 section 70(2) requires that in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

6.2 The Planning Compulsory Purchase Act 2004 Section 38 (6) Development Plan requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts then the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.3 The National Planning Policy Framework requires that the development plan is the starting point for decision making.

6.4 The Development Plan for the area comprises –

- The Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007
- East Hertfordshire Local Plan
- Hertfordshire Waste Local Plan Core Strategy and Development Management Policies Document 2001 – 2016 Adopted November 2012

6.5 The policies relevant to the determination of the application are.

Hertfordshire Minerals Local Plan Review 2002-2016 adopted November 2007

1 - Aggregates supply; 2 - Need for mineral working; 3 - Sites for sand and gravel extraction and the working of preferred areas; 4 - Applications outside preferred areas; 5 - Mineral sterilisation; 9 - Contribution to bio-diversity; 11 - Cumulative impact; 12 - Landscape; 13 - Reclamation scheme; 14 - Afteruse; 16 - Transport; 17 - Criteria for the control of mineral development to protected critical capital and other environmental assets; 18 - Operational criteria for the control of mineral development.

6.6 The current Hertfordshire Minerals Local Plan was adopted in 2007 and covers the period 2002-2016 and is still the current development plan. The Planning and Compulsory Purchase Act 2004 provides for the saving of policies in adopted local plans for a period of 3 years from the commencement date of the Act which was 28 September 2004. The Minerals Local Plan Review was adopted in March 2007 and the policies were immediately saved for three years.

6.7 Policies in adopted or approved plans were due to expire on 27 September 2007 unless the Secretary of State extended such policies

beyond that date (Planning and Compulsory Purchase Act 2004; Schedule 8 (1(3))). After this three year period an application was made to save the policies for a further period from March 2010 for development management purposes, until they are replaced with new minerals policies. The County Council received a direction from the Secretary of State to save all the minerals local plan policies beyond the three year period; until they are replaced. The extension of saved policies was to ensure continuity of the plan-led system and a stable planning framework locally. The list of 'saved' Minerals Local Plan policies are outlined in Appendix 2 of the adopted Minerals and Waste Development Scheme (MWDS).

- 6.8 The County Council is currently in the early stages of reviewing the adopted plan and has an adopted MWDS which sets out the proposed timetable for plan production. The progress of plan production against the adopted MWDS is monitored through the Authorities Monitoring Report which is published every year. The AMR also reports the status of each of the adopted policies, how the policies are to be replaced, merged or deleted as the plan develops.
- 6.9 The Minerals Planning Authority (MPA) has a statutory responsibility to prepare a Minerals Local Plan in line with national policy and regulations. National policy requires the MPA to identify/allocate sites for future mineral extraction to ensure there is a steady and adequate supply of minerals for Hertfordshire. The proposed site selection methodology for sand and gravel was presented to members in February 2016 following a formal consultation on the draft site selection methodology.
- 6.10 The NPPF (para145) requires mineral planning authorities to plan for a steady and adequate supply of mineral aggregates by preparing an Annual Aggregates Assessment.
- 6.11 East Herts Local Plan 2007 policies
- Policy SD1 Making Development More Sustainable
 - Policy SD4 Sustainable Development and Nature Conservation
 - Policy GBC1 Appropriate Development in the Green Belt
 - Policy TR1 Traffic Reduction in New Developments
 - Policy TR2 Access to New Developments
 - Policy TR20 Development Generating Traffic on Rural Roads
 - Policy ENV1 Design and Environmental Quality
- 6.12 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires that that the Environmental Statement, together with any other relevant information which is relevant to the decision, comments and representations made on it must be taken into account in deciding whether to grant consent. This application required an EIA (Environmental Impact Assessment) and as such an Environmental Statement was submitted with the application

containing chapters on landscape and visual assessment; ecology; water; flood risk; traffic; archaeology; rights of way; noise and dust.

The National Planning Policy Framework 2012

6.13 The following sections of the NPPF have are relevant to the determination of the application.

- Achieving sustainable development
 - 1 – Building a strong and competitive economy; 9 – Protecting Green Belt land; 10 – Meeting the challenge of climate change, flooding and coastal change; 11 – Conserving and enhancing the natural environment; 12 – Conserving and enhancing the historic environment
 - 13 – Facilitating the sustainable use of minerals; Decision – taking: paragraphs 186 – 195; Determining applications: paragraphs 196 – 198; Tailoring planning controls to local circumstances: paragraphs 199 – 202; Planning conditions and obligations: paragraphs 203 – 206

National Planning Policy Guidance

Health and wellbeing - Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

Local authority planners should consider consulting the Director of Public Health on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it. This would allow them to work together on any necessary mitigation measures. A health impact assessment may be useful tools to use where there are expected to be significant impacts.

A healthy community is a good place to grow up and grow old in. It is one which supports healthy behaviours and supports reductions in health inequalities. It should enhance the physical and mental health of the community and, where appropriate, encourage:

- Active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.
- The creation of healthy living environments for people of all ages which supports social interaction. It meets the needs of children and young people to grow and develop, as well as being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments.

Air Quality - When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes,

vehicle speed or both; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more.

- Introduce new point sources of air pollution.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.
- Affect biodiversity. In particular, is it likely to result in deposition or concentration of pollutants that significantly affect a European-designated wildlife site, and is not directly connected with or necessary to the management of the site, or does it otherwise affect biodiversity, particularly designated wildlife sites.

Minerals - The planning system controls the development and use of land in the public interest and, as stated in paragraphs 120 and 122 of the National Planning Policy Framework, this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution. In doing so the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under the regulations.

7. Consultation

7.1 The response from East Herts District Council comments –

- The site has been listed as a preferred area in the Hertfordshire Minerals Local Plan 2002 to 2016. The use of Green Belt land for the extraction of minerals is appropriate development as set out within the adopted local plan and the National Planning Policy Framework.
- EHDC therefore raises no objection to the principle of the development however the landscape is often on open high ground, publicly accessible and in the more immediate surroundings of Hertford. It is less well contained than other areas of Rickneys quarrying. It also provides attractive recreational routes that link Bengo with the wider countryside and nearby villages.
- Residents' concerns appear to relate to disturbance from the excavations and traffic concerns arising from up to hundred lorry movements per day but also to the impact on the appearance of the area in the Green Belt and its future restoration with regard to noise from the development. It is noted that the closest houses will be approximately 40m from the areas identified as phase 1 and phase 2. The proposed bunds, assumed to be temporary, adjacent to these houses are to be 3 m in height and it will need to be assessed if these are sufficient to provide screening of noise for local residents. It is recommended this be verified by an independent noise assessment of a comparable arrangement.

- A significant increase in noise would be likely to cause material harm to the amenities of local residents over the course of operations which may extend beyond the projected timescales. Additional protective measures such as wider buffers, planting and fencing of the bunds or increasing the height should be considered when necessary. A condition is recommended restricting opening hours, operating hours, including vehicle movements where such activities would be likely to cause disturbance outside of the site.
- With regards to traffic disturbance County Council highways engineers will have been consulted although traffic would be directed north along Wadesmill Road to the A602 I note that there has been a recent fatal traffic accident in the vicinity of the site. Residents have reported that less serious traffic accidents are a relatively common occurrence on this stretch of road. I am therefore concerned about the introduction of additional heavy vehicle traffic in this area and ask that you consider whether improvements to highway safety in the vicinity of the site can be incorporated as part of the development. Improved signage or speed warning signs for example, may be useful to prevent further issues arising from the increased traffic.
- The impact on the landscape within the River Rib valley and this part of the Green Belt will need to be assessed in the immediate term as part of the balance of planning considerations for the application but also considered in the longer term as the site is restored as part of the land on the east side of the site sloping down to Wadesmill Road is the most visually sensitive area to disturb. The public right-of-way, Byway 1 stretches across the site from Bengoe to St John's Wood and offers attractive high-level views eastwards over the River Rib Valley.
- Opportunities to improve the rights of way network in the longer term as part of the future restoration should be taken if the development proceeds this could include measures to enhance the surfacing and quality of byway one as well as to create new links between by one and footpaths 13 and 24. A high standard of landscape restoration is also needed with mixed woodland and positive enhancements to biodiversity as well as the surface water management. The bunds themselves would be alien elements in the landscape and should not remain as permanent feature.

7.2 East Herts District Council Environmental Health Department raises no objections commenting they are confident that with regard to noise and having considered the appropriate assessments that the development can proceed in accordance with the relevant guidance without any detriment to the amenity of neighbouring land users. In order to ensure that such controls are maintained and are adequate throughout the lifecycle of the development a number of conditions are recommended as reported in Appendix I.

7.3 Hertford Town Council objects to the application and considers that the location is completely inappropriate. HTC expresses concern with regards to noise levels, increased traffic, visual impact, road safety and dust. Should this proposal go ahead the Committee would wish to see strict

controls on hours of work, vehicle movement which should not exceed 100 per day, monitoring of noise along with strict noise abatement controls and in addition monitoring and enforcement for the repair of damaged road surfaces or drains etc that HCC deems as caused by the trucks. The Committee would also wish to ensure that there was no weekend working and monitoring to ensure there was no vehicle access into Bengoe under any circumstances. Further concern was expressed regarding the volume of traffic onto the road, which had seen two fatal accidents in the last 18 months.

7.4 Hertfordshire County Council as Highway Authority objects to the proposed development -

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

- 1) The access arrangements as shown on Drawing No 131124/A/04 C are unacceptable from a highway safety point of view as the proposed right turn lane conflicts with the access serving Revels Croft Farm to the north of the proposed access.
 - The proposal as originally submitted involved the extraction, dry screening and transportation of some 2,600,000 tonnes of sand and gravel over a period of 14/15 years. This has now been revised and the amount of extraction is now 1.750 million tonnes. This will reduce the duration of the operation to approximately 7.5 years. As requested the applicant has carried out an assessment of the A602 Ware Road/A602 Westmill Road/Wadesmill Road/Anchor Lane roundabout. The capacity assessment has demonstrated that the junction already operates at capacity in the 2017 Base scenario and that the development traffic (which only adds 12 two-way trips on the network) has a negligible impact on the operation of the junction. However, this junction is going to be improved as part of the proposed A602 improvement scheme which was granted planning permission in November 2016.
 - The site access arrangement as shown on the submitted plan (Drawing No 131124/A/04 C) is unacceptable as the proposed right turn lane would give rise to conditions prejudicial to highway safety in relation to traffic accessing Revels Croft Farm.
 - The design of the right turn lane needs to take account of the vehicular turning movements occurring at the access to Revels Croft Farm. A Stage One Safety Audit is required in support of any revised junction layout.

7.5 Public Health England

- A considerable body of evidence exists linking airborne particles (particulates) with a range of adverse health effects. Epidemiological studies have demonstrated associations between effects on health and particles from a wide range of sources. It is accepted that particulate air pollution increases the risk of acute and chronic respiratory disease as well as cardiovascular disease. Different groups of individuals are affected by air pollution in different ways, with more vulnerable populations such as children, the elderly or those with pre-existing conditions more likely to suffer the adverse effects from exposure to air pollution. It is acknowledged that those with pre-existing respiratory conditions such as cystic fibrosis or asthma are considered a sensitive population if exposed to airborne pollutants such as particulate matter.
- The Committee on the Medical Effects of Air Pollution (COMEAP) has produced a statement on the effects of air pollution on children's health, which notes that exposure to air pollution is associated with deleterious effects on the development of the lung after birth and this leads to attainment of a lower level of adult lung function as measured using standard lung function tests.
- It is clear that air pollution, from a range of sources (and not solely the proposed quarry) is a potential threat to the health of the concerned family and wider community.
- In terms of the proposed quarry, this will be subject to scrutiny to ensure that it does not create significant additional air pollution. The local planning authority will be required to consider the potential impact of the quarry development on the local community. The National Planning Policy Framework highlights a number of considerations for local planning authorities when determining planning applications, such as:
 - 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; and
 - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- The developer of the proposed quarry will also be required to satisfy the local planning authority, relevant regulators and the community that the operation of the quarry will not result in additional emissions including dust or particulate matter which could adversely affect the local community. The operator dependent on the size and location of the development will be expected to carry out a dust assessment study, as detailed in the planning guidance.

7.6 The Environment Agency raises no objections subject to conditions being included to provide for:

- submission of a long- term groundwater management programme and monitoring reports,
- no Controlled Waste defined by “The Controlled Waste Regulations 2012” or Extractive Waste defined by “The Environmental Permitting Regulations 2010” (as amended) is permitted to be imported to the site for reuse, processing, recovery or disposal;
- measures to deal with any contamination not previously identified;
- no drainage systems for the infiltration of surface water drainage into the ground;
- scheme to dispose of foul water

The full wording of the conditions and advice is included in Appendix I

Further advice from the Environment Agency received 6.3.17

Following discussion with Affinity Water we would like the following additional condition to be added to the conditions we requested in our earlier response reference NE/2016/124846/01-L01 dated 29 April 2016.

Condition

The development hereby permitted may not commence until such time as a scheme for the repair of borehole OBH 1A has been submitted to, and approved in writing by, the local planning authority.

The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance, schedule for repairs and a contingency action plan. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reason: to ensure that the groundwater monitoring infrastructure is good working order and that the proposed development, does not harm the water environment in line with paragraph 109 of the National Planning Policy Framework.

7.7 Lead Local Flood Authority raises no objections and comments:

- The Further information statement prepared by D.K.Symes Associates dated December 2016 states in the section 2.1.5 that the revised landform will have no impact on the surface water management. Consequently no additional information has been submitted related to the surface water drainage.
- As written in our previous letter dated 8th April 2016, we confirm that the approach proposed and detailed in the Flood Risk Assessment reference 1701/FRA-01 Final dated August 2014 prepared by Hafren Water is acceptable.
- However as the drainage strategy is based on capturing runoff within the site, we will be confident that the development will be appropriately

drained only if the calculations to define the required attenuation storage are updated to fit the final landform and its impact on catchments to be considered.

- The Lead Local Flood Authority therefore has no objection in principle on flood risk grounds to the grant of this planning permission if pre-commencement conditions on the drainage details are applied (the conditions are set out in Appendix I).

7.8 Hertfordshire Ecology makes the following points;

- Although currently dominated by arable farmland, the application site lies immediately adjacent to the Waterford Heath Local Nature Reserve (LNR), and the 'St John's Wood, Rickneys Quarry' and Waterford Heath (North & South) Local Wildlife Sites (LWS). These represent components of national and county-wide networks of protected areas, respectively; St John's Wood LWS also supports ancient woodland, a feature listed on s41 of the NERC Act as a habitat of principal importance and identified by the NPPF as an irreplaceable resource.
- The application is accompanied by an Environmental Statement (ES) and an Ecological Appraisal (DK Symes/Liz Lake Associates November 2015) which incorporate the (complete or summarised findings of) bat, badger, botanical and reptile surveys dating back to 2013. In brief, these reports conclude that the implementation of mitigation measures (woodland and hedgerow creation, the installation of bat boxes and bespoke measures to safeguard badgers and bats) would remove ecological constraints from the application.
- It anticipates that the mitigation plan will 'enhance the network of habitats present in and around the site in the long term', however, these documents contain shortcomings in terms of the site description, impact assessment and mitigation and this conclusion cannot yet be substantiated.
- There is reduced confidence in the modest impacts predicted for badgers, farmland birds and hares;
- Whilst groundwater impacts have been reviewed, uncertainty surrounding the impact the depression would create on surface and sub-surface flows within the adjacent woodland (and possibly other habitats as well) requires further scrutiny;
- Whilst direct losses of woodland and hedgerow are likely to be modest, adverse effects on adjacent protected areas cannot be ruled out without further hydrological studies;
- The suggestions that dust will not threaten adjacent, ancient woodland are not compelling, prevailing winds may well reduce the threat to habitats to the west of the site, but only increase the threat to the ancient woodland to the north;
- The suggested need to obtain a licence from Natural England to allow the felling of a possible bat roost with only one record of an emerging bat in 2013 seems very precautionary when additional survey may more accurately determine the best course of action;

- The ability of the 20m buffer to prevent harm arising to the protected sites, especially the ancient woodland, from dust or from changes in surface drainage cannot be determined with the necessary certainty;
- The NPPF advocates the delivery of biodiversity gain, the restoration proposals promote a predominantly agricultural afteruse, there is little evidence is provided to support this approach, the claims to provide 'wildlife links' remain unjustified;
- The proposals for the establishment of calcareous grassland creation in and around the balancing pond are not compelling and the composition of wildflower grass mixes is not specified;
- The proposed species composition remains undefined and only a three-year aftercare period (five years in the ES) is proposed - this is inadequate when establishing 'semi-natural' habitats;
- With all of the constraints the proposed development still provides enormous potential for delivering biodiversity gain which would better meet the aspirations of national (the NPPF) and local policy but which could, importantly, also continue to form part of a commercial farming enterprise. This could take the form of an alternative, more appropriate mitigation strategy that would embrace elements of the existing proposals such as new woodland and hedgerow creation, expand these to protect, enhance and manage adjacent woodland and draw on best practise elsewhere to adopt more extensive, but still commercially viable, arable farming practices to provide real and sustainable gains in biodiversity.
- Woodland and hedgerow creation should comprise appropriate species designed to complement the current woodlands, maintaining existing edges, rides and glades with a management regime. This could usefully be extended beyond the red line boundary to incorporate the management of existing woodland in the LNR and LWS.

The County Ecologist submitted further comments after consideration of the further information and now considers that this further information addresses the principles issues that had been raised.

7.9 Herts & Middlesex Wildlife Trust comments as follows:

- The Trust endorse the comments of Herts Ecology regarding the requirement for more detailed ecological information to substantiate the claims that this development proposal will conserve and enhance biodiversity leading to net gain in biodiversity (as the NPPF requires);
- The appropriate standard is BS 42020. The ecological report should contain a brief non-technical summary, providing a succinct overview for the decision-maker of the main findings and recommendations and explain exactly how biodiversity occurs on site; how it is likely to be affected; and what measures are to be implemented to avoid or mitigate the effects of development on biodiversity and/or to provide enhancements;
- The non-technical summary should be accompanied by a clear statement of the losses and gains predicted once the development is

- implemented with sufficient information to enable the decision-makers to monitor the net effects of development on biodiversity;
- The Trust supports the analysis of Hertfordshire Ecology that the principles of BS 42020 have not yet been fulfilled, and that more information is required to demonstrate that the development is compliant with the aims of NPPF.

7.10 The County Landscape Officer comments

Further landscape information was submitted on 19th January 2017. The following changes to the original proposal have been noted –

- reduction in tonnage from 2.6 million tonnes to 1.75 million tonnes
- reduction in duration of development from 12/15 years to 7.5/10 years
- retention of 3 existing oak trees (along boundary between phases 1 & 2)
- restoration of historic hedgerow boundary with trees (along boundary between phases 1 and 2)
- Introduction of additional oak trees along existing hedgerows
- amendment of the final restoration landform
- a series of woodland blocks with buffer strips(5m to 10m) to northern and western site boundaries

Preferred Area 2

The PA is defined by St Johns wood to the north, Rickneys Quarry and Sacombe Road to the west, and Hertford 001 (restricted byway & footpath) to the east. The proposed extraction phases 1, 2 and 3 are located within Preferred Area 2 (PA2). The proposed working phases 1-3 are located within PA2. The proposed extraction phase 4 and the site access/facilities/stockpile area are located outside PA2.

The site brief for PA2 states that there should be specific consideration for the following:

- The site as an extension to the existing Rickneys Quarry
- Buffer zones to properties
- Advanced planting
- Phased working
- Protection of ancient woodland
- Archaeological interest
- Provision of safe public rights of way network
- Ground water protection zone
- Sufficient balance of materials for restoration

The relevant policy considerations are contained in Minerals Policy 4 and Minerals Policy 12 of the Hertfordshire Minerals Local Plan

Minerals Policy 12 (Landscape) states -

All mineral extraction and related Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features.

Development proposals will be expected to:

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

The Hertfordshire Landscape Strategy - East Herts District Landscape Character Assessment

The site lies within the Stoney Hills landscape character area, the area is characterised by *'gently undulating open arable farmland with woodland, usually treed rather than hedged, or with fragmented hedges and occasional mature hedgerow oak. Active, disused and restored mineral extraction sites, with mix of field sizes and variety of after uses.'*

The strategy for managing change in this area is to **improve and restore** the landscape condition and strength of character. In order to achieve this, the following guidelines should help shape the proposed development:

- *...safeguard existing hedges, increase hedged field boundaries, create permanent grass strips around field margins...*
- *Encourage the replanting and/or improvement of hedges along historic field boundaries, within arable areas rather than along roadsides...*
- *Support the establishment of new woodlands, especially around existing woodlands where this would create additional habitat and protection. Ensure that new woodland would not damage historic features such as banks and ditches, but use ancient field and woodland boundaries as appropriate*
- *New woodland planting should be of locally indigenous species only, using seed/plants of local provenance if possible*
- *Encourage the reversal of habitat fragmentation and the creation and improvement of habitat links to create eco-corridors*
- *Ensure that the restoration of exhausted minerals sites is carried out in accordance with agreed restoration plans, amended where necessary to reflect current best practice in maximising nature conservation potential and to ensure that they reflect and enhance local landscape character and distinctiveness*

Landscape Character

The site lies within the Stoney Hills landscape character area¹ and strongly reflects the local landscape character that is described as *'gently undulating*

open arable farmland with woodland, usually treed rather than hedged, or with fragmented hedges and occasional mature hedgerow oak...'

With regards landscape features, the individual trees that are relics of the historic field pattern are of some historic value.

There are several sites of high biodiversity value adjacent to the site boundary, including St Johns Wood and the Local Nature Reserve.

Summary

- Overall the ability of the site to accommodate the proposed development without causing unacceptable harm to landscape character and visual amenity varies between different areas of the site, for each stage of the development life cycle.

Phase 1 – 3

- The principle of minerals extraction is established within working phases 1-3 due to their location within the 'preferred area.' Within these areas, negative landscape and visual effects as a result of the operational stage are mitigated due to the containment of works within the less sensitive elevated and/or flatter part of the plateau landform, and the screening effect of the local topography and established vegetation in combination with the temporary bunds.
- At the restoration stage, the restoration of the landform profile similar to existing, and the recreation of the distinct dry undulation, is supported. There is some concern for the negative landscape and visual effects as a result of low level restoration, and the creation of a bank along the site boundary, however the significance of this is reduced due to the mitigating effect of the proposed planting.
- The proposed after use for agriculture, the retention of the relic oak trees, and the introduction of additional woodland, hedgerows and oak trees is supported, and provide a landscape enhancement.

Phase 4

- The proposed working phase 4 is not supported. The operational stage results in significant negative landscape and visual effects due to the erosion of the distinct transition between the plateau edge and the valley slopes, and its impact upon views from the byway, Wadesmill Road, and from across the valley to the east.
- At the restoration stage, the proposed landform results in significant negative landscape and visual effects due to the erosion of the distinct transition between the plateau and valley side, and the creation of linear and curved raised area that interrupts the consistent valley slopes and views from the byway.

Site access/facilities/stockpile area

- The proposed site access/facilities/stockpile area is not supported. The operational stage results in significant negative landscape and visual effects due to the interruption of the sloping valley side and the removal of a substantial length of established roadside vegetation, and its impact upon views from the byway, Wadesmill Road, and from across the valley to the east.

Conclusion

- Whilst the principle of minerals development is established within working phases 1- 3 due to their location within the PA, the proposed

development is not supported in landscape and visual terms due to the significant negative landscape and visual effects as a result of the location of the site access/facilitates/stockpile area, and the proposed operations and restoration of working phase 4.

7.11 The Rights of Way Unit objects to the proposed development on the following grounds:

- When the Hertfordshire Minerals Local Plan Review went before an inspector his report clearly stated that restricted byway/footpath 1 was such an important route that the land under it and to its east should NOT be included in any such development. That this route is still of such importance is backed up by comments from local users which I believe you have received at the current time, and by the fact that it is heavily used by regular health walks.
- The proposed temporary diversions would severely affect the restricted byway, in that they represent a considerable lengthening of the distance to be covered by users, and also a reduction in enjoyment, given that they will in one case pass close to the road, stockpiles, bunds, offices, etc., with limit views of open country, in contrast to the current surroundings. This is contrary to Minerals policy 18 of the County Council's planning policies. (Both diversions would need to be of restricted byway status, and of at least 4 metres wide.)
- Although a permissive footpath is proposed alongside the B158 road for the duration of works, no new permanent definitive routes are proposed to compensate for the public's disturbance of the enjoyment of the definitive route. This is contrary to Minerals policies 18 and 14 of the County Council's planning policies. At the very least I would require that the footpath section of Hertford 1 is upgraded to restricted byway, that a new public footpath is created along the south side of St. John's Wood, and that a new bridleway/cycle track is created alongside the B158 on the applicant's side of the roadside hedge, with funding to lay out and maintain these new routes.

7.12 The County Archaeologist confirms that

An archaeological evaluation for the site was undertaken in 2014-2015, geophysical survey of the site, and a programme of trial trenching, and the reports on this work are included in the Environmental Statement submitted with the application.

The investigations produced significant archaeology. The geophysical survey and trial trenching have demonstrated that significant archaeological remains (heritage assets of archaeological interest) are present on the site on the level higher ground at the northern/north-western end of the prospective development site.

The proposed development is such that it should be regarded as having an impact on below-ground heritage assets of archaeological interest

which will require mitigation via a detailed programme of archaeological work

I recommend provisions be made for:

- The excavation of the area of the 1st century enclosure noted above, before any development commences.
- The archaeological evaluation of all areas of the site subject to phased extraction and to associated works, such as the construction of compounds, stockpile areas, site offices, and new access, before any development commences. This is likely to be via a programme of 'strip, map and record'. The monitoring will include all soil stripping and ground reduction, as appropriate.
- Such appropriate mitigation measures indicated as necessary by the above programme of archaeological evaluation.

The full response including recommended conditions is included in Appendix I.

7.13 HCC Public Health

- In our original response based on the evidence and guidance available at the time, we did not consider it likely that there would be a significant deleterious impact on human health from the proposal, assuming all identified mitigation measures were assured to be in place, were regularly reviewed, and were adhered to.
- We did request a Health Impact Assessment be undertaken outlining the links between emissions of PM10, PM2.5 and human health.
- The submitted Air Quality Assessment report left some key issues for concern:
- The Air Quality Assessment does not, at any point, recognise or consider PM2.5 which, as our previous response outlined is linked to adverse health impact;
- We note that the screening exercise identified a range of human health sensitive receptors – including Bengoe Primary School – and that the subsequent assessment suggested that the impacts were not significant.
- We are not at this stage satisfied that 1 year alone of predicted (i.e. modelled) data is sufficient to support this conclusion. I am not fully clear the operator would be able to demonstrate the predicted annual levels for PM10 consistent with the threshold over a sufficient period of time to reach a conclusion on impact of PM10.

Conclusions

- A proper Health Impact Assessment ought to be undertaken for this application.
- The Air Quality Assessment explicitly considers the issue of PM2.5 whether by way of revising the existing report or undertaking a supplementary assessment specifically on PM2.5;

- The conclusion on PM10 be further examined to determine how robust it is;
- Appropriately located monitoring for the lifetime of site operations is provided, supported by the industry-standard mitigation measures if required. For PM2.5 monitoring, this should be in place as soon as possible to allow for a pre-construction baseline to be developed.

The full response including recommended conditions is included in Appendix I.

7.14 Hertford Civic Society objects to the application in its present form and urge you to refuse permission.

- It is clear that aggregates are needed for building homes, roads etc. They can be worked only where they lie, and we acknowledge that the operative Minerals Local Plan designates an area north of Bengo as a Preferred Area for sand and gravel extraction. The Minerals Plan also makes it clear (Policy 5) that, where any significant mineral resource would otherwise be sterilised, extraction will be encouraged prior to other development taking place. The proposal in the draft District Plan for residential development on land immediately south of the application site is subject to objections but, if it were eventually adopted, that would justify the working of the area designated by the applicants as Phase 1 (but only that Phase) sooner rather than later.
- Thus it is to be expected that the reserves in the Preferred Area north of Bengo will be worked at some stage; most of the application site falls within the Preferred Area. So we accept that, in policy terms, the extraction of aggregates from (most of) the application site would in principle be in accordance with the Development Plan. However, during the extraction period, gravel extraction renders land useless for agriculture and recreation, and turns attractive countryside into an eyesore. So the period of extraction, and the area affected by extraction at any one time, should be kept to a minimum - a principle which is reflected in the MLP (paragraphs 2.3.1 and 3.3.1).

7.15 Bengo Rural Parish Council objects to the development, raising the following concerns

- The B158 is a fast and dangerous road on which there have been recent fatalities. There are four entrances to major centres of housing, i.e. Chapmore End, Crouchfield and the Rickneys development. Of these two of the entrances are on the blind brow of a hill and the addition of heavy lorries will make it even more lethal.
- The 'conditions' of any application should at least be in line with, or even more stringent than, those agreed with Hanson Aggregates for current permission to extract sand and gravel from the Rickneys quarry. E.g. the hours of working. Also the entrance to the current Rickneys quarry is so bad that it has meant that a condition had to be agreed that a third lane be installed before any sand and gravel can

be extracted. An entrance nearer to Bengo could be even more dangerous and disruptive to traffic.

7.16 Affinity Water

- The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Wadesmill Road Pumping Station (PS). This pumping station is used for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- We made the Applicant aware of this via their Agent in 2013 and our team hydrogeologist attended a site visit with Mr Symes to assess any potential impacts to Wadesmill PS.
- After the site visit the following was agreed would be implemented and was addressed within the hydrogeological assessment; 300m zone of unworked basal layers from Wadesmill Road PS of 5m thickness
500m zone of unworked basal layer from Wadesmill Road PS of 3m thickness
Rest of site unworked basal layer of 1m thickness
- It was also agreed that action would be taken to repair the observation borehole 1A. This borehole is located within close proximity to Wadesmill Road PS and the current condition has the potential to open up a pollutant pathway directly to the chalk aquifer. There was no mention of this within the hydrogeological assessment. We would like to propose that the guidance above are made conditions to the application to ensure that Wadesmill Road PS is protected from any potential pollution that could be initiated from the proposed application.
- The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation works will need to be undertaken.

7.17 The Woodland Trust objects to this application because it is felt the buffer to protect St Johns Ancient Woodland and the protected species within it are currently insufficient. We suggest that the undisturbed buffer is increased to 100m.

7.18 The Council for the Protection of Rural England (CPRE) objects to the proposed development and raises a number of issues with the regard to the application. The content of the objection is listed in Appendix I.

8. Third Party comments

8.1 The application has been publicised in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 Parts 3 (Applications) and 15 (Publicity for applications for planning permission) as follows:

Publicity has consisted of the display of site notices at the application site and the publishing of a press notice in the Hertfordshire Mercury on Thursday 7th April 2016.

Letters were sent to 686 properties regarding the original submission and 984 were sent following the amendments in January 2017. Approximately 1331 replies have been received in total objecting to the application.

- 8.2 The application has been advertised as constituting EIA development affecting land in the Green Belt.
- 8.3 Following discussions in autumn last year the applicant requested permission to submit further information on landscape, ecology, highways and air quality. This extra information was submitted in January 2017 and has been the subject of further consultation.

Consultation Responses

- 8.4 Mark Prisk MP commented as follows:
Registers his opposition. Grounds for objecting include:
- Proximity of the site to several hundred homes and Bengo Primary School. The nature of the air pollution, including particles of silica is wholly inappropriate adjacent to a primary school.
 - The land proposed is an important part of the local Green belt and this application would undermine the cohesion of this part of the Green Belt.
 - The proposed site includes land outside of the Preferred Area as set out in the Minerals Local Plan. If permitted this would establish a legal precedent, undermining the effectiveness of that plan.
 - The site is immediately adjacent to Waterford Heath nature Park and interferes with the established line of a local byway.
 - The impact for 100 lorries along Wadesmill Road is inappropriate and the proposed access site changes would be dangerous, sited as they are near to a blind hill. This would be a highly dangerous junction, especially if lorries queue first thing in the morning.
 - The proposed application is immediately adjacent to Wadesmill Road water borehole. To permit this licence for the industrial extraction of gravel adjacent to an important source of fresh water could have significant public health implications and is inappropriate in this location.

Comments from members of the public & interest groups

- 8.5 In response to the first and second consultation over 1331 responses objecting (letters, emails and online representations) have been received from residents and members of the public raising a wide range of points. The main objections are summarised below.
- Impact on air quality/dust
 - Impact on health

- Impact on highways affecting pedestrian/cyclist use of Wadesmill Road
- Impact on landscape and the Green Belt
- Impact on Byway no.1 and loss of recreational area used by the public
- Impact on ecology
- Noise

8.6 Stop Bengo Quarry objects on the grounds of impact on the landscape, negative impact on views, negative impact on topsoils, strategic importance of the site, ecology concerns, impact on St.John's Wood and hedgerows, the water supply, air quality and health concerns, proximity to residential properties, traffic and road safety, rights of way and archaeological considerations.

8.7 Molewood Residents Association objects on the following grounds:

HCC document *Hertfordshire Minerals assessment – Local Aggregate Assessment 2015* stated that there was enough sand and gravel in the planning pipeline across Hertfordshire for 11.4 years supply at a digging rate of 1.39 million tonnes per year. The minimum requirement is a 7-year supply. From these figures there would appear to be around 6 million tonnes surplus.

There are other proposals scheduled in the area:- Rickneys Quarry eastern extension and Westmill quarry extension which have not been counted into the HCC figures. We question whether the 0.2 million tonnes per year from the proposed quarry is needed at all.

The application documents state that the proposed gravel pit would be consistent with the current HCC Minerals Local Plan (MLP). We contend that it is not in at least 3 ways:

1. Phase 1 includes land not covered by Preferred Area 2 as shown on Inset Map 11 in the current MLP.
2. Phase 4 would be totally outside Preferred Area 2 (as above)
3. The MLP includes (at the start of Appendix 8) specifications for the 3 Preferred Areas. That for Land adjoining Rickneys Quarry, near Hertford stipulates that access to the whole of the Preferred Area shall be via the existing and currently disused Rickneys quarry site entrance.

Cumulative effect of simultaneous and/or successive working

This is an important issue. Should the above developments be granted (and on plan they are more suitable sites away from main residential areas of Bengo) the effect of noise pollution, environmental impact on landscape character, air quality, traffic movements and general degradation of the landscape to the north of Bengo will be considerable. The existing Rickneys and Westmill Quarries are far more suitable for development than this proposed pit as they are further from settlements.

Traffic impact

Traffic impact from the three sites working simultaneously would be considerable giving a total traffic flow of around 40 heavy lorries per hour or one lorry every 1.5 minutes on average throughout the day. As the proposal states, the majority of this traffic will coincide with the morning rush hour. At present there are up to 10 lorries queuing to turn into the Westmill Quarry every morning. Prior to resuming work at Rickneys the B158 would have to be widened and a right turn lane added. This application has a similar proposal for a spot less than 700m away to the south. In our view this would be likely to lead to even more congestion at peak hours when three entrances are operational. The effect will be to increase existing traffic build-up in the rush hour at the Anchor Lane and A10 roundabouts and B158 towards Bengo to unacceptable levels.

In our view the B158 is not safe enough to cope with an average of an extra 100 HGV movements a day. Transport Statement (TS) para 3.11 records that 85th percentile speeds on the B158 were 59.6mph in the northbound direction and 60.8 heading south. These are so near the speed limit that they imply that a significant number of vehicles being driven along this stretch of road at well in excess of the safe speed. The collision record for the road is discussed in TS paragraphs 2.6 to 2.13. This backs up the feeling of Crouchfields residents that this is an unsafe stretch of road. The map of collision locations given in TS Appendix A shows that the 13 collisions that have led to injury have all taken place in the 1.3km stretch between the Rickneys junction and the A602 roundabout – the stretch that would be used by the gravel lorries from this pit and from the Rickneys extension which has a pending permission awaiting completion of its S106 agreement.

Air pollution

The planning application states that air pollution will be minimal due to the damp nature of the materials. Once the clay matrix has been excavated the loose friable material will dry out quickly and be raised into the air by even light winds. This will be particularly evident in the onsite roads, stockpiles and exposures. On average, 25% of wind direction is from the north. Northwest or northeast blowing directly towards housing and Bengo School. Rainfall is less than 800mm per year, making Hertfordshire one of the driest parts of the country. The likelihood of dry weather and northerly wind is therefore higher than in most parts of the country, so the air pollution will be much higher than the proposal estimates. This silica-based air pollution would have a significant detrimental effect on vulnerable elderly people and children.

Natural environment

We have a duty to protect the environment for future generations. Our residents derive great pleasure from seeing and hearing up to a dozen skylarks soaring into the sky while we walk across the proposed site. According to the RSPB the Skylark is an endangered bird. The proposal also states that an oak tree would be felled at restoration of the site. I have seen purple emperor butterflies here. Oak trees are these caterpillars' preferred habitat so an extremely rare and valued species would be entirely lost.

Cultural environment

The archaeological survey recently undertaken on the proposed site indicated that there was strong evidence for a Roman farmstead in the northwest corner. The team of archaeologists who excavated the exploratory pits were very keen to demonstrate their findings. No provision appears to have been made to ensure that this site is protected.

Conclusion

There is no need for this site to be excavated for sand and gravel as there is no confirmed requirement for these materials to satisfy demand across Hertfordshire in the foreseeable future.

The rural landscape to the north of Bengoe is valued for its amenity and agricultural environments and should be kept as one of Hertford's 'green lungs' to benefit the whole community.

Were the site to start operation we have severe concerns about the safety and capacity of the connecting road network and of the creation of potentially carcinogenic dust so near houses and a primary school.

8.8 Watermill Estate Resident's Association

I had asked D. K. Symes Associates at their November 2015 exhibition in the Watermill Lane Scout Hut to keep WERA informed of any developments. The message obviously did not get passed on to the Spatial Planning Unit because we only became aware of the planning application at a late stage, when it became apparent that only a small number of our residents had received notification of the application.

We have, therefore, had a limited time to advise our members about the application and gather everyone's opinions, but have established that a significant number are strongly opposed to the extraction of minerals from a site so close to a residential area and a primary school, where dust and noise would have a negative impact on both adults and children.

There is concern regarding road safety and congestion and a strong objection to the hours of operation, even from those who recognise the need for mineral extraction.

The area in question is used regularly by walkers, horse riders and cyclists and many are concerned about the negative impact on the environment and wildlife.

As a Committee, we have endeavoured to provide our members with information about this application, but feel that we have been given neither adequate, accessible evidence on the 'real' impacts of mineral extraction so close to residential areas nor on the actual need for mineral extraction in this area.

It is our belief, therefore, that the planning application, in its current form should be rejected.

8.9 Bengeo Primary School

We understand that the area to the north and south of the Rickneys site was identified by the County Council in its 2007 Minerals Local Plan as a preferred area for new sand and gravel extraction. However, that plan also clearly says that planning permission for the extraction of mineral reserves will only be granted **where it is necessary to ensure that adequate supplies are available.**

Given the size of the site and its proximity to Bengeo School and to large residential areas, we urge that a first step in the Council's assessment of the application should be to rigorously challenge any assertion made by the applicant that there is a present need for sand and gravel.

Furthermore, the Minerals Local Plan is now an out-of-date document. The Council has acknowledged this and has started a replacement local plan, with the most recent step being a **Call for Sites** exercise that ran between 29 February and 10 April 2016. This Call for Sites may well produce new sites that could be better located for mineral extraction. It is generally accepted that mineral extraction sites should be chosen on the basis of their proximity to the point of use. However, with huge uncertainty over where to accommodate new housing across the County, it is too early to conclude that the Rickneys site should, based on today's circumstances, still be a 'preferred area.'

We believe therefore that the application is 'premature' and that the Council should not be making decisions on such major extraction schemes prior to the completion of the new Minerals Local Plan. On this matter of principle, we urge the Council to refuse planning permission.

9. **Planning Issues**

9.1 The planning application is accompanied by an Environmental Statement. Account needs to be taken of Environmental Information (the Environmental Statement and relevant consultation replies and any additional environmental information such as the further information) in reaching a decision on the application. The main planning issues relevant to the consideration of the application relate to:

1. The principle of mineral working at the site, need and Preferred Area
2. Green Belt
3. Transport/traffic
4. Air Quality
5. Noise/amenity
6. Landscape
7. Water
8. Ecology
9. Archaeology
10. Rights of Way

1.The principle of mineral working at the site, need and Preferred Area

- 9.2 Minerals Policy 1 in the Hertfordshire Minerals Local Plan - Aggregate supply states that planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply.
- 9.3 The County Council seeks to maintain an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment, to enable an appropriate contribution to be made to meet the region's varying needs. The landbank is defined as the stock of mineral planning permissions for the winning and working of minerals.
- 9.4 When determining planning applications for mineral extraction the County Council will take into account the following factors:-
- the existing quantity of permitted reserves of the mineral;
 - the rate at which, and the proposed timescale over which it is expected that those permitted reserves will be worked;
 - the proposed rate and timescale in the application for working the mineral deposit;
 - the existence of resources of the mineral which are identified as Preferred Areas within the Plan and which are shown as being desirably worked at an early stage of the Plan period; and
 - the particular nature and qualities of the mineral deposit concerned, such as the suitability for a particular end use not met by other available sources in the area or region.
- 9.5 The NPPF also provides a framework for decision making, stating that minerals are essential to support sustainable economic growth and our quality of life and it is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. It continues to say that when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy and that minerals planning authorities should plan for a steady and adequate supply of aggregates (para145) by:
- preparing an annual Local Aggregate Assessment based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
 - using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;

- making provision for the maintenance of landbanks of at least 7 years for sand and gravel. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites; and
- ensuring that large landbanks bound up in very few sites do not stifle competition

Landbank

- 9.6 The stock of mineral planning permissions for the winning and working of minerals is an important consideration in determining whether there is an urgent current need for minerals, or whether there is sufficient supply of minerals in the medium term. The NPPF (paragraph 145) identifies that mineral planning authorities should maintain a minimum 7 year supply of planning permissions for mineral working. The NPPG says that landbanks of aggregate supply should be used as an indicator of the security of future supply and to inform decisions as to whether to initiate a review of a minerals plan document, where the landbank falls below the minimum requirement.
- 9.7 The Minerals Local Plan acknowledges that ‘all mineral extraction will involve disturbance and harm to the area in which it takes place. Therefore, a primary consideration is whether or not there is a need for extraction to take place in order to meet the County Council’s supply policy. In considering applications for mineral development the County Council will consider the adequacy of the landbank in relation to the quantity and quality of the mineral in the context of Minerals Policy 2.
- 9.8 There are several major minerals sites in Hertfordshire currently extracting sand and gravel. As of December 2015 the Landbank equivalent figure was 9.5 years. As such the current landbank is therefore sufficient to meet the 7 year requirement.
- 9.9 In addition it has recently been resolved to grant planning permission (January 2017) for a further new sand and gravel quarry (extracting 8 million tonnes) on land at former British Aerospace (BAE) (subject to a S106) and therefore Hertfordshire’s landbank should be significantly boosted over the next 30 years.

Preferred Areas

- 9.10 The current Minerals Local Plan identifies three preferred areas for mineral working on the basis that the County Council would therefore not have to rely on a single site for meeting the future need. Preferred Areas are defined in the Plan as the locations favoured for the mineral working needed to meet the Plan’s requirements.
- 9.11 Rickneys Quarry is identified in the Minerals Local Plan as Preferred Area 2. Following a site selection process three preferred areas were

identified, the other two being, land at former British Aerospace and Tyttenhanger Quarry.

- 9.12 The notes on land adjoining Rickneys Quarry in the Minerals Local Plan states that as a specific consideration, that the working of the site would be considered as an *extension to the existing Rickneys Quarry*. The map shows an extension to both the north and south of the existing Rickneys Quarry and states that proposals will be required to include a comprehensive plan for Public Rights of Way to ensure the network is maintained and kept safe at all times. It also refers to the fact that the site overlies a large proportion of the Groundwater Source Protection Zone for the Wadesmill Road water supply bore, which is a very sensitive site in terms of potential pollution of the groundwater resource.
- 9.13 As a result of this, restoration would need to be to a lower level than existing and the proposals would need to demonstrate that there is a sufficient balance of materials to achieve the proposed restoration.
- 9.14 Most of this application site is situated within Preferred Area 2, as shown on Inset Map 11 of the Minerals Local Plan (see appendix 1.). However, there are two areas of the planning application site which lie outside of the Preferred Area boundary. These are the stockpile area (together with the proposed entrance to the quarry) and the operational area Phase 4.
- 9.15 The Minerals Local Plan intends that all new workings during the Plan period should take place within the specific sites and preferred areas identified in Minerals Policy 3.
- 9.16 Minerals Policy 3 refers to sites for sand and gravel extraction and the working of preferred areas. Specific Sites for sand and gravel extraction are identified on the Proposals Map and listed at Appendix 5. These sites are those which have a valid planning permission for mineral extraction including active sites with unworked permitted reserves and sites on which extraction has not commenced. However, other sites such as BAE where it is likely that planning permission will be granted (as there is a committee resolution to grant planning permission) will also be added to the landbank.
- 9.17 MLP Policy 3 states that proposed mineral working within the Preferred Areas defined in this Plan will be permitted only when they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with MLP Policy 3

Need for mineral working

- 9.18 It is acknowledged in the NPPF that minerals are essential to support sustainable economic growth and quality of life and therefore it is important to ensure there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The

Government requires mineral planning authorities to give great weight to the benefits of the mineral extraction when determining planning applications.

- 9.19 However, the current landbank is 13.22 million tonnes, equivalent to 9.5 years and the minimum requirement set out in the NPPF is 7 years. The recent planning permission resolved to be granted on land at former British Aerospace will extend the landbank into the medium and longer term ensuring that a supply of 250,000 tonnes per annum is extracted taking an expected 30 years to complete. As the mineral extraction of the land at former BAE would be a new quarry, the quantity of mineral available for the supply of sand and gravel in Hertfordshire would be extended significantly in future years, giving less importance to the relatively smaller quantity available from land at Ware Park.
- 9.20 The principle of mineral working at this site is therefore not considered necessary due to the existing quantity of permitted reserves in Hertfordshire.
- 9.21 In addition, the Minerals Local Plan intends that all new workings during the Plan period will take place within the specific sites and preferred areas identified in Minerals Policy 3, because allowing other sites for aggregate extraction could undermine the strategic objectives of the plan. It is considered that there are no exceptional circumstances that have been demonstrated as to why a further area (Phase 4) is required as part of this proposed minerals development and therefore that aspect is considered contrary to MLP Policy 4.

2.Green Belt

- 9.22 The NPPF (para 87) states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt (para 88). Certain forms of development, including mineral extraction, are 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 (para 90).
- 9.23 All of the proposed development on land at Ware Park would be within the Green Belt. Mineral extraction which takes place within the Green Belt is classed as not being inappropriate as long as it preserves the openness and does not conflict with the purposes of including land within the Green Belt. Certain aspects of the proposed development would however have a negative impact upon openness in the Green Belt, in particular the stockpiling area, the bunds around it and the quarry access.

- 9.24 The stockpiling area would be located on the eastern slope of the River Rib valley in a sensitive location that would be readily visible from the B158 and Public Rights of Way in the vicinity. Although it may only be required for a temporary period of time, up to 10 years, it is considered that during that period of time there would be a significant impact and openness would not be preserved. That part of the proposed development is therefore considered to be inappropriate with no very special circumstances put forward. The proposed access in that location would also impact negatively on openness with HGV traffic using it and that is also considered to be inappropriate development.
- 9.25 Likewise, the part of the proposed mineral extraction development referred to as Phase 4 is also situated on the eastern slope of the Rib valley and although more concealed than the stockpile area it would still be very visible from diverted Public Rights of Way. It is considered that this part of the proposal would not preserve openness in the Green Belt and therefore would be inappropriate development. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.26 It is particularly worth noting that that the Inspector who undertook the Inquiry on the Minerals Local Plan, specifically made reference to the land to the east of the Restricted Byway and Public Footpath as being a valued landscape and as such, requested that the PA2 boundary be drawn to the west of the Public Right of Way. Extraction of Phase 4 as put forward in the planning application would contravene that assessment and impact negatively on the openness of the Green Belt.
- 9.27 No very special circumstances have been put forward for the extraction of Phase 4 and it is therefore not considered to be an acceptable location for mineral extraction. Although great weight should be applied to the benefits of mineral extraction it is considered that the impacts on the landscape and openness in this particular location outweigh the benefits.
- 9.28 With regard to the other phases of mineral extraction in the proposal, it is considered that they are acceptable in Green Belt terms and would not impact on the openness of the Green Belt. They would therefore not be inappropriate development.

3. Transport/Traffic

- 9.29 One of the aims of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum.
- 9.30 One of the most obvious effects of mineral workings on an area is the amount of HGV traffic generated. Land at Ware Park is situated in a rural area accessed along the Wadesmill Road (B158) from its junction further

east with the A602. Wadesmill Road is predominantly rural with a scattering of residential properties situated along its route. The impact of mineral related traffic on areas of residential development should be minimised as far as possible, balanced with the fact that minerals can only be worked where they occur naturally. It is accepted that this proposal would generate up to 100 HGV movements per day along that stretch of Wadesmill Road, however using that route would avoid HGV traffic passing through the residential area of Bengo and Hertford. In terms of capacity it is considered that the route would have sufficient capacity for the number of HGVs proposed over the time period proposed when balanced against the overall numbers of vehicles that use the road.

- 9.31 Mineral Local Plan Policy 16 (Transport) states that mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development including the proposed afteruse would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment. In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Planning permission will normally only be granted for the extraction of minerals which are capable of being transported from sites via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).
- 9.32 The NPPF (para 32) requires planning decisions to ensure that developments take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It also says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.33 Hertfordshire County Council as Highway Authority requested amended information after the application was originally submitted. This information was submitted in January 2017. However, the access arrangements as shown on the amended drawing are considered unacceptable from a highway safety point of view as the proposed right turn lane conflicts with the access serving Revels Croft Farm to the north of the proposed access.
- 9.34 As requested by the Highway Authority, the applicant has carried out an assessment of the A602 Ware Road/A602 Westmill Road/Wadesmill Road/Anchor Lane roundabout. The capacity assessment has demonstrated that the junction already operates at capacity in the 2017 Base scenario and that the development traffic (which only adds 12 two-way trips on the network) has a negligible impact on the operation of the junction. However, this junction is going to be improved as part of the

proposed A602 improvement scheme which was granted planning permission in November 2016.

- 9.35 The site access arrangement as shown on the submitted plan is however unacceptable as the proposed right turn lane would give rise to conditions prejudicial to highway safety in relation to traffic accessing Revels Croft Farm. The design of the right turn lane needs to take account of the vehicular turning movements occurring at the access to Revels Croft Farm and a Stage One Safety Audit would be required in support of any revised junction layout. It is possible that the junction could be redesigned to an acceptable design, however the current submitted plan remains unacceptable and would have an unacceptable impact on highway safety and the effective operation of the road network.

4. Noise and amenity

- 9.36 A strategic aim of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept to an acceptable minimum by protecting residents from noise, dust, visual intrusion and other amenity effects of mineral extraction.
- 9.37 Minerals Local Plan Policy 18 requires 'all proposals for mineral extraction and related development to demonstrate that no significant noise intrusion will arise from the development'.
- 9.38 The NPPF (para144) requires that in determining applications local planning authorities should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 9.39 NPPF guidance is that noise levels associated with site operations at surrounding properties should not normally exceed 10dB(A) above background, subject to an upper limit of 55dB Laeq, 1 hour. Four residential properties surrounding the site were selected for the noise assessment and the figures produced, based on a realistic operating scenario show that with the plant located in the closest corner of each area and assuming all plant would be operational 100% of the time, that there would not be a significant effect.
- 9.40 The submitted Noise Impact Assessment shows that the nearest sensitive receptors would be able to meet the levels laid out in the NPPF and during operations be within 10dB(A) above background during normal working hours. Each property has been assessed individually and with the construction of bunds helping mitigate any noise produced, it is considered that as there would be no significant predicted noise intrusion as a result of the development that there should be no objection on noise grounds.

5. Air Quality

- 9.41 Minerals Local Plan Policy 18 requires all proposals for mineral extraction and related development to demonstrate that no significant degradation of the air (particularly from dust and emissions) will occur.
- 9.42 The NPPF (para 109) requires the planning system to contribute to and enhance the natural and local environment by preventing new and existing development from being put at unacceptable risk from by unacceptable levels of air pollution.
- 9.43 The potential sources of emissions to air would mainly be from mineral extraction and dust from soil stripping together with the construction of bunds and use of the haul road.
- 9.44 The main sources of dust during construction and operations relate to soil stripping and vehicles traffic on haul roads. The soil stripping operations would take place at the beginning of each Phase. Soil stripped from the subsequent phase would be used in the restoration of the preceding phase. Soil stripping is a temporary operation which typically lasts for a limited number of weeks in each year. On mineral sites dust is managed by only stripping soils when they are in a dry and friable condition. Truck mounted water bowsers are used to dampen haul roads. Soil bunds are grass seeded to prevent wind erosion.
- 9.45 The working of the mineral deposit at the quarry face would not be expected to generate dust due to the mineral being damp in its natural state. Sand and gravel from mineral workings does not become airborne other than in conditions of exceptionally high wind. The stockpile area would be sheltered by a bund and it is not proposed to process mineral at this site, it would either leave in its as dug state or would be dry screened.
- 9.46 With regards to air quality from vehicle exhaust emissions, the number of HGV movements (100 per day) to and from the site is considered relatively low compared to overall levels of traffic in the area.
- 9.47 An Air Quality Assessment (AQA) has been undertaken for this proposal as Hertfordshire County Council raised concern about the links between emissions of PM10, PM2.5 and human health. Following the submission of the AQA, with reference to pollutants, HCC Public Health advises that appropriately located monitoring for the lifetime of the site operations should be required. There would also need to be mitigation measures if these thresholds are exceeded.
- 9.48 The AQA report was considered, for the most part, to be thorough and clear in its methodology, however there were two key issues for concern.

It does not recognise PM2.5 which can be linked to adverse human health. The EC Directive limit value for PM2.5 is 25µg/m³ as an annual mean average. From a health perspective it is considered that there is no safe level of PM2.5, although it is accepted that these particles are present in varying levels in the environment.

- 9.49 The screening exercise identified a range of human health sensitive receptors, including Bengoe Primary School and the subsequent assessment suggested that the impacts were not significant. It should be noted that there has been a very large volume of letters submitted to the County Council with concerns (amongst others) on this point.
- 9.50 The issue regarding PM10 has been referred to Public Health England for their scientific advice and (at the time of writing) we are waiting a response. It is still considered that a proper Health Impact Assessment should be undertaken and that the AQA should explicitly consider the issue of PM2.5 whether by way of revising the existing report or producing a further supplementary report. The conclusion on PM10 should be further examined to determine how robust it is.
- 9.51 Given the response from HCC Public Health and their request to receive further scientific advice from Public Health England, it would seem at this stage that advice is not conclusive that there would not be an unacceptable risk from unacceptable levels of air pollution, and without that evidence it would be inappropriate to recommend approval on this issue.

6.Landscape

- 9.52 The strategic aim of the Minerals Local Plan is to ensure sensitive working, reclamation and aftercare practices so as to preserve or enhance the overall quality of the environment and promote biodiversity by protecting and enhancing the County's landscape quality and seeking landscape improvements from extraction and restoration.
- 9.53 Minerals Policy 12 requires all proposals for mineral extraction and related development to take account of existing and, where appropriate, historic landscape character and maintain its distinctiveness. Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features. Development proposals will be expected to respect landscape character both during operations and in proposals for reclamation; ensure that any distinctive landscape features are protected from the impact of development; and be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.
- 9.54 The County Landscape Officer raises concerns with regards to the negative landscape and visual impacts

Restoration and Afteruse

- 9.55 The strategic aim of the Hertfordshire Minerals Local Plan 2007 is to ensure sensitive working, reclamation and aftercare practices so as to preserve or enhance the overall quality of the environment and promote biodiversity where appropriate by:
- ensuring best practice at all times in the working and restoration of mineral sites
 - securing the prompt restoration of mineral extraction sites to suitable beneficial afteruses;
 - seeking appropriate environmental improvements from mineral working and restoration;
 - safeguarding valuable landscapes, protecting and enhancing landscape quality, seeking landscape improvements from extraction and restoration;
 - facilitating the improvement of derelict land or land previously worked for minerals; and
 - increasing public access (where appropriate), sensitive restoration and enhancing the amenity value of the land.
- 9.56 In the achievement of these aims:
- landscape character must be taken into account in selecting sites and in determining appropriate restoration land uses; and
 - landscaping should be considered as an integral part of any scheme for mineral working and restoration;
 - In designing final restoration schemes account should be taken of the current and any historic landscape character.
- 9.57 Minerals Policy 13 states The County Council will not allow land worked for minerals to become derelict or remain out of beneficial use. All applications for mineral workings must be accompanied by a detailed, comprehensive proposal for progressive reclamation wherever practical. The proposed restoration and afteruse must be integral with the design of the proposed workings as a whole, irrespective of the proposed afteruse.
- 9.58 The County Council will refuse applications for mineral working if:
- i) there are no proposals for restoration, afteruse and a programme for aftercare covering a five year period; or
 - ii) the proposed form of restoration or afteruse is inconsistent with the landscape character of the area or would involve detrimental environmental impact, including the impact on the highway network; or
 - iii) the proposals, although feasible, are considered unlikely to occur within a reasonable timescale; or
 - iv) the details of the proposal for restoration (and, where appropriate, aftercare) are considered to be inadequate; or

- v) satisfactory arrangements have not been concluded by the applicant to secure effective control over the site for restoration and aftercare purposes
- vi) the applicant is not able to demonstrate that the site will be satisfactorily reinstated.

- 9.59 It is considered that the operational stage of the proposed mineral working in Phase 4 would result in significant negative landscape and visual effects due to the erosion of the distinct transition between the plateau edge and the valley slopes, and its impact upon views from byway 1, Wadesmill Road, and from across the valley to the east.
- 9.60 At the restoration stage, the proposed final landform would also result in significant negative landscape and visual effects due to the erosion of the distinct transition between the plateau and valley side, and the creation of linear and curved raised area that interrupts the consistent valley slopes and views from the byway.
- 9.61 The proposed site access/facilities/stockpile area is not supported and it is considered that the operational stage would result in significant negative landscape and visual effects due to the interruption of the sloping valley side and the removal of a substantial length of established roadside vegetation, and its impact upon views from the byway, Wadesmill Road, and from across the valley to the east.
- 9.62 In conclusion, whilst the principle of minerals development may be established within working phases 1- 3 due to their location within the Preferred Area, the proposed development overall is not supported in landscape and visual terms due to the significant negative landscape and visual effects that would result due to the location of the site access/facilities/stockpile area, and the proposed operations and restoration of working phase 4. It is therefore considered that from a landscape point of view the proposal conflicts with Minerals Local Plan Policy 12, 13, 18 and the NPPF.

7. Water and Flood Risk

- 9.63 The planning application site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) relating to Wadesmill Road Pumping Station. This pumping station is used for public water supply, comprising a number of chalk abstraction boreholes operated by Affinity Water Ltd.
- 9.64 Site visits have taken place with the applicant and Affinity Water and it has been agreed that if planning permission is granted that action would be taken to repair the observation borehole 1A. This borehole is located in close proximity to Wadesmill Road Pumping Station and its current condition has the potential to open up a pollutant pathway directly to the chalk aquifer.

- 9.65 Therefore, subject to requirement that certain hydrogeological works take place if permission is granted, then there is no objection from either Affinity Water or the Environment Agency. If the works required do not take place prior to commencement of development then it is considered that there would be a potential risk for contamination of a public water supply.
- 9.66 The Environment Agency concurs with the above view and recommends that conditions (requiring a long term groundwater monitoring programme), including a maintenance plan for the boreholes if permission is granted. Without the proposed conditions, the Environment Agency advises that the proposed development would pose an unacceptable risk to the environment and they would object.
- 9.67 A large number of representations have been received in relation to concerns about the water supply. Local people are so concerned about the *threat* to the water supply that they consider that is enough in itself to withhold planning permission as prevention of the possibility of contamination should be the solution not monitoring. Comments have been submitted suggesting that in order to fully assess the obvious risks to the water supply posed by the proposed quarrying there should be a sufficiently accurate survey of the geology of the field first to assess the risks.
- 9.68 The Mineral Planning Authority has to take its advice from the statutory consultee, the Environment Agency and accept the expert advice given which is that if permission is granted, conditions should be applied. There is therefore no objection raised from a water supply point of view.

Flooding

- 9.69 The Lead Local Flood Authority raises no objections and considers that the Flood Risk Assessment submitted with the application is acceptable and suggests a number of pre-commencement conditions on drainage details to be applied if planning permission is granted.

8. Ecology

- 9.70 Minerals Policy 9 requires proposals for mineral development to provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. The minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means such as by the attachment of conditions or planning obligations.
- 9.71 The NPPF (para109) states that 'The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity..'

- 9.72 The NPPF also requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications, 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;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged
- 9.73 The Woodland Trust has raised concern about the proximity of the proposed mineral development, Phase 4 and part of Phase 3 being too close to St. John's Wood. However the County Ecologist considers that an appropriate buffer could be achieved. This could be via a condition if permission were to be granted.
- 9.74 Hertfordshire County Council Ecology did originally raise concerns. However after consideration of the further information submitted is of the opinion that the principle concerns have now been met.

9. Archaeology

- 9.75 An archaeological evaluation of the planning application site was undertaken in 2014-2015. This evaluation comprised a geophysical survey of the site and a programme of trial trenching. The reports from that work were submitted by the applicant in the Environmental Statement.
- 9.76 The archaeological investigations identified significant archaeology, particularly with the identification of an early-mid 1st century A.D. enclosure at the north-western end of the site and new evidence of Late Mesolithic/early Neolithic activity. The finds from the former suggest high status occupation. The geophysical survey and trial trenching have therefore demonstrated that significant archaeological remains are present on site which would be likely to require a programme of open area excavation.
- 9.77 The proposed development is such therefor that it should be regarded as having an impact on below-ground heritage assets of archaeological interest which will require mitigation via a detailed programme of archaeological work. It is therefore recommended that if permission is granted that a substantial set of provisions are met, to include excavation and assessment of certain areas and analysis of results with potential future production of report. It is considered that these recommended provisions closely follow the thrust of recommendations in the NPPF.

There is therefore no objection from an archaeological point of view, subject to the addition of three conditions if permission is granted.

10. Rights of Way

- 9.78 Another aim of the Minerals Local Plan is to ensure that the quality of the environment continues to maintain and enhance quality of life for local communities as well as contributing to the wider economic development in the County. It is therefore necessary to ensure that mineral extraction takes place in a planned and orderly fashion, whilst minimising any adverse environmental effects.
- 9.79 In that regard, Minerals Local Plan Policy 18 requires that all proposals for mineral development should ensure that public rights of way are not adversely affected or, where this is not possible, that good quality, safe and convenient temporary alternative provision is made and long term reinstatement or suitable replacement rights of way is secured. The use of rights of way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of rights of way users can be adequately protected. Proposals should enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access.
- 9.80 A restricted byway and public footpath crosses the centre of “Bengeo Field”. This route forms the eastern edge of the main areas of proposed mineral working (phases 1-3). The route links the settlements of Bengeo and Chapmore End and is well used by local people both recreationally and for health walks and links into other adjacent areas that are also well used such as Sacombe Road and Waterford Heath. The byway is “restricted” which means that it is available for use by the general public in non-motorised vehicles, in addition to those categories of use covered by a bridleway. In addition there is another public footpath (FP Hertford3) which bounds the site to the north west.
- 9.81 Hertfordshire Rights of Way objects to the proposed development due to the adverse impact that would occur to local rights of way. Reference is made to the Inspector’s report on the Hertfordshire Minerals Local Plan Review which stated that the restricted byway and footpath 1 was such an important route that the land under it and the land to the east of it should not be included in any minerals development. This route is still considered as important, if not more so today and this is corroborated by the large number of representations that the County Council has received from local people.
- 9.82 It is considered that the proposed temporary diversions would severely affect the restricted byway, in that they would represent a considerable lengthening of the distance covered by users and a reduction in enjoyment, especially as views across the valley would be restricted or limited to quarry views of stockpiles etc. These alternative routes would

not be convenient and therefore they would be contrary to Minerals Local Plan Policy 18.

- 9.83 Although a permissive footpath is proposed alongside the B158 road for the duration of the mineral extraction, no new permanent definitive routes are proposed to compensate for the public's disturbance of their enjoyment of the current definitive route. This is also contrary to the Minerals Local Plan policy 18 as it requires development proposals to enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access. It is therefore considered that the proposal is not acceptable from a rights of way point of view.

10. Conclusion

- 10.1 The land to the south of the planning application site is shown in the East Herts District Plan (pre-submission version) as a possible housing site for 150 houses. The applicant considers that as the mineral abuts the residential development it should be extracted first. This is to avoid any unacceptable impacts on future residents that therefore the mineral in this site would need to be extracted independently of Rickneys Quarry, which is sited to the north. The application describes this as a reason for the proposal being developed, and to avoid sterilisation. It is considered that limited weight should be given to this issue as the Plan has not yet been adopted and the housing site may not come to fruition.
- 10.2 This application site (predominantly Preferred Area 2) is referred to in the Hertfordshire Minerals Local Plan as "land adjoining Rickneys Quarry". The plan states that the "working of this site would be considered as an extension to the existing Rickneys Quarry" and that the Preferred Area boundary excluded all land to the east of the main north-south rights of way. The footpaths are also excluded from the Preferred Area. (N.B this was a modification required by the Inspector following the inquiry). Minerals Policy 3 concludes that mineral working will only be permitted when the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps. The proposal does not fulfil these as it includes areas outside of the Preferred Area which had been specifically excluded as a Preferred Area and also is not being worked as an extension to Rickneys Quarry (including requiring a separate and new plant site and access). It does not safeguard areas of ancient woodland and does not include a comprehensive plan for Public Rights of Way to ensure that a network is maintained and kept safe at all times. The proposal is therefore contrary to policy 3 of the Minerals Local Plan.
- 10.3 The planning application site has been submitted with two additional areas of land to the east of the right of way which traverses the site which are outside of the Preferred Area. Adding these two additional parts to the site would have a direct adverse impact on rights of way in the area and is contrary to the Inspector's conclusions and the

modifications which led to the Preferred Area being drawn up on the area of land shown in the Hertfordshire Minerals Local Plan. Hertfordshire Rights of Way raises an objection to the application as the proposal is contrary to Minerals Policy 18 as not only would public rights of way be adversely affected, but it has not been demonstrated that good quality, safe and convenient temporary alternative provision would be made for the duration of the development. During the duration of works the footpath would cross the route of haul route from operational areas to the stocking and plant site area. In phase 4 the Byway would need to be diverted. The temporary route is not direct and would add significantly to the length of the footpath. In addition the restored route of the footpath would be changed in elevation. It is considered that the proposal does not demonstrate that the public rights of way are not adversely affected or that good quality, safe and convenient temporary alternative rights of way are secured and the proposal is therefore contrary to policy 18 on the Minerals Local Plan.

- 10.4 It is considered that the minerals development of the area within the proposed boundary including land to the east of Byway 1, would also have a significant negative impact on the health and well-being of the local community as the proposed development with its impacts on local rights of way would adversely affect the current healthy living environment which is well used by so many from the adjacent urban area. Planning guidance in the NPPG and NPPF as a core planning principle states that where possible developments should include making physical activity easy to do and create places and spaces to meet to support community engagement. This proposal would be detrimental to the current environment used by many people.
- 10.5 The site is situated within the Metropolitan Green Belt. The NPPF states that mineral extraction can be appropriate development within the Green Belt providing it preserves openness. However, the stockpile area and vehicular entrance to be used by HGVs comprises an area that would not be extracted and would be developed for up to ten years. This area would contain stockpiles, processing plant and access road and associated activity. This area is would be visible from the B158, Byway 1 and wider views across the valley and would encroach into the countryside. The proposal also uses bunds to screen the development from adjoining areas. Whilst these bunds may have a benefit if mineral working were to take place they affect openness and are visible from many public view points. Therefore openness is not preserved. The proposal is therefore inappropriate development within the green belt and inappropriate development is by definition harmful to the green belt. Very special circumstances are required that clearly outweigh the harm to the green belt and any other harm before planning permission could be granted. The very special circumstances are the benefits of mineral extraction and the stated avoidance of sterilisation. The sterilisation as discussed within the report is not given great weight due to the early stage of the East Herts plan. The NPPF says that great weight should be given to the benefits of minerals extraction however this needs to be

balanced against harm to the green belt and any other harm. The inappropriate development of the stocking and plant area and perimeter bunds which impacts upon openness is given significant weight. The 'any other harm' includes impact upon landscape, transport, air quality and rights of way. The harm to the green belt and any other harm are given more than great weight. Therefore planning permission should be refused as the very special circumstances do not clearly outweigh the harm to the green belt or any other harm. The proposal is therefore contrary to the NPPF, paragraph 87, 88 and 90 and policy GBC1 of the East Herts Local Plan.

- 10.6 The proposal would have significant detrimental impact upon the landscape. The operational development of phase 4, as confirmed by the County Council's Landscape Officer would have a significant landscape and visual impact. The restoration of phase 4 would also result in significant negative and visual impacts. The site access/facilities and stockpile area, including hedgerow removal during operations and the retained access post restoration would have significant negative landscape and visual impacts. The proposal is therefore contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
- 10.7 Amended details have been submitted in relation to highways. Hertfordshire County Council as Highway Authority objects to these details and considers that the design as submitted would be unacceptable from a highway point of view. The proposed right turn lane conflicts with the access serving Revels Croft farm to the north of the proposed access. In addition, it is considered that the introduction of a constructed access for HGVs in that location would be harmful to the openness of the Green Belt and landscape as would the stockpile referred to earlier. The proposal would therefore be contrary to policy 16 of the Minerals Local Plan.
- 10.8 There have been many objections to the application from the local community, many of whom are seriously concerned about impact on air quality as a result of the quarrying take place in close proximity to a school and residential area. Hertfordshire County Council Public Health Department has confirmed that although further information has been submitted by the applicant on air quality, it is not sufficient to alleviate concerns, particularly with regard to the impact from PM10. The further information also does not consider the impact of PM2.5. It is therefore considered that a proper Health Impact Assessment would need to be undertaken before agreeing that the development should be approved on air quality grounds. In the absence of such an assessment, it is considered that planning permission should be refused on air quality grounds. The proposal would be contrary to policy 18 of the Minerals Local Plan.
- 10.9 The proposal would contribute to the landbank, however the landbank is currently over the minimum required. The NPPF says that the landbank for sand and gravel should be at least 7 years, and this is met with the

current landbank of 9.5 years. The policies of the Minerals Plan say that permission should only be forthcoming when the proposals contribute to maintaining the landbank. Whilst the proposal would help maintain the landbank they are not necessary currently to keep this above the minimum 7 years and this needs to be weighed against the impacts of the development

10.10 Concluding, it is recommended that the Chief Executive and Director of Environment should refuse planning permission as considered above and for the reasons set out below;

1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds, stockpiling area and plant including associated activity would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances of benefits of mineral extraction and potential avoidance of sterilisation do not clearly outweigh the harm to the Green Belt and any other harm, including harm to landscape, transport and access, rights of way, air quality and health. This is contrary to the NPPF and Policy GBC1 of the East Herts Local Plan 2007.
2. The proposal would have significant detrimental impact upon landscape, these include the significant negative landscape and visual impacts from phase 4 both operational and the restored landform, the significant negative landscape and visual impacts from the stockpiling area, plant and site access (including the loss of hedgerow associated with the new access). This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
3. The proposed access shown on Drawing No 131124/A/04 C would conflict with the existing access serving Revels Croft Farm and would be unacceptable in highway terms. The proposal would therefore be contrary to policy 16 of the Minerals Local Plan and paragraph 32 of the NPPF.
4. The proposal has not demonstrated that the development would not have detrimental impact upon air quality, particularly PM10 and PM2.5 and this has not been assessed via a Health Impact Assessment. Therefore the proposal is contrary to policy 18 of the Minerals Local Plan and paragraph 109 of the NPPF.
5. The proposal would have a negative impact upon the existing rights of way and users of these rights of way that cross the site. The proposal would impact the rights of way including, crossing of the right of way by the haul road and the diversion of the right of way for working of phase 4. This would conflict with policy 18 of the Minerals Local Plan as the proposal does not ensure that the rights of way are not adversely affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the

network of public rights of way is made. This is contrary to Policy 18 and Policy 3 of the Minerals Local Plan.

6. The proposed development includes land within Phase 4 and the stockpiling and plant site area, land adjoining Sacombe Road and the Wick/ The Orchard, all of which are outside of the Preferred Area within the plan. The development is also not proposed to be worked as an extension to Rickneys Quarry. This is contrary to Policy 3 of the Mineral Local Plan that requires proposals to satisfactorily fulfil the requirement of the proposals for the preferred area identified on the inset maps.

Documents referred to preparing this report

The planning application documents and Environmental Statement;

The Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007

The East Herts Local Plan

Hertfordshire Waste Core Strategy & Development Management Policies DP

2011-2026 Adopted November 2012

Hertfordshire Waste Site Allocations DPD 2011 2026 Adopted July 2014

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Town and Country Planning (Development Management Procedure) (England) Order 2015

The Hertfordshire Green Infrastructure Plan 2011.

Appendix I

East Herts Environmental Health recommended conditions:

1. Best practicable means shall be employed to minimise the noise generated by the operations hereby permitted. The means shall include but may not be limited to those listed below:
 - a) All vehicles, plant and machinery used on the Site shall be operated with closed engine covers;
 - b) All engines shall be fitted with effective silencers which shall be regularly maintained in accordance with manufacturer's instructions; and
 - c) All vehicles required to be fitted with reversing alarms shall be fitted with broadband 'white' noise reversing alarms or other suitable non-audible reversing aids and these shall be maintained in accordance with the manufacturer's recommendations and specification.
2. Site attributable noise shall not exceed the noise limit at the noise monitoring locations shown in the table below, other than temporary operations associated with the stripping and replacement of soils, and the construction and removal of screen mounds. Any such temporary operations shall not exceed 70 dB $L_{Aeq, 1 \text{ Hour}}$ (free field) at the locations listed below and the total duration of any such temporary operations shall not exceed a total of 8 weeks in any calendar year.

Noise Monitoring Location	Freefield Site Noise Limit $L_{Aeq, 1 \text{ hour}}$ [dB]
Sacombe Road	52
Waterworks Cottage	55
The Orchard	50
Glenholm	53

3. 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.

4. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing no operations, other than water pumping, environmental monitoring, shall be carried out at the site except between the 07.00 hours and 18.00hrs Monday to Friday and 07.00hrs and 13.00hrs Saturdays; and at no times on Sundays or Public Holidays
5. No HGV's shall enter or leave the site except between the hours of 07.00 hours and 18.00hrs Monday to Friday and 07.00hrs and 13.00hrs Saturdays; and at no times on Sundays or Public Holidays unless the Mineral Planning Authority has agreed otherwise in writing.
6. Before any site preparatory works commence, the site access road shall be hardened to ensure smooth running surface free of pot holes and shall be maintained at all times until completion of site restoration and aftercare.
7. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
8. No mineral extraction shall take place until wheel cleaning facilities have been installed, in accordance with details of design, specification and position which shall have first been agreed in writing with the Mineral Planning Authority. The agreed facilities shall be available in full working order for use at all times.
9. The surface of the internal access road between the wheel washing facility and the public highway shall be metalled, drained and kept clear of debris throughout the life of the site.
10. No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved by the Mineral Planning Authority. The scheme shall include inter alia:
 - (a) The suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site;
 - (b) Dust suppression on haul roads including speed limits
 - (c) Provision for monitoring and review of the scheme
 - (d) Details of complaint management and response.

Such a scheme shall be implemented and complied with at all times.

The Environment Agency response including recommended conditions:

Condition 1

The development hereby permitted shall not be commenced until such time as a scheme for the following has been submitted to, and approved in writing

by, the local planning authority. The scheme shall be implemented as approved.

1. A long-term groundwater monitoring programme (including maintenance plan for the groundwater boreholes) in respect of contamination and turbidity, including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority.
2. Groundwater monitoring reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

Reasons: To protect groundwater from pollution. The site lies in our most sensitive groundwater protection area in a Source Protection Zone 1(SPZ1). Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 2

No Controlled Waste defined by “The Controlled Waste Regulations 2012” or Extractive Waste defined by “The Environmental Permitting Regulations 2010” (as amended) can be imported to the site for reuse, processing, recovery or disposal.

Reasons: to protect groundwater. The site lies in a highly vulnerable groundwater area within a SPZ1. Imported waste can contain contaminants which could pose a risk to controlled waters.

Condition 3

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

Reasons: to protect groundwater. No site investigation fully characterises a site. Not all of the site area was accessible during the investigations to date.

Condition 4

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it

has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: to protect groundwater. Infiltration through contaminated land has the potential to impact on groundwater quality.

Condition 5

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: to protect groundwater from pollution. The site lies in our most sensitive groundwater protection area in a Source Protection Zone 1 (SPZ1). Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment.

Air quality advice for County Planning Authority

Dust and Particulates

Although we now have a strategic duty relating to air quality, we do not have a duty to comment on this matter within the planning process. However we feel that it is relevant and necessary to raise our concerns when commenting on this particular planning application. Therefore in principle we would recommend that the Planning Authority look to impose conditions that make this development, wherever possible, air quality neutral.

The site is located in an area that has been the subject of significant concern to us with regards to air quality. In particular, there already are high levels of airborne particulate pollution (PM10) and Nitrogen Dioxide (NO2) in the area and we feel this proposed development has the potential to contribute to the poor air quality in the area if robust abatement measures and management systems are not put in place.

We advise that robust conditions are placed on any permission granted to aim to address the air quality issues. The issues that we recommend that you address by planning conditions (if permission is granted) are: **Mineral**

Screening

This activity can give rise to dust and noise beyond the site boundary if it is not carefully located and managed. It is critical that modern plant is used and maintained at a high level to minimise impact to the environment and human health.

Road Sweeping

In 2008 and working in partnership with TfL we used contractors to carry out a study into the monitoring data at the Horn Lane area of Ealing. This study was to determine the most effective abatement measure to reduce dust emissions. The study showed that an increased frequency of road sweeping removed dust particulates and therefore reduced the risk of re-suspension of the particulates. As a result we consider that it is advisable that the planning

permission should include a requirement that the public highway and the private haul road are swept by a high efficacy road sweeper on a daily basis.

Road Surfaces

We strongly recommend that site roads which are used on a daily basis are constructed of impermeable concrete or bituminous material or other easily cleaned surfaces to reduce PM10 emissions. A spine drain down the middle of road or impermeable surfaced area with short hard standing roads branching off it, will minimise the potential for PM10 to be generated. We support a maximum site speed limit of 10mph which will also help reduce the risk further.

Wheel Washing

The same 2008 report showed that wheel washing helps reduce mud and debris from escaping the site and reduce the re-suspension of dust from vehicles passing over it. A lack of space on sites can mean traditional wheel-wash systems are not always possible but smaller systems, designed to clean a single axle at a time are readily available. Please note a trough (bath) and/or spinner is not an acceptable alternative. It would be consistent with other businesses in the waste management sector to install and operate a wheel-wash and ensure use by all vehicles using the site. The GLA's draft guidance in "The Control of Dust and Emissions During Construction and Demolition" also recommends the use of wheel washers. **Vehicle and Plant**

Emissions

We recommend that the GLA's guidance in "The Control of Dust and Emissions During Construction and Demolition" on non-road going machinery are imposed as a planning permission condition for the life of the site. As the site is sensitive for NO2 emissions we recommend that the Tier 3b standard is required for all NRMMs on site and only vehicles rated to Euro5 and Euro6 emission standard are permitted to use the site.

Reducing Vehicle Idling

We recommend that the GLA's guidance in "The Control of Dust and Emissions During Construction and Demolition" on vehicle idling is imposed as a planning permission condition for the life of the site. **Construction**

Logistic Plans

We recommend that the GLA's guidance in "The Control of Dust and Emissions During Construction and Demolition" on construction logistic plans are imposed as a planning permission condition for the life of the site. **Diesel or Petrol Generators**

We recommend that the GLA's guidance in "The Control of Dust and Emissions During Construction and Demolition" on diesel or petrol generators are imposed as a planning permission condition for the life of the site. **Chutes, conveyors and skips**

As the site involved chutes and conveyors we recommend that the GLA's guidance in "The Control of Dust and Emissions During Construction and

Demolition” on chutes, conveyors and skips are imposed as a planning permission condition for the life of the site. **Covering Vehicles**

We recommend that the GLA’s guidance in “The Control of Dust and Emissions During Construction and Demolition” on covering vehicles serving the quarry and landfilling operations are imposed as a planning permission condition for the life of the site.

Advice on use of dust suppressants

Using chemical dust suppressants can offer significant reductions in the level of dust and particulates produced in an area. They should not be used in isolation but form part of a comprehensive strategy to control dust at source. A targeted strategy using chemical dust suppressant can achieve up to 36% reduction in the level of dust and particulates escaping from dusty activities. As a result we advise that the GLA’s guidance “The Control of Dust and Emissions During Construction and Demolition” on dust suppressants are adhered to and that the applicant should be required to comply with this guidance by a suitable planning condition for the life of the site.

Hertfordshire Ecology

Over a period of up to 15 years, this proposal anticipates the extraction of 2.6 million tonnes of sand and gravel from a 36.1ha site north of Bengeo in a series of phased workings from south to north. Although currently dominated by arable farmland, the application site lies immediately adjacent to the Waterford Heath Local Nature Reserve (LNR), and the ‘St John’s Wood, Rickneys Quarry’ and Waterford Heath (North & South) Local Wildlife Sites (LWS). These represent components of national and county-wide networks of protected areas, respectively; St John’s Wood LWS also supports ancient woodland, a feature listed on s41 of the NERC Act as a habitat of principal importance and identified by the NPPF as an irreplaceable resource. The application is accompanied by an Environmental Statement (ES) and an Ecological Appraisal (DK Symes/Liz Lake Associates November 2015) which incorporate the (complete or summarised findings of) bat, badger, botanical and reptile surveys dating back to 2013. In brief, these conclude that the implementation of mitigation measures (including, *inter alia*, woodland and hedgerow creation, the installation of bat boxes and bespoke measures to safeguard badgers and bats) would remove ecological constraints from the application. It anticipates that the mitigation plan will ‘...enhance the network of habitats present in and around the site in the long term’ (s1.1.1). However, these documents contain shortcomings in terms of the site description, impact assessment and mitigation and this conclusion cannot yet be substantiated. Initial thoughts on these issues are provided in turn below but further information will be required before definitive views can be provided. Note that paragraph numbers refer primarily to the ecological appraisal; references to paragraph numbers in the ES are preceded by ‘ES’. Site description: I have no reason to doubt the suitability or outcomes of the bat, habitat and reptile surveys. However, the absence of a farmland bird survey is surprising. Both summer and winter populations of these characteristic species, including many of conservation concern, have

experienced enormous declines in recent decades. *Ad hoc* observations (s2.3.21) confirm the presence of 'red list' species on the site but cannot be relied upon to inform a valid assessment of the importance of the site or otherwise. The claim (s2.3.1) that arable farmland 'is generally unsuitable for most statutorily protected or other notable species' cannot be justified at this stage. Similar comments can apply to the presence of brown hares (also listed on s41 of the NERC Act), confirmed on site via casual observations with no further attempt to substantiate this.

In addition, whilst there is no reason to doubt the description of the adjacent badger sett, there is no evidence to suggest that efforts were made to explore their use of the arable fields for foraging or whether this social group also utilised outlier and subsidiary setts, or indeed, if other social groups occupy territories nearby (s2.3.3). Whilst additional, future surveys proposed will aid understanding of this sett throughout the life of the project, the existing uncertainty requires action now. Policy and best practice clearly advocate that decision-makers must be aware of the biodiversity value of a development site prior to determination yet at present, it is clear that either considerable gaps in the knowledge base of the site remain or that insufficient evidence has been put forward to explain why further survey is not required. This requires remedy before this application can be determined.

Impact assessment

Best practice encourage that specific guidelines are followed to enable consistent analysis and evaluation, yet no reference to established industry standards is made here. Furthermore, other than in bespoke species surveys there is no reference to published literature to support the outcomes made. This casts doubt on the outcomes.

This is compounded by the shortcomings of the site description which means there is reduced confidence in the modest impacts predicted for badgers, farmland birds and hares (s4.1). This is then further compromised by the lack of a clear description of the physical parameters of the proposed development to inform the impact assessment exercise. More specifically, whilst groundwater impacts have been reviewed, uncertainty surrounding the impact the depression would create on surface and sub-surface flows within the adjacent woodland (and possibly other habitats as well) requires further scrutiny; indeed, the need for hydrological review was highlighted in the ecological appraisal (s4.1.13) but does not appear to have been pursued. Whilst direct losses of woodland and hedgerow are likely to be modest, without further hydrological studies, adverse, indirect effects on adjacent protected areas cannot be ruled out (s2.2.8). As they currently stand, these issues not only undermine attempts to evaluate the impacts in terms of local and national policy, especially the ancient woodland, but also compromise the design of the mitigation strategy. This is illustrated by the suggestion that artificial recharge is adopted (s4.1.13) to ameliorate unquantified hydrological impacts; this is not a sustainable solution and is not appropriate for an irreplaceable habitat.

Furthermore, the arguments to suggest that dust will not threaten adjacent, ancient woodland are not compelling. For example, whilst it is reasonable to presume that prevailing winds may well reduce the threat to habitats to the west of the site, this same factor will only increase the threat to the ancient woodland to the north. Elsewhere, other explanations lack consistency or explanation with, for instance, dust dismissed as a threat as a consequence of the high moisture content of the deposit whereas impacts on groundwater are also dismissed as the deposit is dry (ES s6.2.7).

Conversely, the suggested need to obtain a licence from Natural England to allow the felling of a possible bat roost with only one record of an emerging bat in 2013 (s2.3.8) seems very precautionary when additional survey may more accurately determine the best course of action.

On the basis of existing information, the modest impacts suggested (s4.1) cannot be relied upon and both direct and indirect, adverse effects on protected sites, species and habitats cannot be ruled out.

Mitigation

Shortcomings described above make it difficult to accept the mitigation measures suggested and claims that additional measures are not needed (s4.2.9) cannot, at present be accepted.

For example, the ability of the 20m buffer to prevent harm arising to the protected sites, especially the ancient woodland, from dust or from changes in surface drainage cannot be determined with the necessary certainty especially given that the exact width is confusingly described (s4.1.13). Similarly, it is insufficient to simply rely on the basis that it exceeds the 15m minimum suggested by Natural England; each case must be determined on its own merits and is very dependent on the type and intensity of the adjacent land use.

Both policy and best practice clearly advocate the delivery of biodiversity gain from development yet here, the restoration proposals promote a predominantly agricultural afteruse (s4.2.10 and Plan Nos.1217/CO/1, 1217/PO/1 and 1217/R/1). Little evidence is provided to support this approach and although biodiversity gain is claimed, prospective benefits are few and challengeable, and casual claims to provide 'wildlife links' remain unjustified (21.1.1 & 4.1.16).

For example, proposals for the establishment of calcareous grassland creation in and around the balancing pond are not compelling (s4.12.5), and the composition of wildflower grass mixes is not specified. Elsewhere, hedgerow creation and the creation of woodland glades might be more appropriate, yet tree planting, immediately adjacent to the existing ancient woodland (s6.2.8), could place the existing woodland edge in shade and destroy its light-demanding communities rather than enhancing them (s4.1.8). This unnecessary replacement of an existing, ancient woodland edge (identified to be of high regional value (s3.3.4) with a newly created

and far less diverse one is unnecessary and unacceptable; a more effective option would be to simply create a wide ride between the old and the new that would retain the existing communities and provide new opportunities for others. However, even the proposed species composition remains undefined (s4.2.10) and only a three-year aftercare period (five years in the ES) is proposed (s4.2.2); this is inadequate when establishing 'semi-natural' habitats.

Furthermore, the area of woodland created appears to be more a reflection of the finished landform and the difficulties of farming slopes on land 'too steep to cultivate' (s4.12) than a considered approach to delivering biodiversity gain. Similarly, there is insufficient evidence provided to justify the erection of eight bat boxes (s4.2.5) in an area with only modest bat populations. A more appropriate solution might simply be to establish better foraging habitat for bats across the landholding.

In addition, the inclusion of 43 pages of data derived from the HERC within the appendix is confusing and unhelpful as it does not appear to inform any aspect of the appraisal. It should either be removed or evaluated.

Even within these constraints, however, the proposed development still provides enormous potential for delivering biodiversity gain which would better meet the aspirations of national (the NPPF) and local policy but which could, importantly, also continue to form part of a commercial farming enterprise. This could take the form of an alternative, more appropriate mitigation strategy that would embrace elements of the existing proposals such as new woodland and hedgerow creation, expand these to protect, enhance and manage adjacent woodland and draw on best practise elsewhere to adopt more extensive, but still commercially viable, arable farming practices to provide real and sustainable gains in biodiversity. Taking these in turn, the following measures, described in the briefest of details, should be considered:

Woodland:

Woodland and hedgerow creation should comprise appropriate species of local provenance, possibly drawn from seed from the neighbouring woodlands. The extent of these new features should be designed to complement the current woodlands, maintaining existing edges, rides and glades. All should benefit from a prolonged, bespoke management regime that is not dependent on agricultural practice. This could usefully be extended beyond the red line boundary to incorporate the management of existing woodland in the LNR and LWS, in other ownerships, with the aim of improving their conservation status and improving their resilience to the indirect effects of extraction.

The County Landscape Officer comments

The proposed extraction phases 1, 2 and 3 are located within 'Preferred Area 2.'

This policy states that there should be specific consideration for the following:

- The site as an extension to the existing Rickneys Quarry
- Buffer zones to properties
- Advanced planting
- Phased working
- Protection of ancient woodland
- Archaeological interest
- Provision of safe public rights of way network
- Ground water protection zone
- Sufficient balance of materials for restoration

Minerals Policy 4 – Outside Preferred Areas

The proposed extraction phase 4 and the site access/facilities/stockpile area are located outside the preferred area. This policy states all proposals will need to satisfy the relevant policies of the Minerals Local Plan.

Minerals Policy 12 – Landscape

All mineral extraction and related Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features.

Development proposals will be expected to:

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

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

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

Hertfordshire Landscape Strategy - East Herts District Landscape Character Assessment - The site lies within the Stoney Hills landscape character area, the area is characterised by *'gently undulating open arable farmland with woodland, usually treed rather than hedged, or with fragmented hedges and occasional mature hedgerow oak. Active, disused and restored mineral extraction sites, with mix of field sizes and variety of after uses.'*

The strategy for managing change in this area is to **improve and restore** the landscape condition and strength of character. In order to achieve this, the following guidelines should help shape the proposed development:

- *...safeguard existing hedges, increase hedged field boundaries, create permanent grass strips around field margins...*
- *Encourage the replanting and/or improvement of hedges along historic field boundaries, within arable areas rather than along roadsides...*
- *Support the establishment of new woodlands, especially around existing woodlands where this would create additional habitat and protection. Ensure that new woodland would not damage historic features such as banks and ditches, but use ancient field and woodland boundaries as appropriate*
- *New woodland planting should be of locally indigenous species only, using seed/plants of local provenance if possible*
- *Encourage the reversal of habitat fragmentation and the creation and improvement of habitat links to create eco-corridors*
- *Ensure that the restoration of exhausted minerals sites is carried out in accordance with agreed restoration plans, amended where necessary to reflect current best practice in maximising nature conservation potential and to ensure that they reflect and enhance local landscape character and distinctiveness*

Background

Landscape Comments on the original proposals were provided on dated 21st June 2016, which raised the following issues:

- Extension of the plateau and flattening of contours across the valley slopes, in the area broadly consistent with working phases 2 and 4
- The creation of a steep bank (1:4) to accommodate a change in level up to 13m, along the site boundaries with Sacombe Road, Rickneys Quarry and St Johns Wood, and the approach to planting along here
- The creation of a small hillock west of Waterworks Cottages, which appears contrived and interrupts the east facing valley slopes
- The erosion of a distinct undulation or dry valley, running on a southeast to northwest axis between the site boundaries with Rickneys and Wadesmill Road (across the phase 2 development area)
- The removal of individual trees that are historic landscape features
- Negative landscape and visual impact of the new access
- The lack of sufficient enhancements, to improve the landscape resource and visual amenity of the site and its wider setting above its baseline condition

Further landscape information was submitted on 19th January 2017, in summary the main changes are:

- Reduction of material for extraction from 2.6 million tonnes to 1.75 million tonnes
- Reduction in duration of development from 12/15 years to 7.5/10 years

- Retention of 3 existing oak trees (along boundary between phases 1 and 2)
- Restoration of historic hedgerow boundary with trees (along boundary between phases 1 and 2)
- Introduction of additional oak trees along existing hedgerows
- Amendment of the final restoration landform
- A series of woodland blocks with buffer strips(5m to 10m) to northern and western site boundaries

Baseline

The baseline sets out the existing context against which the landscape and visual effects of the proposed development is measured and considers landscape character, key features, and landscape value.

Local Designations

The proposed working phases 1-3 are located within the 'Preferred Area No. 2' (PA) for mineral working, as identified within the current Minerals Local Plan (MLP). The PA is defined by St Johns wood to the north, Rickneys Quarry and Sacombe Road to the west, and Hertford 001 (restricted byway and footpath) to the east, (hereafter referred to as the byway).

At the minerals local plan preparation stage, the initial draft PA was larger and included the area between the byway and Wadesmill Road. However, as a result of more detailed assessment, this area was removed in order to contain the mineral working within the less sensitive flatter plateau, away from the plateau edge, where it is more visually contained, and to protect the amenity and safety of the byway.¹ With this in mind, there is strong concern for the proposal to locate aspects of the proposed development (working phase 4 and the site access/facilities/stockpile area) outside of the PA within the area between the byway and Wadesmill Road.

Whilst the PA is not a landscape designation in itself, the boundary of the PA was identified in respect of landscape and visual issues. Since the adoption of the MLP the baseline condition of the site has not changed and these issues remain relevant considerations.

The landscape and visual effects as a result of development within these areas is discussed in more detail within this report.

Landscape Character

The site lies within the Stoney Hills landscape character area² and strongly reflects the local landscape character that is described as '*gently undulating open arable farmland with woodland, usually treed rather than hedged, or with fragmented hedges and occasional mature hedgerow oak...*'

With regards landscape features, the individual trees that are relics of the historic field pattern are of some historic value.

¹ As highlighted in Herefordshire Minerals Local Plan Review – Inspectors Report

There are several sites of high biodiversity value adjacent to the site boundary, including St Johns Wood and the Local Nature Reserve.

Due to the sites location on the urban fringe it is of recreational value. The public footpaths and byways that skirt/cross the site are well used and provide links with the neighbouring local nature reserve and the wider landscape to the north.

Landscape and Visual Effects

In line with industry good practice guidance, the landscape and visual effects of the proposed development are discussed separately in relation to the operational stage and restoration stage of the of the project lifecycle.

Operational Stage

The operational stage comprises the following aspects which will result in landscape and visual effects:

- Enabling works e.g. construction of site access and haulage routes and site facilities and stockpile area, and stripping of soils and exposure of bare ground
- Mitigation measures e.g. construction of mitigation bunds, and implementation of advanced planting
- Extraction activity e.g. extraction and exportation of mineral
- Environmental aspects e.g. lighting, vehicular noise and movement

Landscape Effects

Duration & Reversibility

It is proposed to carry out the development over 7.5-10 years that is considered temporary; however medium – long term, it is therefore important that the effects of the proposed development are mitigated as far as possible.

Landform

The site is located upon the elevated ridgeline between the River Beane and River Rib valleys, and extends across the east facing slopes of the River Rib valley.

The principle of minerals extraction is established within working phases 1-3 due to their location within the ‘preferred area,’ however subject to specific considerations.³ These phases are located within the more elevated and/or flatter part of the plateau landform that is less sensitive to this type of development than the more steeply sloping valley sides.

Working phase 4 lies to the east of the byway and extends across the toe of the ridgeline and the east facing valley side. Excavation in this area will erode the distinct transition between the plateau edge and the more sensitive sloping valley sides.

³ As listed within the Minerals Local Plan, Adopted March 2007

The site access/facilities/stockpile area lies between the byway and Wadesmill Road. The location of this area will interrupt the more sensitive sloping valley side, and is more open to views from the wider valley landscape to the east (refer to comments under visual effects).

In addition it is proposed to locate this area below existing ground levels, on a temporary platform cut into the sloping hillside. Careful consideration needs to be given regarding the changes in level and how they will be achieved, without compromising slope stability and drainage etc. For example, in the northwest corner of the area the top of a bund is at 59m, and the base of a bund is at 55m, however the stockpile platform is at 50m representing a 5m change in level between the base of the bund and the platform, which requires appropriate engineering.

Field Pattern

The site is located within a distinct parcel of land defined by Wadesmill Road, Sacombe Road, Rickneys Quarry and St Johns Wood. Within the site, the loss of several field boundaries has eroded the historic landscape pattern, resulting in a more open landscape. The most notable surviving boundary feature is the byway that runs between St Johns Wood and Wadesmill Road, plus some relic hedgerow trees.

Working phases 1-3 are well contained by the existing highways and vegetation to the north and west, and by the existing byway to the east. The byway represents a logical landscape boundary, containing the development within the less sensitive elevated and/or flatter part of the site.

With regards to working phase 4 and the access/stockpile/facilities area, the extension of these areas and associated temporary bunds, east of the byway, will interrupt the more sensitive open valley side.

Landcover and Vegetation

The proposal to conserve and enhance the existing site boundary vegetation, and relic trees within the site, is fully supported. However it has not been demonstrated how any vegetation will be protected in line with industry good practice guidance 'BS5837:2012 Trees in relation to design, demolition and construction – recommendations.' For example, the location of bunds appear to overlap the root protection area.

In addition the proposed new access requires the removal of a substantial length of existing vegetation to accommodate the associated bell mouth and turning circles, visibility splays, and a new right turn lane. The removal of vegetation erodes the rural character of the highway setting, and opens up views into the site from users of Wadesmill Road (see comments under visual effects).

Visual Effects

Views from the north, west and south

Views of the site from the north, west and south are generally screened by the existing landform, woodland and urban area.

The majority of views are from properties, public rights of way and highways in close proximity to the site and include the dwellings at the junction of Sacombe Road and Vicarage Lane, public footpath (FP4), Sacombe Road, Revels Croft Farm, Watermill Lane north and the properties fronting Sacombe Road. From here there are short glimpsed views through gaps in the boundary vegetation towards the perimeter bunds that screen views of working phases 1-3 beyond.

Views from the east

Despite the elevated and open nature of the site there are limited publicly accessible views from across the River Rib valley to the east.

There are moderate to highly sensitive views from residences such as Ware Park Manor and other properties.⁴ From here working phase 4 and the access/facilities/stockpile area result in negative visual effects as they extend across the more sensitive and open sloping valley side. In the preparation of the MLP the PA was removed from this area to protect the amenity of these views.

The majority of views are from properties, public rights of way and highways in close proximity to the site and include Waterworks Cottage, Wadesmill Road, and footpath 13. From here there are glimpsed views through gaps in the boundary vegetation towards the perimeter bunds that screen views of the works beyond.

There are highly sensitively views from users of the public rights of way. With regards the footpaths that skirt the site there are views towards the perimeter bunds that screen views of working phases beyond.

With regards the central byway, the proposed development results in unacceptable negative visual effects, the perimeter bunds associated with Phase 4 and the access/facilities/stockpile area foreshorten typically open and long distance views across the valley to the east. Towards the midpoint of the byway the haul road crossing, and associated traffic passing along the haul road between the site access/facilities/stockpile area and Phase 2, detract from the amenity and safety of the footpath and views. In the preparation of the MLP the PA was removed from this area to protect the amenity of the byway.

There are views of moderate – low sensitivity from users of Wadesmill Road. From here there are negative views through the new access, (that requires the removal of a substantial length of existing vegetation to accommodate the associated bell mouth, turning circles, and visibility splays), towards a series of bunds at 3m, 4m and 7m high, there is also a channelled view along the existing access track that links with the byway.

⁴ As highlighted in Hertfordshire Minerals Local Plan Review – Inspectors Report

Approaching along Wadesmill Road from the north, there are negative views through gaps in the boundary vegetation towards the bunds that screen working phase 4. There is some concern regarding the potential visibility of plant and machinery across the elevated slopes that rise above the 2m bunds.

Restoration Stage

The restoration stage comprises the following aspects that are likely to result in landscape and visual effects:

- Final restoration landform and placement of restoration soils, below original ground levels
- Final landscape scheme, hedgerows, trees and woodlands
- Implementation of public rights of way

Landscape Effects

Duration & Reversibility

With regards the worked phases, due to site constraints it is not proposed to import any material for restoration, resulting in a final landform below original ground levels. The effects of operations in these areas are therefore considered permanent and irreversible, (see comments under restoration stage).

Landform

With regards the submitted further information, cross sections showing the proposed *and existing* levels were requested; however they only show the proposed levels.

In general the restoration of minerals development to original ground levels, of a character and quality that is equal to or an enhancement of the baseline situation, is the preferred option. However in this case, due to site constraints, it is not proposed to import any landfill resulting in low level restoration.

In order to improve the final restoration landform it is proposed to reduce the quantity of material for excavation from 2.6 million tonnes to 1.75 million tonnes, this approach is welcomed, and helps mitigate the negative effects of low level restoration in working phases 1-3.

In working phases 3 and 4 it is proposed to create a low lying relatively flat plateau. Whilst the creation of a plateau is not considered unacceptable in working phase 3, where the existing landform is relatively flat, and has a better ability to accommodate this type of change. The extension of the plateau and flattening of contours across working phase 4, where the existing landform is characterised by the more sensitive transition between the ridgeline and the valley slopes, is not supported. In addition the proposed linear and curving raised area along the eastern boundary of working phase

4 that appears contrived and interrupts the consistency of the more sensitive valley slopes, is not supported.

With regards working phase 2, it is proposed to restore the landform profile similar to existing and recreate the distinct dry undulation that crosses the site on a northwest and southeast axis. This approach is supported.

In working phase 1 it is also proposed to restore the landform profile similar to existing, however there is concern for the proposed contours where they meet the byway, at this point they appear to indicate a sharp change in level that is likely to result in negative landscape and visual effects.

Along the north and west site boundaries with Sacombe Road, Rickneys Quarry and St Johns Wood, it is proposed to create a bank at 1: 7 or 1:8 to accommodate a change in level up to 7m. Whilst not characteristic of the local landscape, the bank is mitigated to an extent by the proposed planting.

It is proposed to restore the site access/facilities/stockpile area, to a landform that is similar to existing. This approach is supported.

Landcover and Vegetation

The submitted information states that the following amendments have been made:

- Additional provision of a historic hedgerow feature, taken from the 1880 map
- Additional oak tree planting along hedgerow features
- Improved connectivity to wider landscape
- Retention of 3 key oak trees along an historic hedge line (previously removed)
- Provision of woodland blocks copses that fit the landscape characteristics of the site

The proposed after use for agriculture is deemed appropriate. The retention of the relic oak trees and the introduction of additional woodland, hedgerows and oak trees are supported, and should provide a landscape enhancement. In particular the restoration of the historic hedgerow boundary helps reinforce the landscape pattern.

With regards the new hedgerow and tree planting along the southern section of the byway that crosses the site, it is not understood why the planting switches from one side of the footpath to the other, the contours at this point also appear to suggest a sharp change in levels.

It is proposed to retain the site access for agriculture. Whilst this may be supported in principle, there is concern for the permanent negative landscape and visual impact of the access due to its substantial engineering and design for minerals development. It is strongly advised that the access should be restored to a character and quality that reflects a typical rural field gateway.

Visual Effects

With regards to views from the wider area, a landcover of arable farmland, with woodland, hedgerows and trees helps assimilate the site with the wider agricultural landscape, however the appearance of the proposed landform, in particular in working phase 4, is not supported for the reasons as explained under landscape effects.

Byway

The most significant views are from users of the public footpaths that cross the site, in particular the byway that runs between St Johns Wood and Wadesmill Road.

Along here, views to the west are filtered by the new hedgerow and tree planting. There is likely to be views towards the banks that accommodate a change in level along the northern and western site boundaries with Sacombe Road, Rickneys Quarry and St Johns Wood, whilst the banks are not deemed characteristic of the local landscape, their appearance is softened by the new woodland planting.

With regards views to the east, they are generally open, with the exception of the northern section of the footpath from which views are interrupted by the linear and curving raised area along the eastern site boundary of working phase 4.

Summary & Conclusion

Overall the ability of the site to accommodate the proposed development without causing unacceptable harm to landscape character and visual amenity varies between different areas of the site, for each stage of the development life cycle.

Phase 1 – 3

The principle of minerals extraction is established within working phases 1-3 due to their location within the 'preferred area.' Within these areas, negative landscape and visual effects as a result of the operational stage are mitigated due to the containment of works within the less sensitive elevated and/or flatter part of the plateau landform, and the screening effect of the local topography and established vegetation in combination with the temporary bunds.

At the restoration stage, the restoration of the landform profile similar to existing, and the recreation of the distinct dry undulation, is supported. There is some concern for the negative landscape and visual effects as a result of low level restoration, and the creation of a bank along the site boundary, however the significance of this is reduced due to the mitigating effect of the proposed planting.

The proposed after use for agriculture, the retention of the relic oak trees, and the introduction of additional woodland, hedgerows and oak trees is supported, and provide a landscape enhancement.

Phase 4

The proposed working phase 4 is not supported. The operational stage results in significant negative landscape and visual effects due to the erosion of the distinct transition between the plateau edge and the valley slopes, and its impact upon views from the byway, Wadesmill Road, and from across the valley to the east.

At the restoration stage, the proposed landform results in significant negative landscape and visual effects due to the erosion of the distinct transition between the plateau and valley side, and the creation of linear and curved raised area that interrupts the consistent valley slopes and views from the byway.

Site access/facilities/stockpile area

The proposed site access/facilities/stockpile area is not supported. The operational stage results in significant negative landscape and visual effects due to the interruption of the sloping valley side and the removal of a substantial length of established roadside vegetation, and its impact upon views from the byway, Wadesmill Road, and from across the valley to the east.

Conclusion

In conclusion, whilst the principle of minerals development is established within working phases 1- 3 due to their location within the PA, the proposed development is not supported in landscape and visual terms due to the significant negative landscape and visual effects as a result of the location of the site access/facilitates/stockpile area, and the proposed operations and restoration of working phase 4.

HCC Archaeology

An archaeological evaluation of this proposed development site took place in 2014-2015, prior to the submission of this application. This evaluation comprised a geophysical survey of the site, and a programme of trial trenching, and the reports on this work are included in the Environmental Statement submitted with the application.

The archaeological investigations produced significant archaeology, particularly with the identification of an early-mid 1st century A.D. enclosure at the north-western end of the site and the new evidence of Late Mesolithic/Early Neolithic activity. The finds from the former suggest high status occupation, and the forms and fabric types of some of the imported pottery found may compare with contemporary assemblages associated with

funerary activity, found at Skeleton Green, Puckeridge and at King Harry Lane, St Albans.

The geophysical survey and trial trenching have therefore demonstrated that significant archaeological remains (heritage assets of archaeological interest) are present on the site. These are in the main present on the level higher ground at the northern/north-western end of the prospective development site, but not entirely so. The identification of the early-mid 1st century enclosure is particularly significant, given the finds assemblages from it, and this and adjacent areas are likely to require a programme of open area excavation. The stripping of topsoil and subsoil in other areas has lesser implications, but should also be carried out as part of a programme of archaeological work prior to any mineral extraction.

The current proposal will involve the stripping of topsoil over the site, prior to extraction, and I note that it is recognised in the Environmental Statement and the Non Technical Summary that 'all the archaeological features will be destroyed in the course of excavating the mineral.' I also note that it is intended to phase the extraction of minerals from the site.

The proposed development is such that it should be regarded as having an impact on below-ground heritage assets of archaeological interest which will require mitigation via a detailed programme of archaeological work, and I recommend therefore that the following provisions be made, should you be minded to grant consent:

The excavation of the area of the 1st century enclosure noted above, before any development commences.

The archaeological evaluation of all areas of the site subject to phased extraction and to associated works, such as the construction of compounds, stockpile areas, site offices, and new access, before any development commences. This is likely to be via a programme of 'strip, map and record'. The monitoring will include all soil stripping and ground reduction, as appropriate.

Such appropriate mitigation measures indicated as necessary by the above programme of archaeological evaluation.

These may include:

The appropriate archaeological excavation of archaeological remains identified during the programme of archaeological evaluation, before any development commences on the site;

- The analysis of the results of the archaeological work, with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;

Such other provisions as may be necessary to protect the archaeological

interests 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 the policies included in Policy 12 (para. 141, etc.) of the National Planning Policy Framework. In this case *three* appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

- A** *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*
- 1. The programme and methodology of site investigation and recording*
 - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation*
 - 3. The programme for post investigation assessment*
 - 4. Provision to be made for analysis of the site investigation and recording*
 - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
 - 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
 - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*
- B** *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*
- C** *The development shall not be occupied/used 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 and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice on the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

The Woodland Trust

The Woodland Trust **objects** to the planning application on the basis of damage to St John's Wood (grid ref: TL324153), an Ancient Semi Natural

Woodland designated as such on Natural England's Ancient Woodland Inventory (AWI).

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 re-created and cannot afford to be lost.

Guidance from central Government states '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.' (Paragraph 118 point 5 National Planning Policy Framework).

The Natural England standing advice for Ancient Woodland and Veteran Trees (published April 2014) at paragraph 4.8.1 states: 'Ancient woodland is of prime ecological and landscape importance, providing a vital part of a rich and diverse countryside. In particular, ancient woodland:

- is exceptionally rich in wildlife, and supports many rare and threatened species;
- may contain surviving descendants and features from the original natural forests;
- acts as reservoirs from which wildlife can spread into new woodlands;
- has valuable soils due to their undisturbed nature;
- is an integral part of England's historic landscapes and the biological and visual functioning of a landscape;
- contains a wealth of features of historical and archaeological importance little altered by modern cultivation or disturbance;
- contributes to people's sense of place and imagination.

Our Concerns

The Woodland Trust is concerned about the following:

- *Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats;*
- *Development provides a source of non-native plants and aids their colonisation;*
- Noise and light pollution occurring from adjacent development;
- There can be changes to the hydrology altering ground water and surface water quantities;
- *Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.*

When land use is changed to a more intensive use such as in this situation plant and animal populations are exposed to environmental impacts from the outside of a woodland.

In particular, the habitats will become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These detrimental edge effects can result in changes to the environmental conditions within the woodland, changing the stable conditions that are within the woodland.

Creation of new areas of woodland or buffer zones around semi-natural habitats, and more particularly ancient woodland, will help to reduce and ameliorate the impact of damaging 'edge effects', serving to improve their sustainability. The size of the buffer is dependent on the intensity of land use adjacent to ancient woodland.

Buffering

Natural England's Standing Advice on Ancient Woodland (April 2014), Section 6.4:

"Development must be kept as far as possible from ancient woodland, with a buffer area maintained between the ancient woodland and any development boundary. 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, not an industrial activity that will, at times, be in operation 24 hours a day. 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.

The 10m undisturbed buffer and additional 10m margin referred to in your mitigation measures (Volume 1 – Environmental Impact Assessment – p24) are appreciated but the Woodland Trust feel the undisturbed buffer needs to be at least 100m. This would also allow for the total distance to the ancient woodland edge to total 30m. This is particularly important in the protection of the badger colony within St Johns Wood (as identified – Volume 1 – Environmental Impact Assessment – p41)

Dust

The production of dust is an integral part of all quarry activities. While we acknowledge that this quarry is working with wet deposits and produces less dust than dry quarrying the flora within ancient woodland is particularly sensitive to dust. Dust has a major deleterious impact on epiphytic lichens with all but the most resistant species dying at high dust concentrations. Lichens are used as a monitoring tool for air pollution owing to their sensitivity. Lichens form part of the complex ecosystem that make up ancient woodland and their health can be used as a good indicator of the quality of the rest of the habitat. Loppi and Pirintsos (2000)¹ investigated the distribution of epiphytic lichen to assess the impacts of both acid and alkaline dust from quarries. They showed the main factor that influenced the distribution of lichen was dust itself rather than the chemical composition of the dust. The impacts of dust therefore varied with distance from the quarries with all but a few resistant lichens dying at high concentrations of dust.

The chemical composition of the dust can also have a direct impact on the soil chemistry, dust and chemical drift produced by quarrying and mineral extraction can affect woodland several miles downwind. Research into impacts of alkaline dust is more extensive than the impacts of acidic deposits, but effectively demonstrates the level of impact that might be expected from acid deposition. For example, research at a wood 0.5km distant from an Austrian lime quarry and adjacent cement works indicated calcium levels were fivetimes greater than at a control site 30km distant (Berger & Glatzel 1998)².

Much work has been undertaken to show that trees can be effective as filters of dust particulates with commensurate improvements in air pollution (e.g. Beckett et al 1998)³) however the trees suffer consequences as a result of this process. Mandre and Ots(1999)⁴ showed that over a four year period regularly surveyed conifer trees, when compared with unpolluted controls, suffered 61% reduction in height growth and similar reductions in shoot, root and needle growth. Farmer (1993)⁵ presents a review of the evidence of the impacts of dust on a variety of vegetation discussing both the mechanism and results and showed that the composition of woods could be fundamentally changed as a result of dust deposition.

We appreciate that a number of mitigation measures have already been considered for dust production (Volume 1 – Environmental Impact Assessment – p61-63). However, the high level impact of dust on ancient woodland is undeniable and is further backs our recommendation for a 100m buffer.

Noise

The site will also be disturbed due to the increase in the level of noise on the site.

Quarrying and mineral extraction is a noisy process (e.g. increase the number of vehicles on site, blasting, processing and warning sirens). The increase in noise will potentially have an adverse effect on woodland species present within the site.

In summary the Woodland Trust **objects** to this application because it is felt the buffer to protect St Johns Ancient Woodland and the protected species within it are currently insufficient. We suggest that the undisturbed buffer is increased to 100m.

The Council for the Protection of Rural England (CPRE) has a number of concerns with regard to the application -

It is premature in respect of the principal justification for creation of a new aggregates quarry in the near future, and would have serious adverse impacts, that in our opinion necessitate the refusal of planning permission.

One of the principal considerations set out by the applicant in respect of the planning policy context is that the Consultation Draft East Herts District Plan (EHDP) identifies the land south of the site as a potential Housing allocation, and therefore the aggregate near that site should be removed before that

housing is built and occupied. This is not a material consideration at this stage for the following reasons:

1. The Consultation Draft EHDP has very limited weight according to Planning Inspectors who have determined recent planning appeals in the District;
2. The allocation of the adjacent land for Housing is contrary to both the current adopted East Herts Local Plan Review, and national Green Belt policy as set out in the NPPF, and is expected to be strongly opposed by a range of interested parties;
3. Even in the event that the adjacent land is allocated for housing development in the Adopted EHDP in due course, there would be well in excess of a decade within which the aggregate could be removed within the southern part of the site before any of the new occupants moved into houses within an area that could be adversely affected by noise, dust, etc; and
4. That occupation of new housing would be expected to commence from the south, at the greatest distance from the quarry.

We note that the application documents also contain a significant misinterpretation of the status of the adopted Minerals Local Plan Review allocation of the majority of the site south of Rickneys, exclusively west of Byway 1, the important right of way from Bengeo to Chapmore End. Contrary to the applicant's claim, the allocation of 'Preferred Area 2 – Land adjoining Rickneys Quarry, near Hertford' in the adopted Minerals Plan Review 2002 – 2016, is subject to 'Specific Considerations' the first of which is that '*Working of this site would be considered as an extension to the existing Rickneys Quarry*', not as a new freestanding quarry.

This is a very important issue because the land south of Rickneys cannot be independently worked for minerals without major disruption to the use of Byway 1, and also because the use of land east of that Byway would be in a much more exposed landscape. Both of these considerations were identified as important disbenefits to avoid when the principle of the site's allocation, and site boundaries, were determined by the Minerals Local Plan Review.

CPRE Hertfordshire is similarly concerned that the proposed stockpiling, plant storage and other operational areas of the site that would be heavily used by mobile plant and haulage vehicles, is within the area considered to be vulnerable to potential pollution of the major water supply aquifer that underlies this part of Hertfordshire and from which groundwater is abstracted for local water supplies. In addition, the boundary of the newly proposed extraction area 'Phase 4' would be within 100 metres of the Wadesmill Road water supply borehole, rather than 300 metres as proposed in the Minerals Local Plan. This concern about potential water pollution would be totally avoided if the site were worked as proposed in the Minerals Plan.

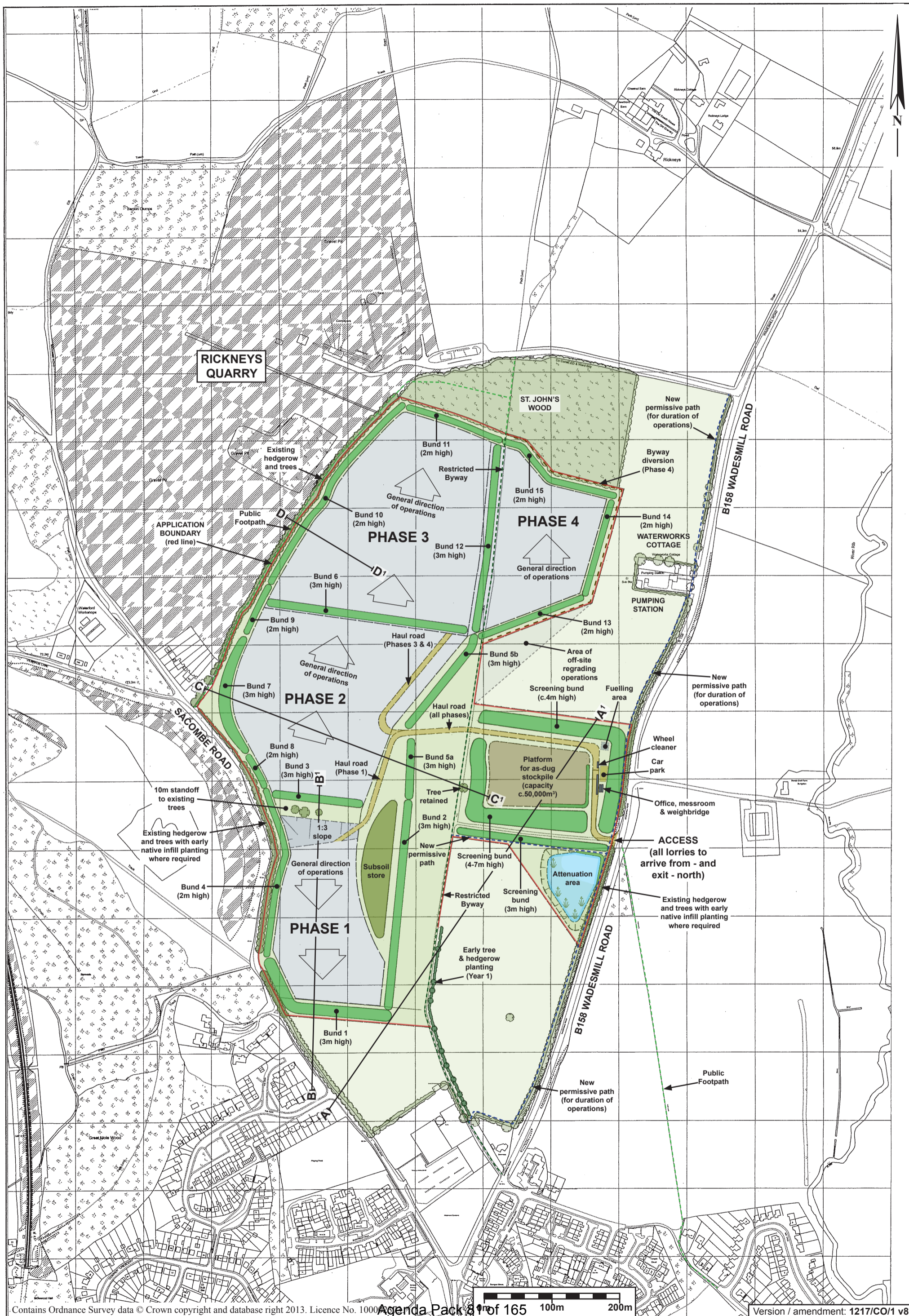
Further comments from CPRE received 2017 - Although the East Herts District Plan has progressed to its next draft stage since that time, there has been little change to the status of the proposal to build housing to the south

of the site, which has yet to be tested by an Inspector at a public Examination, and which is strongly contested by many objectors.

The main issue that arises out of the applicants' new proposals, however, is that they now intend that only two thirds of the mineral resource at the site would be extracted. This action would indeed sterilise a limited resource of around 0.8 million tonnes of sand and gravel at the site, despite the claim in the submitted 'additional information' statement that this would not prevent future exploitation. This is because that mineral could not be accessed in future either sustainably or economically, because the infrastructure to do so would not exist, and the necessary operations to re-open the site would cause unacceptable harm, particularly if the land to the south were to be allocated for housing development in the East Herts District Plan, as hoped by the District Council and assumed by the applicants.

Furthermore, the failure to exploit the resource identified in the Minerals Plan would put pressure on the County Council to release other, inevitably new sites for mineral working. Either all the resource identified in the Adopted Minerals Plan is extracted in accordance with the provisions of that statutory Plan, including those referred to in our letter of 29 April, or the application should be refused. These are not matters that can be addressed by planning conditions.

For the above reasons, and those set out in our letter of 29 April 2016 we continue to ask the County Council to refuse the application.



HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY, 22 MARCH 2017 AT 10.00AM**

DISTRICT: WELWYN HATFIELD DISTRICT

Agenda Item
No.

2

Report of the Chief Executive & Director of Environment

Contact: Chay Dempster Tel: 01992 556211

Local Member: Maureen Cook

PROPOSED EXTENSION TO HATFIELD QUARRY FOR THE EXTRACTION OF APPROXIMATELY 0.45 MILLION TONNES OF SAND AND GRAVEL FROM WITHIN 17.7HA OF LAND KNOWN AS FURZE FIELD, INVOLVING RETENTION OF THE QUARRY ACCESS ROAD AND SITE INFRASTRUCTURE FACILITIES AND RESTORATION OF THE EXTENSION AREA TO AGRICULTURAL LAND AND MIXED HABITATS INCLUDING WETLANDS, ACID GRASSLAND AND WOODLAND PLANTING

1. Purpose of report

1.1 To consider application 5/3720-16 for a proposed extension to Hatfield Quarry for the extraction of approximately 450,000 tonnes of sand and gravel from 17.7ha of land known as Furze Field, including retention of the quarry access road and site infrastructure facilities followed by restoration to areas of agricultural land and habitats including lake, acid grassland and woodland planting.

2. Summary

2.1 The proposed development is schedule to take place after mineral extraction ceases at Symondshyde Farm in 2020. The development would take place over 3 phases lasting a total of 18 months. The overall development would last 3 years from initial site set up, through mineral extraction and restoration. The site would be restored by 2023.

2.2 The site would be worked at an average annual extraction rate of 400,000 tonnes. It is proposed to continue to use the existing access road and plant site. Mineral would be transported from the extraction site using an existing conveyor belt to the processing site. The mineral would be washed, graded and stockpiled or bagged ready for export.

2.3 The land would be restored to a lake with a smaller proportion of agricultural land. The site would be restored using on-site soil and overburden only. No material would be imported to complete the restoration.

2.4 The report acknowledges that there are potential policy objections to the proposal under Policies 1, 2, 3 and 4 of the Hertfordshire Minerals Local Plan, as discussed in section 8.4 of the report, in addition there is limited harm to the Green Belt, and ongoing temporary impact upon the rights of way network, however, these impacts would be outweighed by the positive benefits of the proposed mineral extraction in terms of:

- a. contributing to an appropriate landbank;
- b. maintaining continuity of supply from an existing site;
- c. the wider economic benefits of mineral extraction;
- d. long term enhancements to the rights of way network; and
- e. the lack of any substantive harm.

2.5 It is therefore recommended that planning permission should be granted subject to:

- the conditions set out in Appendix II,
- the Applicant entering in to a s106 obligation in accordance with the Heads of Terms in Appendix III; and
- the application being referred to the Secretary of State and him not wanting to call in the application for determination.

3. Site and surrounding area

3.1 The application site forms a 17.7ha parcel of land close to the western edge of Hatfield between Hatfield Garden Village and Coopers Green Lane as shown on the Ordnance Survey extract (Appendix I). The site is within the Metropolitan Green Belt.

3.2 The Welwyn Hatfield Borough Council Draft Local Plan (Proposed Submission Version) shows the eastern part of the site as a potential allocation for 10 gypsy and traveller pitches (site HS34), and, land to the south east of Coopers Green Lane as a potential housing allocation (site SDS5 / Hat1).

3.3 The application site is situated approximately 1.5km north of Hatfield Quarry processing plant on Oaklands Lane located between Sandpit Lane and the B651.

3.4 Mineral extraction is currently taking place at land at Symondshyde Farm (Phase 9 of 13) to the north of the application site. The permission runs until 1 October 2020. There is no planning permission for mineral working at Hatfield Quarry beyond 2020.

3.5 The annual rate of mineral extraction at Symondshyde is approximately 250,000 tonnes of sand and gravel per year. The company also own a parcel of land to the east of Coopers Green Lane which forms part of the potential housing allocation (SDS5/Hat1) in the draft Welwyn Hatfield Local Plan.

- 3.4 The nearest residential properties to the application site are located at:
- Astwick Manor (215m south)
 - Astwick Manor Lodge (70m south)
 - Astwick Manor Cottages (40m south east)
 - Whitegate Cottages (430m north east);
 - Whitegate Lodge (430m north east); and
 - The Pightle (830m north)
- 3.5 Astwick Manor is a Grade II listed building that was formerly used as a technical college by the de Havilland aviation company from 1947, and has now been converted into 38 residential units.
- 3.6 To the south of Astwick Manor lies the former Hatfield Aerodrome which comprises land to be provided as a country park (Ellenbrook Park) under a planning obligation for the development of the former Hatfield Aerodrome.
- 3.7 The northern boundary of the site is quite open marked by an open ditch and several trees. The east and southern boundaries are far more enclosed by established dense hedgerows and mature trees on the north side of Coopers Green Lane and Furze Field Wood (a local wildlife site) on the west of the site.
- 3.8 Hatfield Quarry is owned and operated by Cemex (UK Operations).

4. Proposed development

- 4.1 The application proposes an extension to Hatfield Quarry to allow for the extraction of approximately 450,000 tonnes of sand and gravel from a 17.7 hectare parcel of land. The proposal involves the retention of the existing processing plant and access onto Oaklands Lane. The proposed restoration involves the creation of a lake, an area of agricultural land and mixed habitats including wetlands, acid grassland and woodland planting.

Phasing

- 4.2 The site would be worked in three sequential phases with Phase 1 in the north of the site. The mineral would be dug using a single excavator. The mineral would be collected by a loading shovel and placed onto an articulated dumper or loaded directly into the hopper and carried to the processing plant using the conveyor belt. The site would be restored within three years of commencement.

Supporting statement

- 4.3 The application is accompanied by a written statement which makes the following points in support of the application:
- The extension to Hatfield Quarry at Furze Field provides a sustainable source of future aggregates and provides continuity of supply to established local markets in support of development and growth (as reserves at Symondshyde Farm (2019) and Westmill Quarry (2017) become exhausted) including 15 CEMEX concrete plants;
 - There is a need for the mineral deposit at the site - as reserves at existing sites become exhausted additional sites will be required in order to maintain adequate supply of sand and gravel in line with Hertfordshire's annual target;
 - The proposal is intended to be the initial stage of longer-term proposals to extend the quarry eastwards to Stanboroughbury Farm, in order to maintain security of supply;
 - Working the site as an extension to Hatfield Quarry in advance of potential future housing development in the area avoids the potential of mineral deposits being sterilised;
 - The proposal would not conflict with the purposes of including land within Green Belt;
 - Detailed assessments of traffic, air quality, noise, ecology, and landscape have been undertaken and these demonstrate that the proposals would not give rise to unacceptable impacts on the local community or environment;
 - The proposed extension of Hatfield Quarry at Furze Field is in line with national policy and the development plan and should benefit from the presumption in favour of sustainable development.

5. Site History

- 5.1 Hatfield Quarry was first worked under an interim development order from September 1947 with subsequent planning permissions for extensions to mineral working and infilling, as summarised in Table 1 (Appendix IV).
- 5.2 Mineral extraction is currently taking place at Symondshyde Farm approximately 2km to the north of the processing site under LPA ref 6/0439-03. Mineral extraction at Symondshyde Farm is due to cease on 1 October 2020.
- 5.3 The restoration of Cut Field Lagoon with 620,000 cubic metres of imported material (5/1240-14) is due to commence in 2017 (subject to section 106) and is expected to last 7 years. In conjunction infilling of Cutfield Lagoon the permission secures restoration of Hatfield Quarry at Cut Field Wood and Gardeners Lagoon to a mixture of conservation afteruses to enhance biodiversity across the site. The company has also agreed to provide extensions to the rights of way network in the form of new bridleway routes across restored parts of Hatfield Quarry.

6. Statutory Consultation

6.1 Welwyn Hatfield Borough Council raises no objections to the application and raises the following comments:

- An area of land within the eastern part of the proposed minerals site is allocated within WHBC's Draft Local Plan Proposed Submission document as a site (HS34) to provide 10 pitches of gypsy and traveller accommodation in association with the proposed new village at Symondshyde (Policy SP24 and Policy SADM35 refer). The Draft Local Plan Proposed Submission has yet to be examined but has been through formal public consultation and there are representations opposed to the allocations in Policy SADM35, therefore should carry some weight in the determination.
- Site HS34 is located outside the extraction zone identified on the Cemex site plan accompanying the application and it is identified in the submitted restoration plan to be returned to agricultural use once mineral operations have finished on the site. There is accordingly a possibility that the mineral extraction proposals and the draft Local Plan allocation do not fundamentally conflict, particularly if extraction is completed before the gypsy and traveller pitches are required.
- The application indicates restoration will have been completed by 2022. The housing trajectory shows gypsy and traveller pitches being required between 2026 and 2028, possibly sooner if necessary to maintain a five year supply, although unlikely to be before the date proposed for restoration (i.e. 2023). WHBC would wish to see the site HS34 kept available in the event that the timeline for mineral extraction slipped backwards from that indicated in the application. Any permission should provide physical and landscape buffers and controls over working hours to safeguard the amenity for future residents of site HS34 in the event the site is required for gypsy and traveller accommodation whilst restoration is ongoing.
- Land opposite the mineral application site on the south-east side of Coopers Green Lane is allocated in the Draft Local Plan Proposed Submission for substantial housing development (site SDS5 or Hat1 - Policy SP22 and the Policies Map refer). Due to the proposed phasing of development on this housing site, however, there is unlikely to be a conflict with the current minerals application proposals. Policy SP22 provides for investigation of the feasibility of mineral extraction in advance of housing development on site SDS5.
- The potential vehicle movements associated with mineral extraction operations at this site have given rise to concerns amongst local residents and councillors. Cllr Bell (Hatfield Villages) has raised serious concerns regarding the cumulative numbers of HGV vehicle movements at this site and the new quarry at the former Hatfield Aerodrome. Careful consideration should be given to cumulative vehicle movements generated by this application, the extant permission, and at the former Hatfield Aerodrome. A condition should be carefully worded to ensure that vehicles movements are not excessive.

6.2 St Albans City & District Council

- St Albans City and District Council have no objections to the proposed extension to the Hatfield Quarry site subject to matters relating to highway capacity being referred to the Local Highway Authority for detailed consideration.
- The District Council has concerns regarding the impact on environment and ecology; and rights of way. The bridlepaths will need to be reinstated and dedicated. Furthermore, the District Council has concerns that increased vehicular movements may have an impact on the environment.
- The District Council recommend to Hertfordshire County Council as the Local Planning Authority that should planning permission be granted, an informative is added to advise the applicant that any increase in vehicular movements will require a planning application.

6.3 Hatfield Town Council objects to the application because of the impact on neighbouring properties, and raises concerns regarding the lorry routes (current and potential) and the negative impact on local roads. Concern is also expressed on the ecological setting of extraction and its future impact on generations to come.

6.4 Sandridge Parish Council request that the following be taken into consideration:

- The application will result in an extension of the working life of the Hatfield Quarry beyond 2019.
- That as commented on by the Ramblers Association and the St Albans and District Footpath Society, the current operations obstruct existing footpaths and any approval should be subject to Cemex remedying this situation.
- There should be no increase in commercial vehicle movements beyond those already permitted and the requirement that commercial vehicles enter and exit the site from Hatfield Road/Oaklands Lane should remain in place.

6.5 The Highway Authority raises no objections subject to conditions for a maximum vehicle limit of 250 HGV in any one working day to include all operations at Hatfield Quarry, continued use of a wheel wash facility, and subject to a s106 to cover extraordinary wear and tear to the road surface and require £30,000 to be held as a bond.

6.6 The Environment Agency raises no objection, subject to the submission of a long-term monitoring and maintenance plan for groundwater and surface water to demonstrate the presence of bromate and bromide pollution, to include a timetable and final report upon completion to demonstrate that 'all necessary contingency measures have been carried out and confirming that the activity has not caused or knowingly permitted bromate and bromide contamination to migrate causing

pollution between the shallow and deep aquifers or the local watercourses’.

6.7 Hertfordshire Ecology comments –

- The application site lies adjacent to Furze Field Wood designated as a Local Wildlife Site (LWS). There are also several records of blue bell from the area which are most likely to be associated with the woodland. Although the site boundary abuts the LWS, the works are approximately 200 m away from the boundary, which should provide more than enough protection from direct impacts.
- The reports submitted with the application detail the likely presence of badger, breeding birds, reptiles, dormice, and great crested newts. The avoidance and mitigation strategies set out in these documents are adequate to protect these species from harm. I do not believe any of the works will merit the acquisition of a European Protected species Licence.
- All trees with suitable roosting habitat for bats or barn owls have been surveyed, with no individuals found of either species. To prevent any future colonisation these trees have already been felled. The badger sett on the eastern boundary has in effect moved the eastern bund to form a 30 m radius around it. This will prevent any collapsed tunnels from occurring.
- The restoration programme has set out clear aims and objectives over a five year period once works have been completed, with annual reviews of the progress of restoration to include HCC. I believe that the applicant has taken full account of the ecological constraints on site, and that their restoration plan is sound and achievable.

6.7 County Landscape Officer considers that a number of matters require further attention:

- soil storage bunds should be relocated outside of the root protection area (RPA), no works or activity should take place within the RPA;
- The existing site boundaries (alongside Cole Green Lane and the ditch feature) should be enhanced with new advanced planting, whilst maintaining strategic views;
- Site wide cross sections are required to show the proposed restoration gradients and levels and demonstrate how the lake and its associated slopes sit within the wider context;
- At restoration, there is concern for the loss of characteristic open views; strategic gaps should be created in the boundary vegetation to frame views into the site.

Additional comments –

- There is concern that the degree of adverse landscape effects, which the LVIA reports as ‘minor adverse or negligible at all stages of operation’, have been under estimated.
- The retention and protection of vegetation on the site boundary is fully supported, however the perimeter soil storage bunds are shown within the root protection area and will need to be moved;
- The existing site boundary needs to be enhanced with positive management and new planting at the earliest opportunity in advance of the proposed development;
- The topsoil storage bund proposed alongside Coopers Green will help to protect visual amenity and a more pleasant outlook during the operational stage, it will also foreshorten characteristic open views
- The extent to which the landscape and visual benefits of the restoration scheme outweighs the adverse landscape and visual effects during the operational stage should be of high importance in determining whether the proposal is acceptable;
- It is not proposed to import material to reinstate the site to its original levels due to poor accessibility. It is therefore proposed to retain the quarry void as a lake. This would not reflect the predominant landscape character in this northern part of the De Havilland Plain which has a generally flat and open landform with arable landcover. However, it is acknowledged that the landscape continues to undergo change as a result of minerals development in the central and southern parts of the LCA, and waterbodies have been created in several locations. If the creation of a lake is unavoidable, it should be sensitively designed to sit comfortably within the wider landscape.

6.8 Historic England considered it unnecessary to refer the application to them.

6.9 The Rights of Way Team confirms:

- a number of other routes north of Coopers Green Lane are detailed in the ROWIP (Rights of Way Improvement Plan), details attached. I believe a bridle route running parallel with Coopers Green Lane is definitely needed for walkers, cyclists and horse riders, for commuter and recreational use. Coopers Green Lane is a very fast and busy road, meaning currently bridleway 41 is a dead end route, other than people crossing to Great Braitch Lane. A bridleway along here will provide a safe off road link to Ellenbrook and the other proposed routes within the Hatfield Quarry site.
- a safe road crossing point and associated signage will need to be agreed with Herts Highways. Provision for future upgrade to Restricted Byway once restoration has been completed, will also need to be made within the S106.

6.10 The Ramblers Association commented as follows:

- This extension will prolong the life of the existing plant which is illegally obstructing the Public Right of Way known as Colney Heath BR1 and Sandridge BR48. The permission to obstruct this path expired more than 20 years ago and has never been renewed. This illegal obstruction must not be allowed to continue.
- Since the original permission for a temporary diversion expired the diversion has been in public use for more than 20 years and has almost certainly achieved the status of a Public Right of Way in its own right. It cannot therefore legally be considered as a formal diversion for BR1/48.
- If the Council grants planning permission for this extension and, as Highway Authority, is minded to grant a new temporary closure for BR1/48 then we ask that as a quid pro quo the Council should insist that the path around the southern perimeter is formally dedicated as a Public Bridleway.
- In May 2016, the County Council gave planning permission for the restoration of parts of this quarry. The reference is 5/1240-14. Condition 6 of this permission requires that the Rights of Way enhancements shown on drawing P16/597/4 Rev A shall be provided in accordance with the timescales set out in a rights of way delivery plan to be submitted prior to the commencement of development. It is important that any planning permission for this extension is not allowed to extend the timescales for the provision of these new routes which should be provided as soon as practicable.

6.11 St Albans and District Footpaths Society comments – this processing plant is illegally obstructing Sandridge bridleway 48. Permission was given to obstruct the bridleway for 20 years, but this time limit expired many years ago. As part of the restoration of this extension, the Society would like to see a multi-user path created running on the north side of Coopers Green Lane, within the field boundary. This new path is included in the Rights of Way Improvement Plan and links to other paths which will enable walkers and cyclists to travel between St Albans / Sandridge and Welwyn Garden City/ Hatfield on a more pleasant route than the busy road, which is not wide enough for cars to overtake cyclists safely.

Third Party Consultation

6.12 The application has been advertised by way of site notice, press notice and notification letters sent to 55 properties within 500m of the site:

6.13 There have been 8 letters raising objections. The main points can be summarised as follows:

- Noise from the quarry is very intrusive, it means that we have to close our windows and cannot sit out in our garden in the summer.
- The noise from Hatfield Quarry is unbearable when you are in the house. The noise will only get worse with an extension and residents should not be subjected to this level of noise for 6 days a week

- The increase in lorry numbers to the area and associated air pollution will be at an unacceptable level. There should be a report provided from a respiratory health expert on the risks of a quarry so close to residents and air pollution caused by vehicles
- The prospect of so much additional heavy traffic along an already very busy road, particularly during the rush hours is very alarming
- HGVs should be routed via the A1M rather than towards St Albans
- existing trees between the road and the workings should be retained
- appropriate land drainage should be provided and maintained
- Flooding from the processing plant at Hatfield Quarry has in the past flooded several properties. Cemex refuse to clear the field drains
- Working hours should be no more than 6am and 7pm
- This application must be looked at in conjunction with the other pending application for Hatfield airfield. The NPPF is very clear that the cumulative effect of sites should be taken into consideration
- When we moved to the area in 2011 we were aware that Cemex were on site until 2020, but had no idea that the airfield was potentially being quarried. One of the arguments for the BAe application was that Cemex were soon to leave
- The planning rules need to be enforced

6.14 Ellenbrook Residents Association commented:

We are concerned that the application, taken with other proposals for the area, will exacerbate the traffic issues on the A1057. This road has already been identified as operating at near or at full capacity. We understand that this site is not included in the Minerals Plan which expires imminently. We believe that this site should be assessed along with proposals for the quarry at the nearby former Aerodrome in the Minerals Plan currently in preparation. This can then take into account changes in the area since the last Plan. It should also take into account any interactions between and the aggregate effects of these two proposals, and any other extraction proposals likely to come forward for this area. This is essential to ensure that both the existing operator in the area (Cemex) and any new entrant(s), such as Brett, can operate successfully, and that infrastructure issues can be properly assessed.

6.15 Smallford Residents Association objects to the application raising the following points:

- At present there is a major application in for a site by Brett Aggregates for gravel extraction within one mile of this application's site – we could potentially have two major gravel extraction sites operating simultaneously in our small area of Hertfordshire, both of which will impact upon our community in a number of ways, and suggests there is no sustainable long term management of gravel resources taking place
- This application will lead to further delay in restoring Hatfield quarry
- Increased noise and pollution - with proposed working hours giving little respite for our community
- The HGVs will result in increased traffic congestion

- There needs to be recognition of the impact on other proposed developments such as the Hatfield Aerodrome site, Oaklands College site, Hertfordshire University, etc.
- Consideration needs to be given to a road management plan in respect of vehicles entering and leaving the site
- Consideration needs to be given to road infrastructure in particular along Oaklands Lane and the bridge in Station Road
- Consideration and a full plan need to be submitted by CEMEX with regard to their site and how this application fits with their restoration plan. We need to see a fully joined up and thought out plan
- This site cannot be looked at in isolation given everything else going on in our area
- There has been no resident consultation
- Impact post quarrying must be considered - we were led to believe Hatfield Quarry was coming to the end of its life but we now face an extension, is this it, or will there be further requests for an extension?
- Property values will be impacted

6.16 Astwick Manor Management Company Ltd, which represents 38 properties at the Astwick Manor site, expresses concerns regarding the proposed extension which is directly opposite our access. We already suffer heavy traffic which would increase to a dangerous level should this permission be granted including noise and pollution that the residents would have to tolerate. Should you grant permission we all very sincerely hope you will impose time restrictions during the week and week-end for health and safety reasons.

7. Development Plan

7.1 The development plan for the area comprises -

- Hertfordshire Mineral Local Plan 2002-2016 Adopted March 2007
- Welwyn Hatfield District Plan 2005
- Hertfordshire Waste Local Plan Site Waste Allocations Document 2011-2026 Adopted July 2014
- Hertfordshire Waste Local Plan Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 Adopted November 2012

Hertfordshire Mineral Local Plan 2002-2016 Adopted March 2007

1 - Aggregates supply; 2 - Need for mineral working; 3 - Sites for sand and gravel extraction and the working of preferred areas; 4- Applications outside preferred areas; 5 - Mineral sterilisation; 7 - Secondary and recycled aggregates; 8 - Recycling facilities on mineral sites; 9 - Contribution to biodiversity; 11 - Cumulative impact; 12 - Landscape; 13 - Reclamation scheme; 14 - Afteruse; 15 - Landfill; 16 - Transport; 17 - Criteria for the control of mineral development to protected critical capital and other environmental assets; 18 - Operational criteria for the control of mineral development.

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

1 – Strategy for the provision of waste management facilities; 1A – Presumption in favour of Sustainable Development; 2 – Waste Prevention and Reduction; 4 – Landfill and Landraise; 6 – Green Belt; 7 – General Criteria for assessing planning applications outside of identified locations; 9 – Sustainable Transport; 10 – Climate Change; 11 – General Criteria for Assessing Waste Planning Applications; 12 – Sustainable Design, Construction and Demolition; 13 – Road Transport & Traffic; 14 – Buffer Zones; 15 – Rights of Way; 16 – Soil, Air and Water; 18 – Protection of Regional and Local designated sites and areas; 19 – Protection and mitigation

Hertfordshire Waste Development Framework Waste Site Allocations Development Plan Document 2011 – 2026

Site Allocations Policies

1A – Presumption in favour of Sustainable Development; 2 – Applications for Waste Management Development on Allocated Sites and Employment Land Areas of Search; Inset Map 07 – AS008 land off Birchall Lane, Cole Green.

Welwyn Hatfield District Plan Adopted 2005

SD1 - Sustainable Development; R2 - Contaminated Land; R5 - Waste Management; R7 - Protection of Ground and Surface Water; R11 - Biodiversity and Development; R17 - Trees, Woodland and Hedgerows; R18 - Air Quality; R19 - Noise and Vibration Pollution; R20 - Light Pollution; R29 - Archaeology; M2 - Transport Assessments; M5 - Pedestrian Facilities; M6 - Cycle Routes and Facilities; D1 - Quality of Design; D2 - Character and Context; D8 - Landscaping; HATAER1 - Hatfield Aerodrome: Sustainable Development of the Site; HATAER3 - Hatfield Aerodrome: Requirement for a Master Plan; HATAER4 - Hatfield Aerodrome: Land Use Proposals; RA11 - Watling Chase Community Forest; RA25 - Public Rights of Way

National Planning Policy Framework 2012

1 – Building a strong, competitive economy, 4 – Promoting sustainable transport, 8 – Promoting health communities, 9 – Protecting Green Belt Land, 10 – Meeting the challenge of climate change, flooding and coastal change, 11 – Conserving and enhancing the natural environment, 12 – Conserving and enhancing the historic environment, 13 – Facilitating the sustainable use of minerals

8. Planning Issues

8.1 The main planning issues relate to:

- Need for mineral working
- Green Belt
- Transport
- Noise
- Air Quality
- Landscape
- Restoration
- Water

Need

8.2 The main policy considerations relating to need for sand and gravel working are provided in Minerals Policies 1, 2, 3 and 4 of the Hertfordshire Minerals Local Plan.

- Policy 1 (Aggregate Supply);
- Policy 2 (Need for Mineral Working);
- Policy 3 (Sites for Sand and Gravel Working and the Working of Preferred Areas);
- Policy 4 (Applications Outside Preferred Areas)

8.3 The full wording of Minerals Policies 1, 2, 3, and 4 are in Appendix III.

8.4 Minerals Policy 1 provides that will only be granted where it is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply, including maintaining an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period.

8.5 Minerals Policy 2 provides that when determining planning applications the County Council will take into account

- i) the existing quantity of permitted reserves of the mineral;
- ii) the rate at which, and the proposed timescale over which it is expected that those permitted reserves will be worked;
- iii) the proposed rate and timescale in the application for working the mineral deposit;
- iv) the existence of resources of the mineral which are identified as Preferred Areas within the Plan and which are shown as being desirably worked at an early stage of the Plan period; and
- v) the particular nature and qualities of the mineral deposit concerned, such as the suitability for a particular end use not met by other available sources in the area or region.

8.6 Minerals Policy 3 provides that unless exceptional circumstances indicate otherwise, the county's needs for land-won aggregate will be

met from the sites identified in Policy 3, comprising the Identified Sites listed in Appendix V which have a valid planning permission for mineral extraction and the Preferred Areas (1 – BAe Hatfield; 2 – Coursers Road; 3 – Rickneys Quarry) and only then when they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with Mineral Policy 1; and the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps.

- 8.7 Minerals Policy 4 provides that applications for mineral working outside of the Preferred Areas will be refused planning permission unless:
- i) the landbank is below the required level and there is a need for the proposal to maintain the County's appropriate contribution to local, regional and national need that cannot be met from the identified areas; and
 - ii) it can be demonstrated that the proposals would not prejudice the timely working of Preferred areas; or
 - iii) the sterilisation of resources will otherwise occur
- 8.8 The NPPF (144) requires Mineral Planning Authorities to plan for steady and adequate supply of aggregates by:
- maintaining a stock of mineral planning permissions for sand and gravel of at least 7 years, and
 - using landbanks of aggregate mineral reserves principally as an indicator of the security of supply to indicate any additional provision that needs to be made for new aggregate extraction, and to identify alternative supplies in minerals plans.

Evaluation

- 8.9 The application site was not promoted as a potential area for mineral working in the current Minerals Local Plan. The land is not within a preferred area for mineral working.
- 8.10 Minerals Policy 1 requires the maintenance of an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan.
- 8.11 In terms of maintaining the required level of contribution to regional supply, Hertfordshire is required to provide 1.39 million tonnes of sand and gravel each year, as agreed with the Aggregate Working Party for the East of England of which Hertfordshire is a member.
- 8.12 The ability to meet the annual apportionment requires the maintenance of an appropriate landbank. At the end of 2016 the stock of mineral planning permissions for sand and gravel in Hertfordshire (the

landbank) stood at 13.25 million tonnes, equivalent to 9.5 years (i.e. $13.25 \div 1.39$ annual apportionment).

- 8.13 The mineral deposit at Furze Field would add around 450,000 tonnes to the landbank, which would increase the size of the landbank to the equivalent of 9.85 years.
- 8.14 Unless supplemented by new sources of supply, the landbank will decline by the volume of annual sales in each year (equivalent to 1.19mt based on 3 year average sales). On this basis, the landbank would reduce to 9.68mt by the end of 2019 (equivalent to 6.96 years at 1.39mtpa). At this level the landbank would be below the minimum required.
- 8.15 By 2018/19 the landbank is expected to be supplemented by the 8mt (estimated) of sand and gravel at the establishment of a new quarry at the former BAe site. The major contributors to sales and apportionment levels are likely to be the two major producing sites (Coursers Road and BAe) for the foreseeable future.
- 8.16 With the addition of the reserves at Bae, the long term stock of sand and gravel permissions is likely to be reasonably steady, and there is a reasonable likelihood of continuity of supply remaining steady overall. The level of contribution from each site can fluctuate year-on-year depending upon output which can affect their contribution to the annual apportionment. The output from each site will depend upon the quality of the deposit and the rate of production, which can be affected by a number of site specific factors, including the depth of overburden and volumes of material to be moved, the availability of capital and weather conditions. The contribution each site is capable of making to annual apportionment levels in future years is therefore difficult to predict accurately.
- 8.17 Minerals Policy 2 requires specific criteria to be considered including the proposed rate and timescale in the application, and the level of mineral resources within the Preferred Areas identified in the Plan as being desirably worked at an early stage.
- 8.18 The deposit at Furze Field would be worked as over 18 months at an average rate of 400,000 tonnes per annum. The largest new deposit as the former BAe site was identified as being preferably worked at an early stage of the Plan, however, the application was submitted in the final year of the Plan. When the new quarry is established at the former BAe site it is expected to contribute 250,000 tonnes of sand and gravel in terms of sales, and continue at that level for a period of 30 years.
- 8.19 The deposit at Furze Field is relatively small and would make a modest contribution to the overall landbank, however, the deposit could still assist with maintaining continuity of supply over a short timescale. Working the Furze Field deposit after 2020 would provide a

contingency against any potential shortfall in supply from the main producing sites over an 18 month period.

- 8.20 There are also potential benefits of working the deposit at Furze Field as an extension to Hatfield Quarry, the main factor being the ability to use existing infrastructure i.e. conveyor and mineral processing facilities / plant. Working the deposit as an extension would be more resource efficient than working the deposit in isolation, where there would be additional transport and processing costs, possibly making the deposit unviable as a stand-alone deposit. The use of the existing conveyor to transport mineral would also avoid placing HGV on the public highway.
- 8.21 In future there may be additional constraints, such as the potential gypsy and traveller site forming part of the site, and no safe site access being achievable from Coopers Green Lane for HGVs.
- 8.22 These are considered to be exceptional circumstances to allow mineral working outside of a preferred area, provided for in Minerals Policy 3.

Green Belt

- 8.23 The NPPF sets out Government policy in respects of the Green Belt:
- The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 79);
 - inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87);
 - When considering any planning application, 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 (paragraph 88);
 - A local planning authority should regard the construction of new buildings as inappropriate in Green Belt (paragraph 89). Certain other forms of development, including engineering operations and mineral extraction, 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.
- 8.24 Mineral extraction is not inappropriate development in the Green Belt and the method of working would reduce the impacts of mineral working. The site is reasonably well screened by established hedgerows on the northern side of Coopers Green Lane and the adjacent Furze Field Wood will help to limit views into the site from Coopers Green Lane, although glimpsed views will still be possible where the conveyor passes under the road. A perimeter soil bund would be constructed to the north of Coopers Green Lane to restrict

views into the site. Further planting is required to supplement the hedgerow.

- 8.25 The harm to the Green Belt at the extraction site would be limited by the additional planting, the use of bunds, and the low intensity method of working using a limited number of machines and the use of a conveyor line to reduce HGV movements. Once the bunds are in place views into the site would be very limited. Mineral extraction would take 18 months and the site would be fully restored with openness reinstated within 3 years. The proposal would not conflict with the purposes of including land in Green Belt.
- 8.26 The existing processing plant at Oaklands Lane - including a wash plant, sand bagging plant and ready-mix concrete plant - are considered to be inappropriate development in the Green Belt. The proposed is dependent upon the existing infrastructure being retained for a further 3 years until 2023. The harm to the Green Belt would be mitigated by the established bunds and screening already in place around the plant site, however the sand bagging plant is visible from views to the west. This will require an additional planting scheme. There is further limited harm to visual amenity caused by the conveyor line which extends for 2km to Symondshyde, however, the conveyor line is fairly low lying structure and is not generally visible from public views, except from Bridleway 14 which crosses the haul road.
- 8.27 The limited harm as a result of the retention of the processing plant in terms of visual amenity, noise and dust would be very limited. The very special circumstances are the need to maintain a continued supply of sand and gravel from the site and the great weight attributed to the benefits of mineral extraction, including to the economy.
- 8.28 The method of working using the existing conveyor belt over such a short duration help to limit the impact upon the Green Belt. The openness of the Green Belt would be fully reinstated upon restoration.

Transport

- 8.29 The application includes a Traffic Statement taking account of existing traffic conditions, projected traffic growth, the impacts of the proposed development, and cumulative impacts in combination with other quarries in the area.
- 8.30 Traffic counts undertaken on Oaklands Lane on Tuesday 8 October 2013 recorded 1,154 Passenger Car Units (PCUs) between 07:45 and 08:45 hours and 1,100 PCUs between 17:00 and 18:00 hours. Taking into account projected traffic growth up to year 2021, this section of Oaklands Lane is predicted to carry 1,287 PCUs between 07:45 and 08:45 and 1,221 PCUs between 17:00 and 18:00 hours.

- 8.31 The maximum HGV limit for the site – 250 (125 in, 125 out) - has been agreed with the operator and highway authority.
- 8.33 The Transport Statement includes an evaluation of all operations at Hatfield Quarry. Mineral extraction at Furze Field at a rate of 400,000 tonnes per annum (average) would generate around 166 per day (84 in, 84 out) to include all vehicle movements associated with mineral extraction, sand bagging, sand and gravel export, and the ready mix concrete. The infilling of Cut Field Lagoon would generate an additional 72 movements (36 in, 36 out) per day (average). The total combined HGV movements for all activities at Hatfield Quarry would be 238 HGV movements (119 in and 119 out) per day. At this level, the maximum 250 movements is not exceeded for the 18 month operation.
- 8.34 The Highway Authority has no objection to the continued operation of the quarry on the basis that it could continue to operate within the maximum number of lorry movements permitted and continue to use an existing access on Oaklands Lane. The cumulative impact of the operation in combination with the new quarry at the former Hatfield Aerodrome would be within an acceptable limit and would not result in significant residual harm.

Evaluation

- 8.35 The proposal would make use of the conveyor belt in order to transport materials from the extraction area to the processing plant. This is supported in the Hertfordshire Minerals Local Plan which identifies this method as the preferable way to transport minerals (where possible) in order keep HGV movements off of the public highway (paragraph 4.6.1). The processed materials would be exported from the site using the existing access with C61 Oaklands Lane which is less than 1km from its junction with A1057 Hatfield Road.
- 8.36 The proposal provides acceptable vehicle movement within the site, access to the site, and the conditions of the local highway network are such that the traffic movements likely to be generated would not have an acceptable impact upon highway safety, effective operation of the highway network, residential amenity or the local environment. The proposal would therefore comply with Minerals Policy 16 of the Hertfordshire Minerals Local Plan. There are insufficient grounds to refuse planning permission on highway grounds as the residual cumulative impacts are not severe (NPPF, paragraph 32).
- 8.37 The Highway Authority does not consider that a maintenance bond should be required in order to address excess wear and tear affecting the public highway. This is provided by the s106 obligation.

Cumulative impact

- 8.38 The Transport Statement has considered vehicle movements generated by the proposed development together with the proposed new quarry at the BAe site. The development of a new quarry at the former BAe site would generate 174 total HGV movements for quarry and waste importation (combined). The cumulative total HGV movements from both operations operating consecutively would be 412 HGV movements (174 + 238). The Highway Authority is satisfied that this would not result in any significant adverse impact due to the combined total being below 5% of total traffic using the A1057 (15,420 vehicles (two-way) for vehicles of all sizes).

Noise

- 8.39 The NPPF (paragraph 144) seeks to 'ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establishes appropriate noise limits for mineral extraction in proximity to noise sensitive properties'.
- 8.40 The NPPG requires MPAs to:
- establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900);
 - where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable;
 - in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work.
- 8.41 Minerals Policy 18 (viii) of the Hertfordshire Minerals Local Plan 2007 states 'all proposals for mineral extraction and related development shall, where appropriate, demonstrate that no significant noise intrusion will arise from the development'.
- 8.42 Policy R19 (Noise and Vibration Pollution) of the Welwyn Hatfield Local Plan (2005) states 'planning permission will be granted where noise emissions can be controlled within acceptable levels'.

Noise Assessment

- 8.43 The noise assessment submitted with the application uses British Standard 5228-1:2009 *Code of practice for noise and vibration control*

on construction and open sites, which is considered the relevant standard to apply because the site is an open quarry site.

- 8.44 The noise assessment concludes no significant noise intrusion would result from the proposed development and there would be no significant adverse impact.
- 8.45 The noise assessment includes a baseline noise surveys taken at noise sensitive receptors in close proximity to the site. Predictive noise levels have been generated using modelling software (CADNA) during each phase – i.e. site preparation, mineral extraction and restoration phases.
- 8.46 The model assumes the following vehicle movements to be the worst case scenario:
- Site preparation: 1 excavator, 1 dozer, 1 dumper truck (10 two-way movements per hour);
 - Mineral extraction: 1 excavator, 1 loading shovel, 1 dumper truck (6 two-way movements per hour);
 - Restoration: 2 dozers and 2 dump trucks (4 two-way movements per hour)
- 8.47 The noise assessment measured background and predicted noise levels at 15 sensitive receptors nearest to the site. The results are listed in Appendix VI.
- 8.48 The figures for background noise levels record 55dB as being exceeded at Receptors 1-6. Noise levels generated during mineral extraction are predicted not to exceed the measured background levels by 10dB at any time.
- 8.49 The single location where the noise level is predicted to exceed 55dB is Astwick Manor Lodge during site preparation (62.1dB) and restoration (63.1dB), however, the noise level is predicted to be less than 70dB, the level permitted for temporary works lasting up to 8 weeks.
- 8.50 In order to limit the impact upon residents of Astwick Manor Lodge and to ensure that noise intrusion is the minimum possible level, there is a requirement for the operator to submit precise details of site establishment works and the restoration scheme for the approval of the Mineral Planning Authority to ensure that noise attenuation is given proper consideration at each stage of the development. As a minimum requirement, the perimeter bunds should be constructed in the initial stages of site construction and a section of bund retained opposite Astwick Manor Lodge for as long as possible until restoration is virtually complete.

Summary

- 8.51 The noise assessment has demonstrated that noise from mineral extraction is expected to be below 55dB. During site construction and restoration noise would exceed 55dB at one property only (Astwick Manor Lodge), but is below the maximum 70dB level permissible for temporary operations. Noise associated with the proposed development is capable of being controlled and mitigated to acceptable levels. The proposed development would not result in significant noise intrusion. Appropriate noise limits will be established in proximity to noise sensitive properties by condition.
- 8.52 The proposal is therefore consistent with the NPPF (paragraph 144), NPPG, Minerals Policy 18 of the Hertfordshire Minerals Local Plan 2007, and Policy R19 of the Welwyn Hatfield Local Plan 2005.

Cumulative Impact

- 8.53 The noise assessment includes measurements at 6 locations (Table 3 – Appendix VI) within the vicinity of the existing plant site at Oaklands Lane and the new processing plant at the Hatfield Aerodrome site to be constructed by Brett Aggregates (ref 5/0394-16). The distance between the processing plant at Hatfield Quarry and the Brett Aggregates site is approximately 550m. The nearest properties to the processing plant on Oaklands Lane are Pastures View (formerly Radio Nursery) located approximately 500m to the south. The Brett plant is approximately 575m north east of Pastures view and 500m south of Birch Farm.
- 8.54 The noise assessment demonstrates that cumulative noise levels - i.e. combined noise from both operations - would not exceed 55dB at any of the 6 locations. When considering the combined operations the cumulative impact is a value of 0.2dB. Therefore, the cumulative noise impact is predicted not to have any significant adverse impact or result in significant noise intrusion. The values are within the maximum levels in NPPG. The operator will be required to install noise monitoring equipment at the extraction site to ensure compliance with these standards, which will be subject to review and further mitigation considered if shown to be necessary by monitoring. Subject to these safeguards being in place the proposal should comply with the standards required by the NPPG, and Minerals Policy 18, and Local Plan Policy R19.

Air Quality

- 8.55 The application includes an Air Quality Impact Assessment (AQIA) of baseline air quality in the local area (obtained from the UK National Air Quality Information Archive database) and an assessment of the magnitude and significance of effects as a result of the proposed development.

- 8.56 The Air Quality Standards Regulations (2010) are the accepted standard. The UK Air Quality Strategy is the framework for improving air quality and protecting human health, and sets air quality standards for each pollutant (the Air Quality Objective).
- 8.57 In terms of planning policy, the NPPF (paragraph 124) provides context
- “Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”
- 8.58 Further guidance is provided in the NPPG which states -
- “When deciding whether air quality is relevant to a planning application, local planning authorities should consider whether the development would:
- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads.
 - Give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations.
 - Affect biodiversity. In particular, is it likely to result in deposition or concentration of pollutants that significantly affect a European-designated wildlife site, and is not directly connected with or necessary to the management of the site, or does it otherwise affect biodiversity, particularly designated wildlife sites.” (Paragraph 005 Ref ID: 32-005-20140306)
- 8.59 Policy 18 (Air Quality) of the Welwyn Hatfield Local Plan (Adopted 2005) requires the Council to have regard to the potential effects of a development on local air quality when determining planning applications and to both the operational characteristics of the development and the level of traffic that it generates.
- 8.60 Enforcement against a dust nuisance complaint falls under the Environmental Permitting (England and Wales) Regulations 2010. The local Environmental Health Unit may take action if dust becomes a nuisance, defined in the 1990 Environmental Protection Act (section 73(3)) as -
- “any dust, steam, smell or other effluvia arising on industrial trade or business premises and being prejudicial to health or a nuisance.”

Dust

8.61 The potential for dust pollution is generated by the following processes:

- site preparation and associated earthworks (e.g. creation of bunds);
- mineral extraction;
- material stockpiling;
- export of material;
- use of conveyor and plant site;
- vehicle movements;
- exhaust emissions

8.62 The AQIA identifies the approximate distances that particles of varying size may be carried from the site:

- <30µm - within 100m
- 10µm to 30µm - 250m to 500m,
- <10µm - up to 1km

The AQIA considered –

- a) sensitivity of receptors
- b) significance of magnitude; and
- c) assessed the effects

8.63 The Design Manual for Roads and Bridges (DMRB) refers to any receptor within 200m of a road source as being potentially affected by the operation. On this basis the following sensitive receptors were considered to be potentially affected:

- Astwick Manor
- Astwick Manor Lodge
- Astwick Manor Cottages
- Whitegate Cottages; and
- The Pightle

8.64 The prevailing wind is from the south west. Of the potentially affected properties Astwick Manor Cottages and Whitegate Cottages are situated to the north and east of the site.

8.65 The AQIA assesses the potential impacts upon all sensitive receptors properties as 'negligible' to 'slight'.

Potential impact

8.66 The processes with the greatest potential to generate dust are stripping, stockpiling, and replacement of soils and overburdens, and transport of mineral.

- 8.67 The majority of sand and gravel deposits are above 30µm, with a small fraction of silt fines less than 30µm, therefore, any dust is likely to fall within 100m of the site. The only property within 100m of the site is Astwick Manor Lodge, which is south west of the site, therefore, the prevailing wind would carry dust away from the property.
- 8.68 The potential for dust sized particles becoming airborne would be limited by the method of working, whereby the mineral deposit is worked partially wet. The water table is close to the surface and the working area would be partially dewatered. The mineral deposit would be worked in a generally damp and cohesive state. The mineral would be transported a short distance to the hopper/ conveyor where it would be loaded onto the conveyor. This method of working avoids the need for haul roads which is the main potential source of dust.
- 8.69 The potential for dust at the extraction site is very limited. In very dry and windy conditions there may be a small risk of dust being carried on the wind. The operator is required to keep a water bowser on site to dampen stockpiles as the circumstances dictate. Soil and overburden storage bunds will be required to be seeded to prevent dust forming on the surface.
- 8.70 The mineral is washed and screened at the processing plant (1.5km south of the extraction site) utilising a modern wash plant. The use of a wet process to separate sand and gravel reduces the potential for dust.
- 8.71 The processing plant is located some 500m from the nearest residential properties. There have been no reported complaints concerning the operation of the processing plant on Oaklands Lane as a result of consultations with the Environmental Health Units (St Albans & Welwyn Hatfield).
- 8.72 The mineral operator will be required to submit a dust management plan for the approval. The site conditions will be regularly monitored (normally 6 scheduled visits per year) by the Planning Enforcement and Monitoring Officer.

Mitigation

- 8.73 In order to mitigate potential impacts the following matters will need to be addressed by condition:
- Submission of a dust management plan to include: targets, actions and contingencies, identify suitable conditions for soil movement, stockpiling and bund construction; use of 10 mph speed limit; maintaining dust suppression equipment on site; managing stockpile heights and grass seeding of bunds to minimise wind-blown dust; dampening stockpiles as necessary;
 - Continued use of a wheel wash facilities;
 - Sheeting of vehicles entering and exiting the site

Air quality

- 8.74 The baseline air quality information indicates Air Quality Objectives in the vicinity of the site are not currently breached. The site is not within an AQMA.
- 8.75 The main contributor to pollutants is from vehicles using Coopers Green Lane. The volume of traffic will be likely to increase over the lifetime of the project (2020 – 2023). The potential source of emissions from the mineral extraction site is from the use 1 excavator, 1 loader, and 1 dozer. At this level of activity the operation would be unlikely to increase emissions to a level that would breach the Air Quality Objective for any particular pollutant.
- 8.76 In cumulative terms, the total traffic generated as a result of continuation of mineral extraction at Hatfield Quarry by three years, in combination with the traffic generated by the new quarry at the former Hatfield Aerodrome site, would be less than 5% of the total traffic using the A1057. At this level the impact upon traffic would not result in significant impact.

Mitigation

- 8.77 Emissions from diesel vehicles are a major source of NOx pollution and a small particles < pm2.5. The increase in diesel vehicles on roads in recent years has increased these emissions to a level which is a public health concern. In order to assess the impact of the operation on local air quality, it is considered necessary to install air quality monitoring equipment at the site entrance on Oaklands Lane.
- 8.78 The proposed condition will require the mineral operator to:
- (a) install air quality monitoring equipment at the site entrance; and
 - (b) submit an air quality management plan for the approval of the Mineral Planning Authority setting out the steps as may be necessary to reduce emissions from the site.

Landscape and Restoration

- 8.79 The Minerals Local Plan requires landscaping to be considered as an integral part of any scheme for mineral working and restoration. In designing final restoration schemes account should be taken of the current and any historic landscape character (paragraph 4.3.5).
- 8.80 Minerals Policy 13 (Reclamation Scheme) requires all mineral applications to be accompanied by a detailed, comprehensive proposal for progressive reclamation wherever practical. The proposed restoration and afteruse must be integral with the design of the

proposed workings as a whole. Planning permission will be refused in the following circumstances:

- where there are no proposals for restoration, afteruse and a programme for aftercare covering a five year period;
- the proposed form of restoration or afteruse is inconsistent with the landscape character of the area;
- the proposal for restoration (and, where appropriate, aftercare) are considered to be inadequate;
- satisfactory arrangements have not been concluded by the applicant to secure effective control over the site for restoration and aftercare purposes;
- the applicant is unable to demonstrate that the site will be satisfactorily reinstated.

8.81 The NPPF (paragraph 144) requires restoration and aftercare to be provided at the earliest opportunity and to be carried out to high environmental standards, through the application of appropriate conditions.

8.82 The Landscape Officer notes the operations with potential to result in negative landscape and/or visual effects, these include:

- stripping soils and overburden from operational areas;
- retention of quarry access road, plant site and conveyor belt;
- implementation of mitigation measures (screening bunds, location and direction of working phases);
- mineral extraction (3 working phases over 18 months)
- progressive placement of overburden
- spreading of remaining overburden and soils
- Environmental aspects (e.g. lighting, vehicular noise and movement)

8.83 The Landscape Officer questions the conclusions in the LVIA which predict the landscape impacts as either 'minor adverse' or 'negligible' (where in reality they could be greater) and suggests further planting to infill gaps in the hedge north of Coopers Green Lane.

8.84 The Landscape Officer believes the proposed restoration scheme to be acceptable in landscape terms and welcomes the inclusion of a variety of landscape areas (ponds, scrapes shallow wetland margins, substantial area of acid grassland, new woodland planting; and creation of heath scrub around woodland edges) and the retention of an element of agriculture on the eastern side of the site which is recognised as reflecting local landscape character.

8.85 The Landscape Officer raised some concerns with regards to the appropriateness of a low level restoration that includes a large area of open water, in the belief that a return to agriculture across the site would be a more appropriate landform reflecting the same land use to the north of the site, including the restoration at Symondshyde Farm.

However, it is noted that the restored parts of Hatfield Quarry include areas of open water and the difficulty in accessing the site by HGVs is a significant constraint.

- 8.86 Notwithstanding the Landscape Officer's comments, it is considered that a low level restoration comprising a mix of habitats and the creation of an area of open water is appropriate for the site. Furthermore, the provision of an area of open water would compensate for the loss of the same habitat as a result of the infilling at Cut Field Lagoon.
- 8.87 It is recognised that the lake will require careful consideration and be designed sensitively to sit comfortably within the wider landscape and the composition of different habitat and landscape areas will also require careful consideration. The edges of the lake could offer potential habitats for nesting sites such as sand pipers.
- 8.88 The restoration scheme demonstrates that a satisfactory restoration scheme can be achieved without the need for imported waste or landraising and that significant environmental benefit can be achieved, in accordance with Policy 4 (Landfill and Landraise) of the Hertfordshire Waste Core Strategy and Development Management Policies Document (Adopted November 2012).
- 8.89 The operator is able to control the land and ensure that the site will be satisfactorily reinstated. The proposal is compliant with Minerals Policy 12 (Landscape) and 13 (Reclamation)
- 8.90 The creation of a variety of habitats will provide opportunities to contribute to biodiversity action plan targets and provide long-term enhancement and net gains to local biodiversity and visual amenity of the Green Belt, supporting the aims of Minerals Policy 9, NPPF (81, 109).

Rights of Way

- 8.91 Minerals Policy 18 seeks to 'ensure that public rights of way are not adversely affected or, where this is not possible, that good quality, safe and convenient temporary alternative provision is made and long-term reinstatement or suitable replacement of rights of way is secured'.
- 8.92 The processing plant site is obstructing the original route of Bridleway 48, which has been diverted to the east of the processing plant to re-join the original route approximately [x]m to the north. The diversion has been in place for a period over 20 years, however that consent has now lapsed.
- 8.93 On the ground it is proposed that the diversion will remain in place for the 3-year duration of the works to allow continued use of the processing plant. The continued diversion of Bridleway 48 for the

period of the application would be compensated for by the provision of an acceptable alternative for a temporary period. Accordingly, the proposal would conflict with Minerals Policy 18.

- 8.94 The NPPF (paragraph 75) requires that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 8.95 Minerals Policy 18 also requires proposals to 'enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access'.
- 8.96 As part of the proposals to infill Cut Field lagoon, an extensive network of new bridleways will be created on previously restored parts of Hatfield Quarry. These routes are considered would provide better facilities for users and offer considerable public amenity benefits.
- 8.97 Through discussion of the application it has been agreed that a new bridleway will be created on the north side of Coopers Green Lane to link a new route to be created south of Coopers Green Lane and Bridleway 41. The Rights of Way Unit has confirmed that a bridle route running parallel with Coopers Green Lane is consistent with the Rights of Way Improvement Plan for the area; is definitely needed for walkers, cyclists and horse riders, for commuter and recreational users; and is justified on the basis that Coopers Green Lane is a very fast and busy road and currently bridleway 41 is a dead end route, and a bridleway in this location would provide a safe off road link to Ellenbrook and the other proposed routes within the Hatfield Quarry site.
- 8.98 The enhancement of public access is consistent with NPPF (paragraph 75) and Minerals Policy 18 and is given limited positive weight in the decision.

Heritage

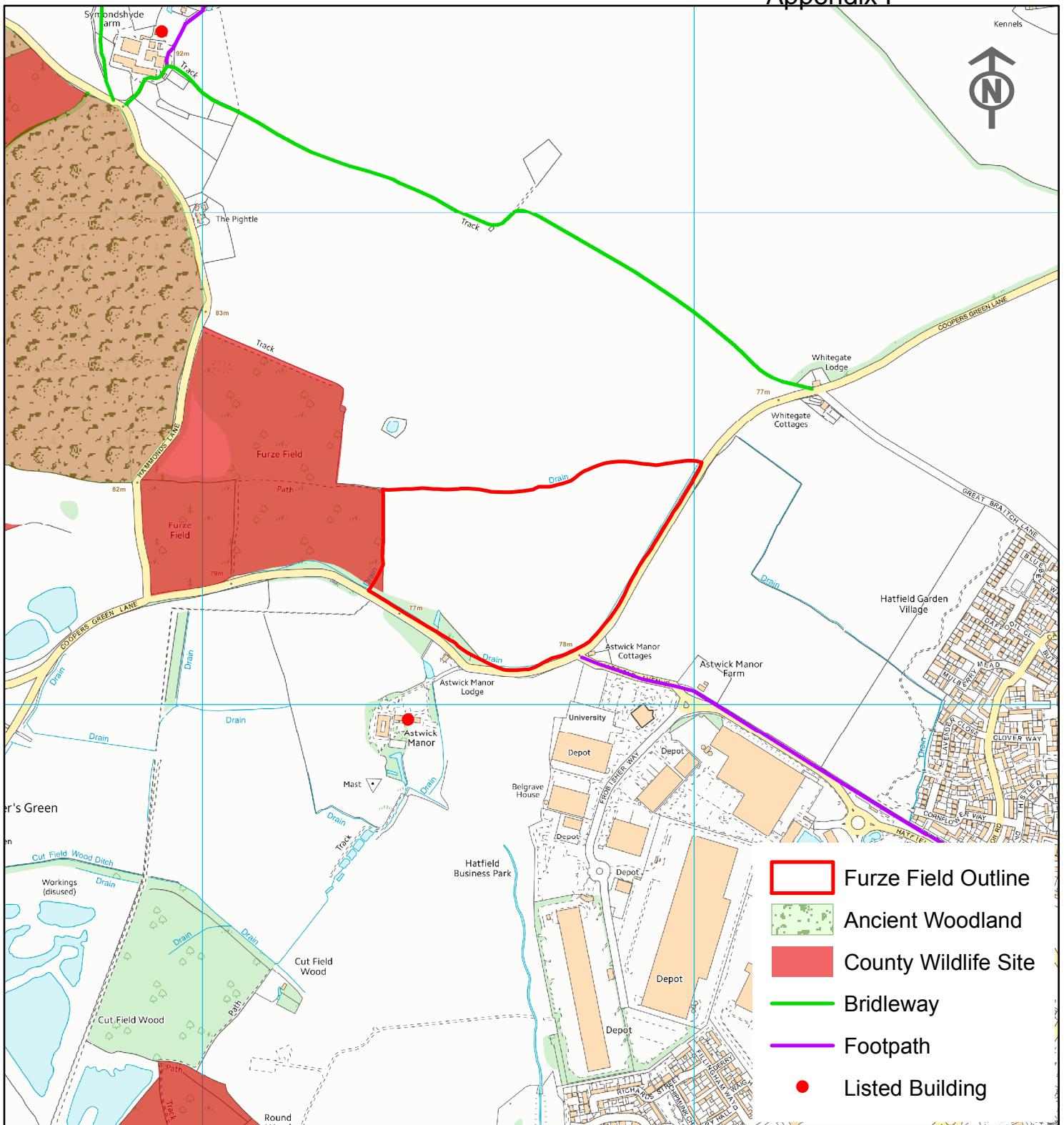
- 8.99 Astwick Manor was formerly the technical school for the de Havilland aircraft company during its time at Hatfield. The manor house is Grade II listed. The original house dates from the late C17 or early C18 century and was extended to include accommodation during its time as a technical college.
- 8.100 The front of the house is some 150m to the south of Coopers Green Lane and views of the house screened by trees for the first 90m along the driveway. The front façade of the manor house is over 200m from the mineral working. At this distance it is not considered there would be any significant adverse impact upon the setting of the listed building. Views of the mineral working would be screened by a perimeter bund and the existing belt of trees to the north of Coopers Green Lane.

9. Conclusion

- 9.1 There is not an immediate need for the mineral deposit at the site in order to maintain the landbank above the minimum level of 7 years specified in the NPPF. However, there is a longer term need to maintain a steady and adequate supply of sand and gravel, to maintain an appropriate contribution to regional supply, and the maintenance of an appropriate landbank.
- 9.2 The deposit at Furze Field is relatively small and would make a modest contribution to the overall landbank, however the deposit could still assist with maintaining continuity of supply over a short timescale. Working the Furze Field deposit after 2020 would provide a contingency against any potential shortfall in supply from the main producing sites for an 18 month period.
- 9.3 The potential benefits of working the deposit at Furze Field as an extension to Hatfield Quarry, including the ability to make use of existing infrastructure and the efficiency of working the deposit as an extension to an existing site are considered to be the exceptional circumstances to allow mineral working outside of a preferred area, as provided for under Minerals Policy 3.
- 9.4 The environmental impacts are reduced by the low intensity method of working and the use of existing vegetation to screen views of the site to minimise visual impact. Any potential effects of noise and dust would be mitigated as far as possible by the use of bunds and the imposition of conditions to ensure compliance with the standards required in National Planning Practice Guidance.
- 9.3 Notwithstanding the potential conflict with Minerals Local Plan 1, 2, 3 and 4, together with the limited harm to the openness of the Green Belt for the 3 year duration of the project, and the continued diversion of Bridleway 41 for a further 3 years, these matters are outweighed by the positive benefits of the proposed mineral extraction in terms of:
- contributing to an appropriate landbank;
 - maintaining continuity of supply from an existing site,
 - the wider economic benefits of mineral extraction,
 - long term enhancements to the rights of way network; and
 - the lack of any substantive harm
- 9.4 It is therefore recommended that planning permission should be granted subject to:
- the conditions set out in Appendix II,
 - the Applicant entering in to a s106 obligation in accordance with the Heads of Terms in Appendix III; and
 - referral of the application to the Secretary of State and him not wanting to call in the application for determination.

List of Appendices

- Appendix I – Ordnance Survey extract
- Appendix II – Conditions
- Appendix III – Heads of Terms
- Appendix IV – Planning History
- Appendix V – Minerals Policies 1, 2, 3, & 4 Herefordshire Minerals Local Plan 2001-2016
- Appendix VI – Noise – measured and predicted noise at sensitive receptors

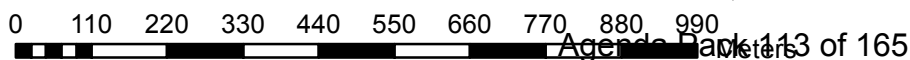


DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 22nd March 2017



Proposed application for an extension to Hatfield Quarry for the extraction of approximately 0.45 million tonnes of sand and gravel from within 17.7ha of land known as Furze Field, involving retention of the quarry access road and site infrastructure facilities and restoration of the extension area to agricultural land and mixed habitats including wetlands, acid grassland and woodland planting at Furze Field, Hatfield Quarry, Oaklands Lane, Smallford, St Albans, Hertfordshire, AL4 0HT



Appendix II

PROPOSED EXTENSION TO HATFIELD QUARRY FOR THE EXTRACTION OF APPROXIMATELY 0.45 MILLION TONNES OF SAND AND GRAVEL FROM WITHIN 17.7HA OF LAND KNOWN AS FURZE FIELD, INVOLVING RETENTION OF THE QUARRY ACCESS ROAD AND SITE INFRASTRUCTURE FACILITIES AND RESTORATION OF THE EXTENSION AREA TO AGRICULTURAL LAND AND MIXED HABITATS INCLUDING WETLANDS, ACID GRASSLAND AND WOODLAND PLANTING

Time Limit for Commencement

1. The development to which this planning permission relates shall be begun before the expiration of a period of five years commencing on the date of this permission

Time Limit for Completion

2. Unless otherwise agreed in writing by the Mineral Planning Authority, the development to which this planning permission relates shall be completed by 31 December 2023

Limit of Operations

3. The development hereby permitted shall be carried out in accordance with the plans and documents forming part of the planning application listed below:
 - P22_597_Restoration Plan
 - P22_597_Plan 1 Soil Management
 - P22_597_Plan 2 Soil Management
 - P22_597_Plan 3 Soil Management
 - P22_597_Plan 1_Method of Working
 - P22_597_Plan 2_Method of Working
 - P22_597_Plan 3_Method of Working
 - P22_597_Plan 4_Method of Working
 - P22_597_Plan 5_Method of Working
 - P22_597_3_Existing Site
 - P22_597_1_Location Plan
 - Air Quality Assessment
 - Noise Assessment
 - Heritage Assessment
 - Written Statement 24 October 2016
 - Landscape Assessment
 - Flood Risk Assessment
 - Hydrological Impact Assessment
 - Transport Statement

Single access to the public highway

4. The exportation of minerals from the Hatfield Quarry Complex to the public highway shall take place via the existing access onto the C61 Oaklands Lane and no other junction with the existing highway.

Maximum limit on HGV movements

5. Unless otherwise agreed in advance in writing by the Mineral Planning Authority, there shall be no more than 250 HGV movements (150 in/150 out) accessing the site via the C61 Oaklands Lane in any one working day. Written records of vehicles entering and leaving the site in connection with all lorry movements from/to the Hatfield Quarry Complex shall be kept by the site operator and made available to the Mineral Planning Authority for inspection.

Wheel washing facilities

6. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material, including sand, mud and debris, being deposited on the public highway

Landscaping

7. On completion of mineral extraction the land shall be restored in accordance with drawing referenced P22 / 597 / 6 (Composite Restoration Plan) dated 01 September 2016, to include: cultivation and planting of tree, shrub, hedge planting, and grass seeding. All trees, hedges and shrubs planted under the scheme shall be maintained throughout the duration and for a minimum period of five years following restoration. Any tree, shrub, bush or hedgerow which within 5 years of planting dies, is removed or becomes seriously damaged or diseased shall be replaced with others of a similar species within the first available planting season

Tree and hedge protection

8. Prior to the commencement of soil stripping the root protection zone area for trees and hedges on the boundaries of the site shall be marked using protective fencing to be retained in place throughout mineral extraction. No soil storage shall take place within 10m of the root protection zone.

Landscaping scheme – processing plant

9. Within 6 months of the date of the decision notice a detailed landscaping scheme for the processing plant shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include measures to screen all plant and buildings from view using appropriate species mix and planting densities to be specified in the scheme. The planting necessary to complete the scheme shall be implemented not later than 3 years prior to the commencement of mineral extraction at Furze Field. All planting shall be protected from damage and maintained for a minimum period of 5 years following mineral extraction at Furze Field. Any specimen that is damaged or dies within the 5 year maintenance period shall be replaced with a suitable

replacement specimen that shall first have been agreed with the Mineral Planning Authority.

Reason: to provide an acceptable level of landscaping in accordance with Minerals Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan (2001-2016) Adopted 2007.

Hours of Working

10. Except for essential dewatering operations agreed by the Lead Local Flood Authority, no operations shall take place at the site shall take place outside of the following hours:

- 07.00 hours - 18.00 hours Monday to Friday;
- 07.00 hours - 13.00 hours Saturdays.

Unless otherwise agreed in advance in writing by the Mineral Planning Authority, no operations at the site or/and within the Hatfield Quarry Complex shall take place on Sundays or Public Holidays.

Dust Mitigation Scheme

11. Prior to the commencement of development a detailed dust management plan to address the method of working at the extraction site shall be submitted to and agreed in writing by the Mineral Planning Authority, to include contingencies to adjust methods of working during dry and windy conditions.

Wind speed monitoring

12. Prior to the commencement of development anemometer device shall be installed at the site for the purpose of measuring wind speed. The device shall be fitted with a live link to make the data available to the quarry manager at all times.

Reason: to provide wind speed data in real time to assist with dust management.

Dust Control

13. The operator shall ensure at all times that areas outside of the boundary of the site are not affected by dust nuisance resulting from the mineral extraction and processing operation. As a minimum, the operation shall put in place the following measures:

- i) tracked vehicles shall be used for soil stripping, mineral excavation and re-spreading of soil, with the exception of wheeled vehicles for the transport of soil and mineral,
- ii) minimising vehicle speeds within the site to 10mph;
- iii) avoiding soil stripping in extremely dry conditions;
- iv) the use of a water bowser or sprays on haul routes or areas trafficked by vehicles or plant;
- v) minimising drop heights into the conveyor hopper;

vi) minimising drop heights at transfer points where a change in direction of the conveyor takes place.

Reason: to minimise any potentially adverse impact upon the local environment from dust, in accordance with Minerals Policy 18 (ix) of the Hertfordshire Minerals Local Plan.

Sheeting of loads

14. All vehicles visiting the site shall upon entering or exiting the site ensure that the load is sheeted and shall not unsheet loads until they are within the processing plant area.

Reason: to minimise dust from vehicles transporting material.

Restriction on soil movements

15. No stripping or spreading of overburden, topsoil or subsoil, including the construction of soil mounds, shall take place when the wind speed and direction is likely to carry dust outside of the site boundary.

Reason: to minimise the risk of dust have an adverse impact upon the local environment

Air Quality

16. Air Quality monitoring equipment shall be installed and maintained in working order at the site entrance at Oaklands Lane. The data shall be retained and made available to the Mineral Planning Authority upon request.

Reason: to monitor the effects of the operation on local air quality standards.

Air Quality Management Plan

17. Prior to the commencement of soil stripping operations, a scheme and programme for the monitoring of dust shall be submitted to and be approved in writing by the Mineral Planning Authority. The scheme shall include details of:

- i) precise arrangements for the measurement of wind speed on the site;
- ii) dust monitoring points around the site boundary;
- iii) monitoring frequency and procedures to make available monitoring information to the Mineral Planning Authority;

Noise levels – normal operations

18. Except for temporary operations, the noise levels arising from the development shall not exceed the LA90 (1hour) values (measured when the site is not operational) at any noise sensitive property by more than 10dB(A) and shall not in any event exceed 55dB(LAeq) (1 hour), freefield at any noise sensitive property including Astwick Manor, Astwick Manor Lodge, Astwick Manor Cottages, Whitegate Cottages; and The Pightle.

Noise level – temporary operations

19. For temporary operations such as site preparation, soil stripping, bund formation and removal and final restoration, the noise levels arising from the development shall not exceed 70dB(LAeq) (1 hour), freefield at any noise sensitive property including Astwick Manor, Astwick Manor Lodge, Astwick Manor Cottages, Whitegate Cottages; and The Pightle.

Noise monitoring equipment

20. The mineral operator shall install noise monitoring equipment on the southern boundary of the site with Coopers Green Lane to measure noise throughout the development, including temporary operations (site construction and restoration) and operational (mineral extraction) stages. The equipment shall be used to keep a record of noise levels produced during working hours. The data shall be made available to the Mineral Planning Authority upon request.
Reason: to minimise the potential adverse impacts of mineral working in accordance with Minerals Policy 18 (Operational Criteria for the control of mineral development) of the Hertfordshire Minerals Local Plan (2001-2016) Adopted 2007, and to ensure compliance with national standards for mineral working established in the NPPG.

Noise from site establishment works

21. Prior to the commencement of mineral extraction at Furze Field, precise details of the site establishment works, including a plan and written statement, shall be submitted to and agreed in writing with the Mineral Planning Authority. The site establishment works shall be designed to minimise the impact of noise from the works upon residents of nearby properties at Astwick Manor Lodge and Astwick Manor in particular.
Reason: to minimise the potential adverse impacts of minerals working in accordance with Minerals Policy 18 (Operational Criteria for the control of mineral development) of the Hertfordshire Minerals Local Plan (2001-2016) Adopted 2007.

Protection of watercourses

22. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

Chemical storage

23. Any chemical or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container's or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There shall be no drain through the bund floor or walls.

Pollution control

24. Repair, maintenance and refuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor
25. Repair, maintenance and refuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor.

Protection of watercourses

26. Throughout the period of working, restoration and aftercare the operator shall:
 - i) protect and support any ditch, watercourse or culvert passing through the development area, or divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land;
 - ii) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there shall be no pollution of watercourses by the approved operations;
 - iii) protect and support the existing irrigation distribution system, especially where it passes through the development area. Where operational necessity requires the system to be disrupted a suitable alternative shall be provided prior to the disruption taking place;
 - iv) protect and support the existing water supply to private wells on the adjacent agricultural holdings. Where such supply is adversely affected a suitable alternative shall be provided.

Soil resources - conservation and re-use

27. No topsoil, subsoil or overburden shall be removed from the site.
28. No topsoil or subsoil stripping shall take place until the Mineral Planning Authority has been given at least 7 days and not more, than 21 days notice in writing of any topsoil stripping operations.
29. No plant or vehicles shall cross any area of unstripped topsoil or exposed subsoil except where such trafficking is essential and unavoidable for the purposes of undertaking the permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road or for the stationing of plant and buildings, or storage of subsoils or overburden until all available topsoil and subsoil has been stripped separately to its full depth from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.
30. In each calendar year, soil stripping shall not commence on any phase until any standing crop or vegetation has been cut and removed.

31. Topsoil and subsoil shall only be stripped when they are in a dry and friable condition. No movement of soils shall occur:
- i) during the period 1 October to 31 March inclusive, unless it is demonstrated to the Mineral Planning Authority that the movement of soils can take place satisfactorily within this period;
 - ii) when the full topsoil or full subsoil depth has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377 (1975) – 'British Standard Methods Test for Soils for Civil Engineering Purposes'.
32. Soil bunds which are to be stored for over 12 months shall be constructed with a slightly domed top and shall be seeded with an appropriate grass seed mixture unless otherwise agreed in writing by the Mineral Planning Authority. Cutting, grazing or spraying shall be undertaken as necessary to prevent the build up of a seed bank of weeds or their dispersal onto adjoining land.
33. Unless otherwise agreed in writing by the Mineral Planning Authority, all topsoil stockpiles shall not exceed 3 metres in height and all subsoil stockpiles shall not exceed 5 metres in height. All outer slope faces of soil storage stockpiles furthest from the extraction area shall have a gradient no steeper than 1:3 and all inner slope faces of soil storage stockpiles nearest the extraction area shall have a gradient no steeper than 1:1 unless otherwise agreed in writing by the Mineral Planning Authority.
34. Within 3 months of completion of soil handling operations in any calendar year, the Mineral Planning Authority shall be supplied with a plan showing:
- i) the area stripped of topsoil and subsoil;
 - ii) the location of each soil storage mound;
 - iii) the quantity and nature of the material therein.

Annual aftercare

35. A scheme of agricultural aftercare shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall specify the steps as may be required to achieve and maintain the required standard of land for agricultural use and shall include the following matters :-
- i) cropping pattern;
 - ii) cultivation practices;
 - iii) remedial treatments;
 - iv) field drainage system;
 - v) weed control, and;
 - vi) provision for site meetings on at least an annual basis with officers of the Mineral Planning Authority and any relevant consultee in order to assess the progress to date, any remedial action required, and the management of the restored areas for the following year.
- The steps referred to above shall be carried out during the period of 5 years following the first cultivation of each phase of the restoration.

Aftercare

36. A detailed annual programme of agricultural aftercare shall be submitted for discussion at the annual aftercare meeting. This shall include a report on the previous year's aftercare and amplify the outline strategy for the forthcoming year's work and confirm or modify the original proposals. The first detailed programme shall be submitted with the overall scheme required to be submitted pursuant to Condition 27. If necessary, a revised agricultural aftercare scheme shall be submitted to and approved by the Mineral Planning Authority in writing within four weeks of the annual site meeting.

Protected Species

37. Prior to the commencement of development a scheme proposing measures to protect Great Crested Newts from harm for the duration of development shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:
- A plan showing exclusion fencing around the boundary of the site;
 - Proposals for translocating individuals to a donor site;
 - Proposals for habitat enhancement on completion of restoration;

Great Crested Newt Surveys

38. Within 1 year of the date of this planning permission a survey shall be carried out in the pond to the south-west of the site (at grid co-ordinates 520309E 210507N) to inspect for the presence of Great Crested Newts. The survey shall be carried out by an appropriate specialist licensed by English Nature and the results submitted to the Mineral Planning Authority within 28 days of the completion of the survey. Should the survey reveal the presence of Great Crested Newts, measures shall be put in place to ensure that the Great Crested Newts are protected from harm or disturbance. A copy of the survey report shall be submitted to the Hertfordshire Biological Records Centre with permission to update the county biological database.

Rights of way

39. All rights of way, existing, diverted or newly created, shall be clearly signposted. Any diversions or new paths shall be clearly shown on a plan which shall be maintained and kept up to date at all times and shall be located at the boundary of the site at the points where the right of way enters the permitted area. Unless otherwise agreed in writing by the Mineral Planning Authority, any diverted right of way shall be reinstated back to its original line and length to a condition in such a state as to be safe and fit for the public to pass and re-pass along its entire route following completion of restoration (excluding aftercare).

Progress with restoration – annual reporting

40. The applicant shall submit a written report to the Mineral Planning Authority at the end of each calendar year or upon completion of a phase of restoration, whichever is the sooner, detailing progress of extraction and restoration of the site. This report shall include:-
- i) a drawing indicating existing as built site levels related to Ordnance Datum identifying all significant features and boundary details, including the extent of operations and any restored areas of the site;
 - ii) confirmation of the methodology employed in any restoration, soil placement or treatment for any completed phases;
 - iii) details of the volume of extracted material from the site during the year, and;
 - iv) an estimation of whether the practical implementation of the approved restoration scheme is capable of being achieved and whether the development is likely to be completed within the timescales predicted in the application.

Site security

41. Precautions shall be taken at all times to prevent unauthorised access to the site

Removal of plant and machinery

42. All machinery, haul roads and accesses no longer required in connection with the operations or future agricultural use of land, shall be removed from the land within twelve months of the completion of final restoration and the land restored in accordance with the provisions of this planning permission.

Restriction of permitted development rights

43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or any order amending, replacing or re-enacting that order, approval in writing shall be obtained from the Mineral Planning Authority for the erection of any building, fixed plant, fixed machinery or fixed structures at the site or the placing of any portable buildings or structures. This restriction does not apply to the use of machinery necessary for the removal of overburden, extraction and distribution of sand and gravel and restoration works.
44. A copy of these conditions and any schemes referred to within this consent and submitted and approved pursuant to this consent shall be displayed in the site office and the contents shall be made known to any persons given responsibility for operational management and control.

Appendix III – Draft Heads of Terms

The mineral operator shall be required to:

- A) Provide a bridleway to the north of Coopers Green Lane within the application site in accordance with the attached schedule;
- B) Undertake a Condition Survey in order to assess the condition of the highway within the vicinity of the site before the implementation of the development and an updated version will be required at the completion stage. Where the development as a result of construction is likely to increase road degradation a highway £30,000 bond should be secured via a Section 106 agreement prior to commencement on site.

Appendix IV - Planning History

Table 1

<u>Reference</u>	<u>Description</u>	<u>Date</u>
1075 IDO	Sand and Shingle Excavation - T&CP (General Interim Development) Order 1968	September 1947
C/0802-56	Tipping household refuse	September 1956
W/1697-69	Weighbridge & buildings	September 1969
W/3129-69	RMC Plant site	June 1970
W/3668-73	Extend sand & gravel workings	March 1974
5/1073-75	Tipping household waste	July 1976
6/0122-89	Extraction and infill	November 1989
6/0120-89		
6/0119-89		
5/0634-89		
6/0406-96	Extraction, refill and restoration	February 1998
6/0661-97	Variation of conditions relates to 6/0119-89	February 1998
5/1414-97	Variation of condition relates to 5/0634-89	February 1998
6/0663-97	Variation of condition relates to 6/0120-89	February 1998
6/0662-97	Variation of condition relates to 6/0122-89	February 1998
6/0052-98	Vehicular tunnels	September 1998
6/0172-02	Construction of a leachate degassing plant	May 2002
5/0174-02		
6/0597-03	Change of conditions (timescale)	August 2003
6/0597-03	Change of conditions (timescale)	August 2003
5/0819-03	variation of conditions (restoration proposals)	September 2003
5/0819-03	Variation of conditions (restoration proposals)	September 2003
6/0596-03	Change of conditions (restoration proposals)	October 2003
6/0595-03	Change of condition (restoration proposals)	December 2004
6/0439-03	Sand and gravel extraction and restoration of land to agriculture (Symondshyde)	July 2005
6/1430-10	Variation of condition 5 of planning permission 6/0439-03 to amend the phased method of working	September 2010
5/1064-13	Replacement Leachate treatment plant	June 2013
6/1509-13	Variation of condition 8 of Planning Permission 6/1430-10 to amend the hours of operations	October 2013
5/1240-14	Restoration to conservation after uses through the importation and final disposal of engineering materials comprising inert waste And soils. The use of part of the site for ongoing silt operations and subsequent restoration	Resolution to grant subject to s106

Appendix V – Minerals Policies 1, 2, 3, & 4 Herfordshire Minerals Local Plan 2001-2016

Minerals Policy 1

Planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply.

The County Council will seek to maintain an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment, to enable an appropriate contribution to be made to meet the region's varying needs.

Minerals Policy 2

When determining planning applications for mineral extraction the County Council will take into account the following factors:-

- i) the existing quantity of permitted reserves of the mineral;
- ii) the rate at which, and the proposed timescale over which it is expected that those permitted reserves will be worked;
- iii) the proposed rate and timescale in the application for working the mineral deposit;
- iv) the existence of resources of the mineral which are identified as Preferred Areas within the Plan and which are shown as being desirably worked at an early stage of the Plan period; and
- v) the particular nature and qualities of the mineral deposit concerned, such as the suitability for a particular end use not met by other available sources in the area or region

Minerals Policy 3

Specific Sites for sand and gravel extraction are identified on the Proposals Map and listed at Appendix 5. These are:

- i) sites which have a valid planning permission for mineral extraction including active sites with unworked permitted reserves and sites on which extraction has not commenced; and
- ii) sites which are subject to a resolution of the County Council to grant planning permission.

The following sites as defined on the Proposals and Inset Maps are identified as Preferred Areas for future mineral working:

- Preferred Area 1: Land at former British Aerospace, Hatfield
- Preferred Area 2: Land adjoining Rickneys Quarry, near Hertford
- Preferred Area 3: Land at Coursers Road, near London Colney

Proposed mineral working within the Preferred Areas defined in this Plan will be permitted only when:

- a) they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with Mineral Policy 1; and
- b) the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps

8.3 The application site is not within one of the three Preferred Areas identified in Minerals Policy 3.

Minerals Policy 4

Applications to develop land for aggregate extraction outside of the Preferred Areas will be refused planning permission unless:

- i) the landbank is below the required level and there is a need for the proposal to maintain the County's appropriate contribution to local, regional and national need that cannot be met from the identified areas; and
- ii) it can be demonstrated that the proposals would not prejudice the timely working of Preferred areas; or
- iii) the sterilisation of resources will otherwise occur

Appendix VI – Noise – measured and predicted noise at sensitive receptors

Measured and predicted noise at sensitive receptors for the proposed development at Furze Field, as illustrated in Table 2 below.

Table 2 - Noise

Receptor	Location	Measured Background Noise	Site Preparation LAeq, 1h	Mineral Extraction LAeq, 1h	Site Restoration LAeq, 1h
R1	Sutton Farm Bungalows	44.4	41.1	33.7	41.3
R2	Astwick Manor	59.3	53.4	42.4	53.4
R3	Astwick Manor	59.3	54.4	49.2	54.9
R4	Astwick Manor Lodge	59.3	62.1	54.5	63.1
R5	Fielder Centre	60.4	54.2	44.4	55.4
R6	Astwick Manor Farm	60.4	52.3	41.2	53.0
R7	68 Cornflower Way	51.5	43.7	30.8	44.1
R8	67 Lavender Close	47.3	44.2	31.1	44.4
R9	57 Mulberry Mead	47.3	45.4	31.9	45.2
R10	85 Mulberry Mead	47.3	45.4	31.6	44.8
R11	22 Daffodil Close	47.3	45.1	31.3	44.3
R12	52 Daffodil Close	47.3	44.7	30.8	44.0
R13	46 Bluebell Way	47.3	44.1	30.2	43.4
R14	Whitegate Cottages	49.7	30.2	40.1	49
R15	The Pightle	43.5	42.9	37.2	43.2

Cumulative impact

Measured and predicted noise at sensitive receptors for the proposed development at Furze Field and the establishment of a new quarry at the former Hatfield Aerodrome, as illustrated in Table 3 below.

Table 3 – Noise (Cumulative)

Receptor	Location	Measured background noise level	Noise level from Mineral extraction at Hatfield Aerodrome LAeq, 1h	Noise level from mineral extraction at Furze Field LAeq, 1h	Combined noise level from Mineral Extraction (Hatfield Aerodrome + Furze Field) LAeq, 1h
R16	Walker Grove	41	42.0	28.6	42.2
R17	Nimrod Drive	41	43.0	26.9	43.1
R18	403 St Albans Road West	53	54.0	25.3	54.0
R19	Popefield Farm	51	54.0	25.9	54.0
R20	616 Hatfield Road	55	53.0	25.2	53.0
R21	Radio Nursery	47	52.0	27.7	52.0

HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY, 22 MARCH 2017 AT 10.00AM**

DISTRICT: HERTSMERE BOROUGH

Agenda Item
No.

3

**PLANNING APPLICATION (0 / 0815-16 CM0888) FOR PROPOSED
EXTENSION TO EXISTING BUILDING TO ENCLOSE GREEN WASTE
COMPOSTING ACTIVITIES AT REVIVA COMPOSTING LTD, ELSTREE
HILL SOUTH, ELSTREE, HERTFORDSHIRE WD6 3BL**

Report of the Chief Executive and Director of Environment

Contact: Felicity J Hart, Principal Planning Officer [Tel: 01992 556256]

Local Member: Caroline Clapper

Purpose of Report

- 1.1 To consider application no. 0/0815-16 (CM0888). This is an application submitted by Reviva Composting Ltd for a large extension to the existing building on their green waste composting site at Elstree Hill South. The site was previously granted planning permission in 2011 for change of use to a green waste recycling and composting operation, erection of a building and the siting of temporary structures including skips, machinery and a portaloo.

Summary

- 2.1 This application has been submitted due to a requirement of St Albans Magistrates Court. This followed Hertsmere Borough Council issuing an Abatement Notice which was appealed. The notice prohibited the statutory nuisance and required the owner to prevent the recurrence of the statutory nuisance as soon as is reasonably practicable and in any event within 90 days of the date of the notice.
- 2.2 The Notice was appealed by the applicant and after the hearing at St Albans Magistrates' Court in June 2016 the Notice was amended to require the applicant to submit a full planning application to Hertfordshire County Council to extend the existing building in order to house green waste recycling activities. The applicant was also required to use their best endeavours to secure the grant of planning consent, and to pursue any necessary appeals.

- 2.3 This application is therefore for the erection of a large extension to the east side of the existing building. The proposed extension would extend the existing building to the east and would measure 91m x 45.7m with a height to the ridge of 10m. The existing building measures 49.2m x 45.7m.
- 2.4 No increase in quantity of material to be processed is proposed, nor would there be any increase in vehicle movements, nor change to the hours of operation.
- 2.5 The site is situated in the Metropolitan Green Belt and there is a general presumption against inappropriate development which by definition is harmful to the Green Belt. This proposal is considered to be inappropriate development. The applicant has, however, put forward very special circumstances that they consider, as to why planning permission should be granted. A full assessment of these very special circumstances has been undertaken, however, the main harm identified is that of odour together with impact on openness in the Green Belt.
- 2.6 The applicant's view is that the erection of the extension to the building would be to facilitate the 'outdoor' part of the operation being conducted indoors which, it is claimed would have the effect of significantly reducing any odour nuisance potential and therefore improve the amenity and protect human health within the area.
- 2.7 The applicant submitted further documentation in January 2017 to support the application, together with an amended (corrected) site plan. The amended site plan shows a different shape of building to take account of the site boundary, however, the details of the application remain the same.

Conclusion

- 3.1 It is concluded that the proposed development should be refused planning permission for the following reasons:
 - 1) The proposal constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated that would override harm to the Green Belt and any other harm. The proposed development is therefore contrary to The Hertfordshire Waste Development Framework Waste Core Strategy Policy 6 and advice set out in the NPPF and NPPW and policies SP1, CS12 & CS13 of Hertsmere Core Strategy. The development would cause substantial harm to the Green Belt by reason of its visual appearance, bulk and scale and the encroachment of its built form 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 proposal would have an adverse effect on the local area, due to the siting, scale and design of the building being inappropriate for its location. The application has not demonstrated that the proposed operation of the site (with indoor housing of waste activities) would not adversely impact upon the amenity and human health of local residents due to the potential for odour from the site. Therefore the proposal is contrary to Policy 11 of the Hertfordshire Waste Development Framework 'General Criteria for Assessing Waste Planning Applications' and the NPPW and NPPF.
- 3) 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 Policy 16 of the Hertfordshire Waste Development Framework, Soil, Air and Water, Hertsmer Policy CS16 Environmental Impact of Development, the National Planning Policy Framework and the National Planning Policy Guidance.

Description of the site and existing and proposed development

- 4.1 The application site comprises approximately 2ha of land situated to the south of Elstree village centre and immediately to the north of the A41 and M1 junction. The application site is currently used for green waste composting following planning permission being granted for the use in 2011. The site is situated in the Metropolitan Green Belt.
- 4.2 The application proposes the erection of a large extension to an existing building on the site. The proposed extension would measure 91m x 47.5m with a height to the ridge of 10m. It would stretch across the northern part of the site and would fill the bulk of the site area, leaving some open site area to the east and south of the building.
- 4.3 A revised site boundary plan (red line) has now been received (February 2017). This plan shows the site to have a slanting shape rather than an oblong shape as originally submitted with this application. Due to the slanting shape of the site, it has been necessary to alter the floor area of the proposed building extension and the proposed building is no longer rectangular but has a cut out corner with the front elevation being longer than the rear. No elevations have been submitted.

Current Operations

- 4.4 The current composting operation at the site sources material from local landscape gardening companies, waste transfer stations and Local Authority Household Waste Recycling Centres. There is a customer base that includes over 400 small businesses that rely on the site for the deposit of green waste from their trade. The applicant has an OMP

(Odour Management Plan) which is approved by the Environment Agency.

- 4.5 Currently, a large portion of the composting operation takes place out in the open. The original planning application showed a series of rows of composting material (windrows) in which this would take place. The current planning application now proposes that this material should be housed inside the proposed building if planning permission is granted.
- 4.6 The St Albans Magistrates' Court determined that in order to prevent the recurrence of the statutory [odour] nuisance that a full planning application to extend the existing building was required.
- 4.7 Currently, the site accepts green waste material delivered on small transit type vans or HGVs. The vehicles enter the site via a weighbridge and each driver is questioned by trained weighbridge staff to determine the description, nature and source of the waste they are delivering. All details of the registered waste carrier and the waste type are recorded on a weighbridge ticket. Unacceptable loads carrying contaminated wastes are rejected at the weighbridge. Currently those accepted are then directed to an outdoor waste reception area.
- 4.8 The applicant states that the material in the waste reception area is always processed as quickly as possible, often within a few hours and that material is not kept unprocessed for longer than 7 days.
- 4.9 The applicant states in this application that currently the green waste material is shredded in the outdoors using a slow speed shredder and then shortly afterwards the shredded material is moved into the existing building for sanitisation, screening and maturation. This shredded material is then formed into a windrow on the external pad to form a 'batch'. The shredded material is then moved inside the enclosed building within a maximum of 7 days. The application states that the existing building is odour controlled in that it is fully enclosed and there is an odour suppression system as well as having a biofilter installed, although there is also a large door to provide access. The application also states that the current building has a fan which is designed to pull any vapours emitted from within the building to an outlet in the rear gable wall of the building.
- 4.10 In the current operation of the site the windrow is transferred into a composting bay within the building where it is actively monitored for temperature and moisture levels to ensure optimum composting conditions. Each windrow is turned twice within a period of 7 days to achieve even temperature distribution. This is known as the sanitisation phase. Both this phase and the stabilisation phase are carried out within the existing purpose built building. The application states that the current building is ventilated with an extraction fan, which changes the air three times per hour and treats the air through a biofilter.

- 4.11 After the stabilisation process has taken place, the material is screened inside the existing building. This separates the material into different size fractions, and removes any contamination.
- 4.12 The final product produced is compost produced to PAS100 standard endorsed by the Environment Agency. The high grade 10mm compost is stockpiled in the open for a further 2 weeks, this is known as the maturation phase. There are then 2 final output streams; a 0-10mm product which is sold predominantly in 1 tonne bags to the domestic market and a coarser 10-40mm product which is sold to farmers as a soil conditioner and fertiliser.

The proposal and proposed operations

- 4.13 The applicant maintains that all Best Practicable Means (BPM) have been employed to reduce the potential for odour over the last five years. However, despite the best endeavours of the applicant to control odour emissions, the local community consider that there is an unacceptable odour issue emanating from the site and consistently lodge complaints with the Local Authority and the Environment Agency.
- 4.14 As a result of the complaints and the order of St Albans Magistrates Court this planning application has been submitted. The site does not seek to increase the overall throughput of green waste at the site (this is restricted to a maximum of 78,000 tonnes per annum via condition on the original planning permission). This proposal seeks to enclose the majority of existing site waste activities inside a large building in order to try to abate most of the possible odour nuisance generated as a result of the composting process. The large building proposed would be attached to the existing building and would have a similar appearance.
- 4.15 The application states that there are no unacceptable environmental impacts and that the very nature of the application is designed to **reduce** impacts and emissions associated with the composting process. By housing the site activities inside the building it is proposed by the applicant that it will have the effect of reducing the potential for odour, noise, vibration and dust. The applicant considers that the development is sustainable and meets policy objectives.

5 Planning History

- 5.1 0/0375/09 - Change of use of land to green waste composting and erection of building - refused planning permission May 2009
- 0/1816/09 – Change of use of land to green waste composting and erection of building – Planning permission granted January 2011

6 Consultations

- 6.1 Hertsmere Borough Council – Environmental Health comments that in 2011 Hertsmere Borough Council referred to the possible detrimental impact that this proposed site could have on the area if planning permission was approved due to the potential increase in air pollution, noise and odour.

Composting does have the potential when not properly controlled to cause environmental pollution, harm to human health and nuisance through odours, leachate and potentially harmful bioaerosols. On 9 December 2015, HBC served an Abatement Notice upon the operator due to the intensity, frequency and duration of odour nuisance from the composting site on residents in the area. The Notice was appealed and by order of the Magistrates Court the operator was required to submit a full planning application to extend the existing building in order to house green waste recycling activities.

Whilst HBC Environmental Health Department welcomes this planning application as a possible way forward for the operator, the application has failed to provide any detail as to how the odour will be abated by the new extension. HBC would expect the application to give a more detailed robust, technical assessment on how this new building is going to contain the odour and ensure that no odour is detected beyond the boundary of the site. We are concerned that the movement of the green waste material into and out of the building will still have the potential to cause odour.

HBC also note from the Working Plan that not all of the waste recycling activities will be taking place inside the building. The green waste reception area for Non-HGV vehicles is located outside the building together with the oversize storage and finished compost stockpile. Therefore, HBC Environmental Health department objects to this application for the following reasons:

a) No detailed technical assessment to justify the new extension and demonstrate that the odour will be contained;

b) Some of the green waste activities which have the potential to cause odour are shown on the Working Plan as taking place outside the building.

Further comments from HBC Environmental Health received March 2017

Hertsmere Borough Council Environmental Health department has reviewed the additional information submitted in support of the application and request that the objection remains in place based on the following reasons:

a) the applicant has provided details for a proposed air management scheme for the new enclosure. This includes an air extraction system that removes the stale air which is then treated in a properly designed biofilter. However, the applicant's 'Odour Management Plan' dated April 2015 details under their 'Control Measures' that the current building is ventilated with an air extraction system with the extracted air treated through a biofilter. We therefore raise the question, if the current building uses a biofilter, how will the proposed extension with a new biofilter be any different to controlling odours. The supporting documents do not make reference to the fact that there is an existing biofilter in place for the existing building. We therefore consider the additional information provided in the 'Composting Process Enclosure and Air Management Report' dated 19 January 2017 not to provide any further evidence, based on what is currently in place in the building, that the odours will be controlled any more effectively.

b) In the supporting document 'Response to Hertfordshire County Council' page 3, Table 1, it details the composting processes from start to finish, with the maturation of the compost being shown to be taking place outside. The maturation of the compost is part of the composting process, which as detailed in the HACCP is a process step with control measures and corrective action. Maturation has the potential to cause odour if aerobic conditions are not sustained. Therefore, as the maturation is proposed to take place outside, we do not consider the application to have fully enclosed all green-waste activities.

c) Finally, the applicant has failed to provide in the supporting documentation any detail with regard to the Health and safety of the workers if all green waste activities are to be fully enclosed. Compost bioaerosols are a substance hazardous to health as defined by the Control of Substances hazardous to Health regulations (COSHH) 2002 (as amended). In order to encourage efficient composting, the materials have to be well aerated. The applicant has not indicated in the documentation that they will be using forced air ventilation within the building for the windrows and therefore regular turning of the material will be required to ensure that the material remains aerobic. Turning actively composting material and screening composted material will create bioaerosols. It is recognised that bioaerosols are diluted and dispersed in the open air, but with the operations being fully enclosed the applicant has failed to provide details that the COSHH Regulations have been considered and adequate controls would be in place for the workers inside the building.

Other hazards also need to be considered by fully enclosing the green waste activities including the build up of bio-gas (carbon dioxide, hydrogen sulphide etc) from the biodegradation process and exhaust gases from the mobile plant and delivery and collection vehicles. If these are allowed to build up sufficiently they may cause an asphyxiation hazard. Increased dust and volatile organic compounds (VOCs) exposure, potential thermal discomfort from excessive heat and humidity, poor visibility due to high moisture content in the

atmosphere and odour may also result in enclosed buildings. We would advise Hertfordshire County Council to consult the Health and Safety Executive to ensure that the proposal has adequately considered the Health and Safety Executive to ensure that the proposal has adequately considered the Health and safety at Work etc. act 1974 and COSHH Regulations.

6.2 Hertsmere Borough Council (Planning) comments as follows:

The site is within Hertsmere Borough Council's Green Belt, as defined within SADM23, with the result that both national and local policies restrict all new development which is harmful to the openness and purposes of keeping land within the Green Belt.

The site has planning permission for the processing and recycling of green waste but it is apparent from the Council's records on the site that the operations on site are not being carried out in accordance with requirements of this permission.

This application seeks to erect a substantial extension (4182m²) to an existing building within the site. The substantial extension of the existing building on the site is proposed by the operator of the site to reduce harm being caused by the waste processing activity on site. It is considered that the proposed development does not result in a material change of use of the site.

As the proposed development relates to the erection of a considerable extension of an existing building within the Green Belt, it is important that the development is assessed against Paragraph 89 of the National Planning Policy Framework (NPPF). This is because this paragraph provides within it provisions for the erection and extension of buildings within the Green Belt as long as they comply with the relevant conditions found within this paragraph. Paragraph 89 of the NPPF states:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

As the development proposed by this application relates to the construction of an extension of an existing building it is considered the relevant parts of Paragraph 89 that this development needs to be assessed against is indent three and indent six.

As the proposed development would result in an unequal extension to the original building with an increase of over 100% of its original size (both in terms of volume and area) it is considered that this development results in a disproportionate addition which over and above the size of the original building. As a result it is considered that this proposal does not comply with requirements within indent 3 of Paragraph 89.

Given that the proposed development would result in the infilling of the site it is considered that it should be assessed against indent 6 of Paragraph 89 as well. As indent 6 allows for limited infilling of a site where it does not result in a greater impact on the openness of the Green Belt and the purpose of including land within the Green Belt it is important to assess the development against these criteria.

With regards to openness, this is about the physical permanence of the extended building. The proposed extension of the existing building on the site would result in a significant increase of the built form on the site. This development would therefore considerably increase the built physical presence on the land compared to what is currently on the site and, as such, would fail to preserve the openness of the Green Belt.

Paragraph 80 of the Framework states that the Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The application site is not located within a large built up area and is not within close proximity of a historic town. The nature and location of the development would also ensure that the extension of the building on the site does not result in neighbouring towns merging into one another and the development would not fail to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. However, the development spreads a substantial amount of additional built form into the site. As such, the proposal fails to assist in the safeguarding of the countryside from encroachment, contrary to bullet point three of paragraph 80 of the Framework.

As such, it is considered that the development proposed by this application represents inappropriate development within the Green Belt because it fails to meet the requirements set out within Paragraph 89 for operational development which may be appropriate within the Green Belt.

Paragraph 88 of the Framework then states;

“When considering any planning application, 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.”

Taking the above into account, substantial weight has been afforded to the harm to the Green Belt by virtue of the inappropriate nature of the proposed development.

Therefore as with previous Green Belt policy inappropriate development is, by definition, harmful to the Green Belt and paragraph 87 of the Framework states that it should not be approved except in very special circumstances.

The Planning Statement which accompanies this document states that the very special circumstances for this development are locational need, the lack of available land for this activity outside the Green Belt and the fact that construction of the new building will result in a reduction in odours emanating from the site. It is important to note that no evidence accompanies these assertions and it is therefore difficult to assess the validity of them. As a consequence, it is considered that little weight can be attached to them and that they do not amount to very special circumstances which would overcome the substantial harm caused to the Green Belt by this proposal.

Further to the harm already identified to the Green Belt, it is considered that the proposed extension to the building on the site would fail to conserve or enhance the natural environment of the borough because it would considerably increase the size of an existing building on the site

by more than doubling its size. As a consequence the development would fail to conserve or natural environment that surrounds the site with the result that it would be contrary to Policy SP1 & Policy CS12 of the Council Core Strategy.

Planning Balance

In the overall balancing exercise required, it is considered that the proposal would cause harm to the Green Belt by reason of inappropriateness. It would cause harm to the openness of the Green Belt and would result in the encroachment of built form into the countryside, conflicting with one of the five purposes of including land within the Green Belt. Given the size of the extension it is considered that it is a disproportionate increase of the original building. To these factors it is considered that substantial weight should be attached.

Taking all matters into consideration, the considerations in support of the proposal do not outweigh, let alone clearly outweigh the harm that arises. The very special circumstances that are therefore required to justify the proposal do not exist with the result that the development is contrary to the NPPF. In addition, it is considered that the proposed development does not accord with Policy SP1, Policy CS12 and Policy CS13 of the Core Strategy (2013) or Policy SADM 27 of Site Allocation and Development Management Policies Plan (2016). Accordingly the Council would respectfully ask that Hertfordshire County Council refuse this application.

Accordingly the Council would respectfully ask that Hertfordshire County Council refuse this application.

6.3 Highways England no objection.

6.4 Environment Agency **object** to the grant of planning permission based on a lack of detail submitted to address the odour concerns.

The composting development currently operates under an Environmental Permit under the Environmental Permitting Regulations 2010. We do not currently have enough information to assess whether the proposed changes to the development would meet our requirements to prevent or minimise and/or control pollution, and we have concerns that these requirements might not be met through the current planning application. We must therefore object to the proposal as submitted. We need to consider whether odours can be adequately managed through the design of the new building. In the absence of a detailed odour management plan based on the new building design, we are unable to assess the associated risks. This objection is supported by paragraph 122 of the National Planning Policy Framework (NPPF) which recognises that the planning system and pollution control regimes are

separate but complementary. Planners are asked to consider the acceptability of the proposed use of land and the impacts of that use, but not the control of processes and emissions that will be covered by a permit. In cases where the generation of odours from developments can be readily anticipated, you should expect to be provided with objective evidence that demonstrates that odour emissions will be adequately controlled to prevent any significant loss of amenity to neighbouring sensitive land users. This is important because possible odour mitigation measures could in themselves have land use and amenity implications. The parallel tracking of planning and Environmental Permit applications offers the best option for ensuring that all issues can be identified and resolved, where possible, at the earliest possible stages. This will avoid the potential need for amendments to the planning application post-permission. We therefore advise joint discussions with the applicant, planning authority and ourselves, as well as parallel tracking of the planning and permit applications.

Resolution

In order to overcome this objection, we need to see an odour management plan which addresses the concerns outlined below:

- It is stated that the proposed building is to house 'green waste recycling activities', and that 'all green waste will be processed within the existing and proposed building'. However, the plan submitted with this planning application has some green waste being stored outside the building. It seems contradictory to erect a building in order to prevent odours yet still store unprocessed material outside. There is insufficient detail submitted with this planning application outlining how long this waste will be stored there.
- Point 5.5 of the planning statement says that 'at times treatment facilities will cause an odour'. This is not acceptable, and the applicant has not provided any details as to how they will minimise the odours, or what is meant by 'at times'. There is no detail as to how frequent this will be.
- Point 5.8 of the planning statement states that odour sources are fats and carbohydrates. At the moment the site should only be taking green waste, and the planning statement does not seem to refer to any plans to change what is to be brought onto the site. Can this be clarified?
- Point 6.8 of the planning statement states that oxygen is monitored, along with temperature and moisture. However we are not aware that Reviva monitors oxygen at this site. Can this be clarified?
- Point 6.15 of the planning statement mentions unacceptable loads regarding physical contamination, however there is no mention of waste that is very odorous. This needs to be discussed within their plan, stating what they will do with odorous waste.
- Point 6.26 of the planning statement mentions monitoring of the windrow. However, this refers only to temperature and moisture,

and does not mention monitoring oxygen, which is a contradiction to point 6.8 above. Details need to be provided of what is to be monitored on the site.

- Section 15.1 of the planning statement states that the applicants are not planning to increase the overall throughput of the site. However, the applicant has voluntarily reduced their annual throughput, so it is not clear whether this statement applies to the reduced throughput or the throughput allowed under their permit. There should be a definitive figure. Overall, there is a lack of information regarding any odour abatement at the site. We would expect a detailed odour management plan to incorporate the following measures:
 - first-in-first-out procedures
 - closing the doors whilst tipping waste
 - how it is known whether the biofilter is big enough for the proposed building
 - how negative air pressure will be achieved
 - how big the fans will be, or where they will be in the building etc

Further comments from the Environment Agency received March 2017

Having reviewed the additional information submitted by the applicant in January, our concerns raised in our previous response have not been addressed and we therefore maintain our **objection** to the grant of planning permission. It has not been demonstrated that the proposed building in its current design will adequately address odour generated at the site.

We are not opposed to the principle of a building to enclose operations, however, we must ensure that the building is designed, built and maintained in such a way that any reduction in odour is maximised. For instance, the plans do not currently show the building to be fully enclosed as there is no evidence of negative air pressure, airlocks, or fast action roller shutter doors etc. These are necessary to prevent odours escaping from the building.

In the absence of a satisfactory odour management plan we do not consider it has been demonstrated that the building will work as intended. We therefore cannot advise you as to the suitability of the building extension with regard to amenity impact of odour from the proposed development. With respect to our permitting process, whilst an updated odour management plan may not necessarily be needed under this regime until the building is constructed, the applicant should recognise that it will help all relevant parties now to see how they intend to manage the site operations and their subsequent odour issues when the proposed development is fully operational.

We are concerned that if planning permission is granted using current plans, the chance to reduce the odour impact through site and building design will have been lost. These aspects of the development will need to be decided at the planning stage as they cannot then be changed when we look to regulate the site through its permit.

This will avoid the potential need for amendments to the planning application post permission. The applicant can overcome our objection by submitting a satisfactory and detailed odour management plan for the proposed development, which is subsequently approved by the Environment Agency. Submitted documents will also need to be updated and resubmitted to reflect relevant aspects of the odour management plan.

Whilst we appreciate that updating the odour management plan is an additional expense for the applicant at this time, should this decision go to an appeal the costs may prove greater for them in the future.

For further information regarding our objection and how to overcome our concerns, please refer to our previous consultation response dated 22 November 2016. I have attached this for ease.

We have also responded with some specific comments in Appendix 1 and 2 below in regard to points raised within the new documents submitted in support of the planning application. We have mentioned the following documents within these comments, which the applicant should refer to in their development of a satisfactory odour management plan: 'H4 Odour Management'

- 'How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector'

- 'An Industry Guide for the Prevention and Control of Odours at Biowaste Processing Facilities'

We would be happy to work with the applicant to work up these proposals to a satisfactory level.

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

This application seeks planning permission for extension of the existing building to enclose green waste composting activities at Reviva Composting, Elstree Hill South. The site covers an area of approximately 2 ha. and currently operates as a composting and biomass site for processing green waste through composting and recovery of the woody fractions as biomass and was granted permission to do so on 28 January 2011. Due to the foul smell being generated by the composting operation, a Statutory Nuisance Abatement Notice has been issued and the prevention of recurrence steps of the notice have stated that this can be via submission of a planning application. This application is intended to address this issue.

This application does not propose to change the hours of operation at the site, the amount of vehicle movements or anything other changes other than those stated above. Therefore the hours of operation for the site will be 6am-6:30pm Monday to Friday and 6am-1pm Saturdays with no working on Sundays or Public Holidays. The vehicle movements will remain at 200 vehicle movements per day (100 in / 100 out) in accordance with the current planning permission.

There are no highway issues associated with this proposal as the number of vehicle movements will remain as currently permitted, therefore the Highway Authority does not wish to restrict the grant of planning permission.

6.6 Elstree & Borehamwood Residents Association Residents' Association (EBRA)

Reviva's planning application does not present any independent expert evidence to support the proposal that a proposed extension of their existing building to enclose green waste composting activities is the correct/only/best solution to the odour problem.

What other options have been explored ?

Do other Green Waste Composting facilities have odour issues as Reviva ?

What is actually causing the odour problem and where is the independent expert evidence to identify the source or sources of the odour ? Green waste composting should not be emitting such odours. It was on this basis that Reviva were given permission to operate in the Elstree Lane South site back in 2011 and residents were given assurances that odours would not be an issue.

Reviva is only permitted to compost green waste which if correctly processed outdoors should, (according to independent Compost experts we have Googled) not cause bad odours, since the materials are not in a state of advanced decomposition emitting noxious odours. Is it possible that waste delivered is contaminated with food waste or animal waste and this is not detected by Reviva ? The odours Residents reported to the Environment Agency are very strong and pungent and can last for one or two days on particular episodes. The odours can be widespread and have been reported as far away as Edgware, Stanmore and Harrow.

Is it possible that a source of the odour is from the indoor processing facility itself, possibly when the systems fail ?

This question is not addressed.

Given that the source of the problem is not technically evidenced, the solution can only be viewed as being 'self prescribed' by Reviva themselves, and as such is unreliable. Reviva is a commercial organisation and could be seen as looking to extend their existing building to increase their business productivity and profitability. Reviva say they have 'state of the art' facilities. If this is the case, then are there issues related to how the site is managed and the levels of process control which require addressing? And why is the odour problem so longstanding ?

Reviva's business was in 2011 granted permission to operate on Green Belt Land in close proximity to a residential area, a reknown hospital currently undergoing a massive redevelopment programme, a large business park and an upmarket large hotel and luxury leisure club. In our opinion we find it quite extraordinary to think that permission was given at all for Reviva to operate in this location and especially to an operator who had already a proven track record in not managing their composting operation competently. This surely is a prime example of

inappropriate development on green belt land with no 'very special circumstances'.

Due to the particular nature of composting businesses, and as Reviva in their Planning Statement admit that 'the treatment of biodegradable resources will have the potential to cause odours', it is essential that these premises are properly geographically located. As our locality becomes more urbanised, we recognise this presents a problem as recycling centres are a required facility but this should be incorporated in proper strategic town planning.

The proposed extension is huge in terms of its bulk, size and volume. Although the site is set back from the road, surely this extension would be so large as to out of place with its locality and would visually impair the environment ?

Reviva's composting site is monitored by various authorities and we are not sure 'how joined up' all these authorities are in actually monitoring and policing activity and sharing results and information. There seems to be a lot of 'loopholes' which need to be expressly documented about how Reviva can and can't operate and perhaps more severe (financial) penalties in place when Reviva fails to operate properly and odours are emitted. Could a possible solution be for Reviva to internally remodel their existing building to accommodate the green waste currently stored outside ?

It is EBRAs view that planning permission should not be granted to Reviva to extend their existing building. There is simply no independent expert evidence to identify the problem and therefore, identify the solution. There are many risks in a larger composting facility - eg. Fire, water pollution and air pollution, which would need to be fully assessed.

6.7 The Brockley Hill Residents Association

We hereby object to the proposal from Reviva to extend their buildings to accommodate the recycling waste that they are storing on their site off Elstree Hill South (A5183). The area is Green Belt land and it is questionable whether permission was correctly given for a recycling centre in the first place. To enlarge the buildings would further compound the situation and would not stop – indeed could increase - the offensive effluvia that frequently make life a misery for residents of Elstree and surrounding areas. The construction of this large warehouse on Green Belt Land does 'harm' to the Green Belt and impacts on the 'openness' of this land. The 'odour' released during the composting process negatively impacts on residential amenity. We are most concerned about the dangers of 'enclosing' rotting vegetation as there could be an attendant overheating and fire risk. We believe that the site is far too close to residential, business premises, hospitals and nursing homes and should be relocated at the earliest opportunity. We question whether Reviva provided any evidence that their proposals had been used effectively on another site? If so, which sites have they cited for that evidence and how effective was the technology?

Further, the consequences are too serious to experiment or gamble with untried or untested technology given the propensity for technology to fail from time to time.

There is additional 'odour' generated by the HGV activity to and from the site and loading and unloading. In the original planning application there was a restriction of lorry size and movements. Who is responsible for monitoring this to ensure that Reviva comply and with what result?

How often is the site monitored by the Environment Agency? It is perceived that lorry movements have increased significantly since the previous site closed at Woodcock Hill farm. Reviva should keep records about waste in and waste out for business purposes. Who checks those?

Reviva has changed their intake from purely green waste to biodegradable waste: they state that methane sulphur and ammonia are generated. An original restriction was that no biodegradable waste would be recycled on that site. When was permission given for the biodegradable waste to be recycled there? Who monitors the type of waste handled at The Elstree site?

We are concerned about the consequences this new waste product may be having on the ground water? Is the Environment Agency responsible for monitoring this, or are other agencies involved and what are the results of their controls and investigations.

The nearby crossroads at the top of Elstree Hill has been identified as a pollution hot spot by Hertfordshire County Council. There can be little doubt that the air quality at the recycling location by the busy A41 and M1 routes also has poor air quality. We wonder what contribution the Composting site makes to these pollution hot spots.

6.8 Elstree & Borehamwood Green Belt Society

The area is Green Belt land and it is questionable whether permission was correctly given for a recycling centre in the first place. To enlarge the buildings would further compound the situation and would not stop – indeed could increase - the offensive effluvia that frequently make life a misery for residents of Elstree and surrounding areas

The process of loading and unloading the removal lorries generates really horrible stench and must surely be a health hazard for staff and nearby households.

EBGBS suggest that it is dangerous to enclose rotting vegetation as there would be an attendant overheating and therefore fire risk.

Also wonder whether the attempt to control the foul smell by extraction and filtration would be unnecessarily costly and question whether it would actually be effective, especially given the propensity for technology to fail from time to time.

EBGBS believes that the site is far too close to a residential area and should be relocated at the earliest opportunity.

It is questioned whether Reviva provided any evidence that their proposals had been used effectively on another site? If so, which sites have they cited for that evidence and how effective was the technology?

Much of the smell is generated by the lorries loading and unloading. In the original planning application there was a restriction of lorry size and movements. Who is responsible for monitoring this to ensure that Reviva comply and with what result?

How often is the site monitored by the Environment Agency? It is perceived that lorry movements have increased significantly since the Conway site has closed at Woodcock Hill farm. Reviva should keep records about waste in and waste out for business purposes. Who checks those?

Reviva has changed their intake from purely green waste to biodegradable waste: we believe that methane sulphur and ammonia are generated. An original restriction was that no biodegradable waste would be recycled on that site. When was permission given for the biodegradable waste to be recycled there? Who monitors the type of waste handled at The Elstree site?

What effect is this new waste product having on the ground water? Is the Environment Agency responsible for monitoring this, or are other agencies involved?

The nearby crossroads in Elstree have been identified as a pollution hot spot by Hertfordshire County Council. There can be little doubt that the air quality at the recycling location by the busy A41 and M1 routes also has poor air quality. Who is monitoring this now for fungal spores and harmful particulates which could be generated by the recycling site?

The application should be put on hold until all of these points are addressed and satisfactory answers provided from the Environment Agency, Hertfordshire County Council, the agency responsible for air quality control etc. etc.

6.9 Elstree Village Preservation Society – objects.

6.10 Hertfordshire County Council – Ecology

The site is situated within the Green Belt therefore a judgment on the appropriateness of the development will need to be made by planners. There are no other designated sites within or adjacent to the application site. There are species records nearby of breeding birds and great crested newts (GCN). The GCN records are not within 500 m of the proposed site; however there are suitable habitats and a possible breeding pond in close proximity. I do not believe that GCN surveys are justified however I would caution that they could be on site. The tree lined ditch that runs along the northern boundary of the site could also be suitable for reptiles, other amphibians and breeding birds and is likely used by foraging bats. There is also suitable foraging habitat for badgers adjacent to the proposed site. However a majority of the works are to be done on hardstanding with little or no habitat removal, with the exception of what looks to be a small patch to the east of the proposed extension.

Given the above mentioned habitats and possible protected species I would suggest the *Informatives* are included in any planning decision relating to protection of nesting birds during spring/summer season and the following:

The area of vegetation affected by the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for reptiles, great crested newts and other amphibians;

Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of protected species using the piles for shelter;

Trenches or excavations are backfilled before nightfall or a ramp left to allow protected species to escape;

Building work should (ideally) be carried out during April-June, when great crested newts are more likely to be found in ponds and less likely to be found on site;

If a protected species is found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England or an ecological consultant.

6.11 Hertfordshire County Council – Waste Management

Hertfordshire County Council in its role as the Waste Disposal Authority (WDA) does not currently hold a contract with Reviva Composting, Elstree Hill South, Elstree, WD6 3BL.

In line with the Authority's Local Authority Collected Waste (LACW) Spatial Strategy 2016 the WDA would support the improvement of the current facility and has no objections to the proposed enclosure of Reviva's Elstree site.

The changing nature of LACW organic waste collections means it is important to have facilities in the county that can provide a range of

organic waste treatment methods. Having facilities within the county enables waste to be treated locally. This reduces transports costs and provides environmental benefits by reducing the distance waste is transported for treatment.

6.12 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 order for the Lead Local Flood Authority to advise that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the surface water drainage assessment 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.
- Full details of any required mitigation/ management measures of any identified source of flooding.

A surface water drainage assessment is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015.

A surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a surface water drainage assessment, the flood risks resulting from the

proposed development are unknown. The absence of a surface water drainage assessment is therefore sufficient reason in itself for a refusal of planning permission.

The applicant can overcome our objection by undertaking a surface water drainage strategy which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

Further comments of LLFA received February 2017

We object to this application and recommend refusal of planning permission until a complete surface water drainage assessment has been submitted.

The documents submitted in support to this application do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

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 surface water drainage assessment should as a minimum include the following;

- Updated detailed drainage calculations for all rainfall return periods up to and including the 1 in 100 year + 40% climate change allowance event including pre-development greenfield run-off rates.
- Evidence that if the applicant is proposing to use a ditch as discharging point, they have confirmation from the owner that he agrees and have the capacity to take the proposed volumes and run-off rates.
- Investigation on the capacity of the ditch and where the ditch discharges into.
- Maintenance and adoption plans of the drainage scheme for the lifetime of the development.

Overcoming our objection

We acknowledge that the applicant has considered the relevant National Planning documents in order to comply with the required national and local policies. However on the 19th February 2016, the updated climate change allowances were released to support the NPPF. Therefore all Flood Risk Assessments and Drainage Strategies for planning applications validated on or after this date should apply the updated

climate change allowances when calculating peak rainfall intensity. Looking at worst case scenario, for the design of SuDS feature we require that upper end allowance (+ 40% in this case) to be applied. Considering this we would expect that the applicant could provide updated calculation for all SuDS component to cater for all rainfall events up to and including the 1 in 100 +40%.

As it is rightly reminded, discharging to surface water features (ditch/ponds) located around the site is subjected to agreement/permission of relevant third party. We would also remind that the suitability of this feature should be demonstrated to prove it has the capacity to cater for the required volumes and flows and to prove they discharge into somewhere.

The applicant can overcome our objection by undertaking a surface water drainage strategy which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

Informative to the LPA

We notice that it is applicant's intentions to install an petrol interceptor located on the network at the downstream connections taking runoff from the access road and car parking area. Nevertheless we would prefer a more natural treatment stage it is up to the LPA to be satisfied with this proposal.

The applicant will need to satisfy the LPA that the proposed drainage . Therefore we recommend the LPA to obtain a maintenance plan that explains and follows the manufacturer's recommendations for maintenance or that it follows the guidelines explained by The SuDS Manual. A maintenance plan should also include an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure. For further guidance on the maintenance of SuDS components, please refer to the SuDS Manual by Ciria.

6.13 Hertfordshire County Council – Landscape

Landscape Policy & Guidelines

National Planning Policy Framework

The NPPF 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.

With regards Greenbelt the NPPF states that when considering any planning application, 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...A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

Hertfordshire Waste Development Framework Adopted Nov 2012

Policy 6: Green Belt

Applications for new and/or expansion of existing waste management facilities within the Green Belt will be required to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt together with any other harm identified. In considering proposals within the Green Belt the following criteria will be taken into account as material considerations...The site characteristics...

Hertsmere Borough Council, Core Strategy Adopted Jan 2013

Policy CS13 The Green Belt

There is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and such development will not be permitted unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the NPPF.

Hertfordshire Landscape Character Assessment

The site lies within the Elstree Ridge and Slopes landscape character area as defined within the Hertfordshire Landscape Character Assessment. The site is located within the M1/A41 corridor that is identified as creating a major impact in this area. The following guidelines should help shape the proposed development:

- Promote the extension of existing woodlands, particularly with a view to visually integrating the intrusive motorways and urban fringe development
- Encourage effective management along transport corridors to ensure thinning, selective felling and replanting is undertaken to achieve a varied age structure and locally indigenous species mix.

Quality of Submitted Information

The submitted 'Proposed Site Plan' (CLA drawing no. 16-158-110 Rev A) is not consistent with the approved 'Landscaping Scheme' (Bidwells drawing no. 25037/ConDisc011 Rev B).

For example the proposed plan shows the existing building in a different location to that shown on the approved plan. Furthermore it shows the proposed building extension overlapping an area that is shown on the approved plan as an earth bund with fencing, and planting including orchard.

The inconsistencies in information raise the question as to whether or not the site has been developed in accordance with the planning permission; indeed there is strong concern that the landscape scheme has not been implemented in full.

The proposed development negatively impacts upon the approved landscape scheme resulting in the removal of important landscape/visual/acoustic mitigation measures. The displacement of these features has not been acknowledged or adequately compensated for within the proposal.

Siting, Scale & Design

The proposal is to extend the existing building by 4182m² (91.4m long by 45.7m wide by 10m high). This is considered a substantial addition to the building footprint, and on plan appears to almost triple the size of the existing building. It represents a *'disproportionate addition over and above the size of the original building'* and is therefore considered inappropriate development in the Green Belt in line with NPPF para. 89. Overall the proposals are not supported for the reasons as discussed above.

6.14 Oliver Dowden MP

Objects to the application and raises deep concerns.

He comments that he knows from personal experience, and from correspondence from residents, the serious distress caused by the pungent smells that the site produces when operating. These have a considerable adverse effect on the quality of life of those nearby. Also share the serious concerns of the Elstree & Borehamwood Green Belt Society over the impact of this development on our precious green belt. Enlarging the site would blight more of this land, which we should be committed to preserving.

6.15 A total of 597 consultation letters were sent out and **52** letters objecting to the application have been received (a further consultation has been undertaken and the total amount of letters received so far is). The issues of concern can be summarised as:

- Loading and unloading of vehicles will still smell
- Opening the doors to the building will let the smell out
- The smell currently is awful and affects residents' health
- There is a bioaerosols hazard

- The site is a blot in a peaceful and tranquil area
- The smell has upset the entire community
- The site needs to be closed down not expanded.

6.16 Publicity for the application was as follows: A site notice was erected on 16 November 2016 and the application was advertised in the Borehamwood and Elstree Times on 10 November 2016.

7 Planning Policy

National Planning Policy Framework 2012 (NPPF)

- 7.1 The NPPF was released in March 2012. The NPPF contains the presumption in favour of sustainable development. The document also promotes the development plan as the starting point for decision making and that decisions should be made in accordance with an up to date Local Plan unless material considerations indicate otherwise.
- 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 in people's quality of life and improving the conditions in which people live, work, travel and take leisure.
- 7.3 The NPPF also seeks to protect Green Belt land stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics being their openness and their permanence. Green Belt purposes include checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.4 Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

National Planning Policy for Waste 2014 (NPPW)

- 7.5 This policy document seeks to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, together with ensuring the design and layout of new development and other infrastructure such as safe and reliable transport links complements sustainable waste management.
- 7.6 Waste Planning Authorities should assess the suitability of sites/areas for new or enhanced waste management facilities against a list of criteria which includes the following:
- The extent to which the site will; support the other policies set out in the document,
 - The physical and environmental constraints on development, including existing and proposed neighbouring land use, and having regard to the factors in Appendix B,
 - The capacity of existing and potential transport infrastructure to support the sustainable movement of waste,
 - The cumulative impact of existing and proposed waste disposal facilities and the well-being of the local community, including any significant impacts on environmental quality, social cohesion and economic potential.
 - Green Belts have special protection in respect to development.
- 7.7 In determining planning applications, applicants would need to demonstrate the quantitative or market need for new or enhanced waste facilities where proposals are not consistent with an up-to-date Local Plan. The likely impact on the local environment and on amenity also needs to be considered and judged against Appendix B. Waste management facilities should be well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 7.8 Appendix B – Locational criteria: in determining planning applications the following factors should be taken into account:

Flood risk; land instability; landscape & visual impacts (localised height restrictions); nature conservation; conserving the historic environment; traffic & access – considerations will include the suitability of the road network and the extent to which access would require reliance on local roads; air emissions, including dust; odours; vermin & birds; noise, light and vibration for which considerations will include the proximity of sensitive receptors and potential for noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site.

Development Plan

- 7.9 The Development Plan is the Hertfordshire Waste Development Framework Waste Core Strategy and the Welwyn Hatfield District Plan. The NPPF and the NPPW are both material considerations and how policies from the Development Plan are in conformity with these need to be considered.
- 7.10 The relevant development plan policies are:

Hertfordshire Waste Development Framework Waste Core Strategy Adopted November 2012

Policy 1- Strategy for provision for waste management facilities
Policy 1A- Presumption in favour of sustainable development
Policy 6 - Green Belt
Policy 7- General criteria for assessing planning applications outside of identified locations (part iv).
Policy 9 - Sustainable transport
Policy 11- General criteria for assessing waste planning applications
Policy 13- Road transport and traffic
Policy 16 – Soil, Air and Water

Hertsmere Core Strategy 2013

Policy SP1 Creating sustainable development
Policy CS12 The Enhancement of the Natural Environment
Policy CS13 The Green Belt

Site Allocations and Development Management Policies Plan 2016

Policy SADM 27

8 Planning Issues

- 8.1 The principal issues to be taken into account in determining this application are:
- Background to the submission and proposed development
 - Impact on residential amenity and odour
 - Impact on the Green Belt
 - The planning balance
 - Flood risk

Background to the submission and the proposed development

- 8.2 This application has been submitted due to a requirement set out in an amended Abatement Notice served on the applicant by St. Albans Magistrates Court in June 2016. The applicant was required to submit a full planning application to extend the existing building in order to house green waste recycling activities. The application shows a large extension

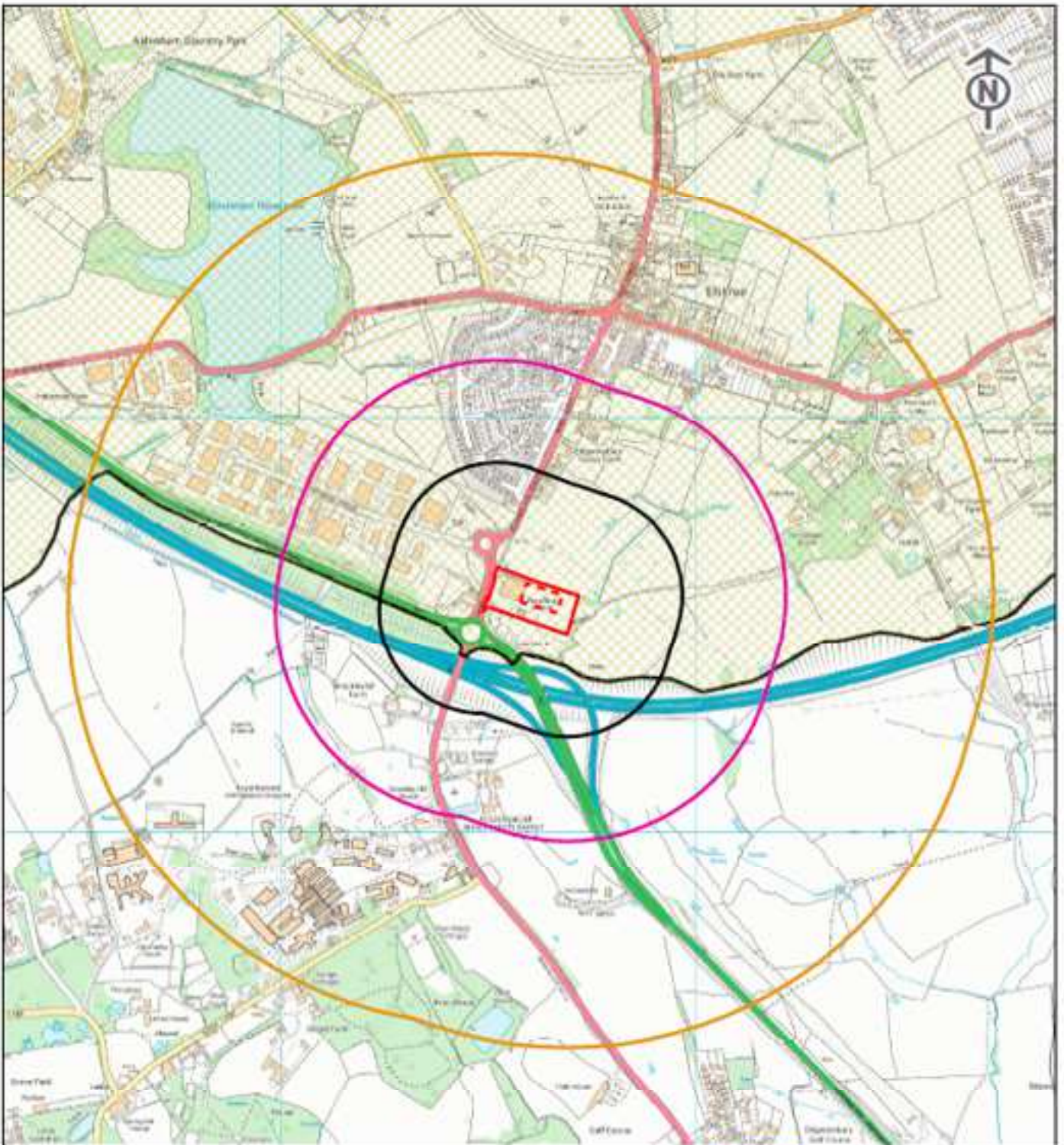
measuring 91m x 47.5m which would treble the size of the existing building. The amended plan submitted recently has amended the shape of the proposed building although the proposed floor area is similar to that originally proposed.

- 8.3 The submitted Working Plan shows some activities to be sited outside the building to include waste wood storage, biomass storage and oversize storage; green waste reception area for non HGV vehicles and finished compost stockpiles. The plan also shows a significant part of the yard area as 'empty'. It is not clear if there will be amendments to any outside working proposed for the yard area as no details have been submitted with the revised site boundary plan.
- 8.4 Over the last few years, the site has generated a significant number of complaints from residents and businesses in the local area which has led to Hertsmere Borough Council serving an Abatement Notice. The purpose of the amended Abatement Notice served by St Albans Magistrates Court is to seek to find a solution that would solve the problem of odour and mitigate the effects.
- 8.5 Therefore Hertfordshire County Council needs to be assured from a technical perspective that the proposed building would guarantee to solve the odour problem.
- 8.6 The Environment Agency advises that not enough information has been submitted to assess whether the proposed changes to the development would meet the EA's requirements to prevent or minimise and/or control pollution, and there are concerns that these requirements might not be met through the current planning application. Sufficient detail needs to be submitted in order to consider whether odours can be adequately managed through the design of the new building. In the absence of a detailed odour management plan based on the new building design, it is not possible to assess the associated risks.
- 8.7 The submitted planning statement states that the erection of an extension to the existing building to facilitate the 'outdoor' part of the operation being conducted within the proposed building will have the effect of "significantly reducing any odour nuisance potential and therefore improve the amenity of the locality and protect human health". However, in the original planning statement submitted in 2009 it was stated that.. "The process does not create unpleasant odours and the site is located a significant distance away from any 'sensitive receptors'". Therefore even with the proposed erection of the extension to the building, the submitted information has changed from not creating any unpleasant odours to significantly reducing any odour nuisance potential. The amount by which the odour nuisance potential would be reduced by is not quantified.







Impact on amenity and odour complaints

- 8.8 Numerous complaints have been received by the Environment Agency and Hertsmere Environmental Health over the last few years. The complaints all point to a very unpleasant odour emanating from the site. People have been unable to stay in their houses and lives have been disrupted due to the smell including local business, hotels and hospitals. It remains a significant concern.
- 8.9 Hertsmere Borough Council Environmental Health Department have confirmed that composting does have the potential when not properly controlled, to cause environmental pollution, harm to human health and nuisance through odours, leachate and potentially harmful bioaerosols. An Abatement Notice was served upon the operator of the site due to the intensity, frequency and duration of odour nuisance coming from the site. As such, it was expected that the application would have given a more detailed robust, technical assessment on how this new building would contain the odour and ensure that no odour is detected beyond the boundary of the site. It is also possible that the movement of the green waste material into and out of the building will still have the potential to cause odour and the Working Plan continues to show some elements to still be out in the open.
- 8.10 The map on page 32 of this report shows the buffers around the site with the nearest residential properties being within 150 metres to the north and the Royal National Orthopaedic Hospital a short distance to the south. Complaints have been recorded from all directions.
- 8.11 Policy 11 of the Hertfordshire Waste Development Framework lists general criteria for assessing waste planning applications, one of which states that planning permission will only be granted if the proposed operation of the site would not adversely impact upon amenity and human health. The submitted application does not conclusively indicate that this would be the case.
- 8.12 The NPPW also requires under *odours* that 'Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment'. Additionally, the thrust of the NPPF is to seek to improve the conditions in which people live, work, travel and take leisure. Yet site operations over the last few years have caused the reverse to happen and it has not been proven in this current application that there would be a guarantee that the situation would improve.
- 8.13 Recent site inspections have shown that the site is not being run entirely in accordance with the details of the original planning permission, with materials other than green waste (wood waste) piled up for processing and the quantity and extent of material in the outdoor area appearing to be spread over a significantly larger area than the neat windrows shown on the original working plan. It may be possible that the methods of

working and the lack of adherence to the approved plan and details could have contributed to the creation of odour, where it was originally thought (as submitted by the original planning agent) that there would be no odour produced from site operations.



Reviva Composting Ltd

-  1000m Buffer
-  500m Buffer
-  250m Buffer
-  Building Extension
-  Application Site
-  Greenbelt

0 130 260 390 520 650 780 910 1,040 1,170 Meters

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Green Belt

- 8.14 The application site lies within the Metropolitan Green Belt and it is considered that the proposed development represents inappropriate development in the Green Belt. The NPPF does include exceptions to the presumption against inappropriate development, by stating, 'limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, (excluding temporary buildings), *which would not have a greater impact on the openness of the Green Belt* and the purpose of including land within it than the existing development'.
- 8.15 Hertfordshire County Council's Waste Core Strategy, Policy 6 states that applications for new and/or expansion of existing waste management facilities within the Green Belt will be required to demonstrate very special circumstances sufficient to clearly outweigh the harm to the Green Belt together with any other harm identified. Six criteria are listed to be taken into account as material considerations as follows:
- The need for the development that cannot be met by alternative suitable non Green Belt sites;
 - The need to find locations as close as practicable to the source of waste;
 - The availability of sustainable transport connections;
 - The site characteristics;
 - Any specific locational advantages of the proposed site; and
 - The wider economic and environmental benefits of sustainable waste management, including the need for a range of sites.
- 8.16 The applicant has put forward some 'very special circumstances' in the application as follows:
- The proposed development will be well designed to ensure that there is no harm to human health by reducing the impacts associated with odour generation. The continued viability of the business will ensure that green waste continues to be diverted from landfill and is used sustainably as a resource.
 - The site is located to accept and treat green waste from within the locality and provides a much needed service for appropriate waste management.
 - All compost material produced on site is reused as a resource within the locality as it is sold into the domestic and agriculture sector.
 - The woody fraction of the waste inputs is used as a feedstock for renewable energy
 - The site employs 20 staff from the locality and the continued operation of the business will safeguard these jobs.

- 8.17 The proposed new extension clearly represents inappropriate development in the Green Belt and very special circumstances have been put forward by the applicant as indicated in para. 8.16 above. It is necessary for the applicant to show that these very special circumstances exist and that they clearly outweigh the harm by reason of inappropriateness and other harm.
- 8.18 The NPPF confirms that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It says that the essential characteristics of Green Belts are their openness and their permanence. When considering planning applications LPA's should, it says, ensure that substantial weight is given to any harm to the Green Belt. Having regard to this it is considered that the extension of the existing building with a very substantial extension within the Green Belt would seriously compromise openness and would conflict with one of the main purposes of including land within the Green Belt namely that of preventing encroachment into the open countryside.
- 8.19 The NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight should be given to any harm to the Green Belt and that '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. This particular case appears to be a difficult planning balance as there is clearly 'harm' being caused by the current operation of the site, and the erection of the new building is intended to mitigate that harm. However, in building that building more 'harm' would occur to impact on the openness of the Green Belt. This harm could potentially be outweighed by other considerations such as the reduction of odour, but it is considered that this application has not demonstrated sufficiently that odour would be reduced sufficiently by the erection of the building and therefore it is concluded that this proposal is inappropriate development in the Green Belt. The proposal would result in significant harm to openness in the local Green Belt area which would outweigh the very special circumstances put forward.
- 8.20 All the very special circumstances have been taken into consideration in reaching this conclusion, including the potential loss of employment if the operation does not continue in this location.
- 8.21 The National Planning Policy Framework and the National Planning Policy Guidance raise the importance of dealing with flooding and climate change. The development proposal is for major development and a substantial increase in the size of the building on site. The planning application documents say that a flood risk assessment is not required. The Lead Local Flood Authority however consider that a flood risk assessment is required for this development proposal and that permission should be refused. This is an important consideration for the planning application and the proposal is therefore contrary to Policy 16 of the Hertfordshire Waste Development Framework, Hertsmere

9 Conclusions and the planning balance

- 9.1 This application has been submitted due to a requirement set out in an amended Abatement Notice served on the applicant by St. Albans Magistrates Court in June 2016. However it is considered that insufficient details and insufficient evidence to support the applicant's assertions have been put forward to demonstrate conclusively that the erection of the proposed building would reduce the odour from the site to a level that would not be detrimental to amenity and human health.
- 9.2 The issue is severe and this application has not demonstrated that the problems would be solved by this planning application proposal, and therefore in terms of the planning balance, having considered both national and local policy, it is concluded that more harm would occur in the Green Belt if planning permission were granted and therefore it is recommended that planning permission should be refused. The proposed development would cause harm to the openness of the Green Belt and would result in the encroachment of built form into the countryside, conflicting with one of the five purposes of including land within the Green Belt.
- 9.3 The planning application is not accompanied by a flood risk assessment and the proposed increase in building size is substantial. The Lead Local Flood Authority object and advise that a flood risk assessment should be submitted. The lead Local Flood authority maintain their objection even after assessing the further submission in January 2017.
- 9.4 The national policy context contained within the NPPF is that there should be a presumption in favour of sustainable development in order to approve applications wherever possible. This is only possible however, where the proposed development improves the economic, social and environmental conditions in the area. Although in certain circumstances justifications will exist for developments to be approved, in this case it is considered that whilst there is a presumption in favour of sustainable development this does not override the material planning considerations that exist and the harm that would occur if planning permission were to be granted.
- 9.5 The extra supporting documentation submitted by the applicant in January 2017 has been assessed by both the Environment Agency and Hertsmere Borough Council Environmental Health Department. Both of these experts conclude that there are serious flaws in the proposed details and it is not clear that the idea could even be feasible in terms of the human health impact on employees working in the building if it was to be so enclosed to contain the odour. The further information

submitted with the application does not demonstrate to HCC's expert advisers that the odour would necessarily be contained within the building and there are many question marks over its viability.

It is therefore considered that nothing has changed from the original submission to alter the views formed in this report and therefore It is still recommended that planning permission should be refused.

10 Recommendation

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

- 1) The proposal constitutes inappropriate development in the Green Belt 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 Hertfordshire Waste Development Framework Waste Core Strategy Policy 6 and advice set out in the NPPF and NPPW and policies SP1, CS12 & CS13 of Hertsmere Core Strategy. The development would cause substantial harm to the Green Belt by reason of its visual appearance, bulk and scale and the encroachment of its built form 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 proposal would have an adverse effect on the local area, due to the siting, scale and design of the building being inappropriate for its location. The application has not demonstrated that the proposed operation of the site (with indoor housing of waste activities) would not adversely impact upon the amenity and human health of local residents due to the potential for odour from the site. Therefore the proposal is contrary to Policy 11 of the Hertfordshire Waste Development Framework 'General Criteria for Assessing Waste Planning Applications', the National Planning Policy Framework and the National Planning Policy Guidance.
- 3) 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 Policy 16 of the Hertfordshire Waste Development Framework, Soil, Air and Water, Hertsmere Policy CS16 Environmental Impact of Development, the National Planning Policy Framework and the National Planning Policy Guidance.

Background information used in compiling this report

Planning application

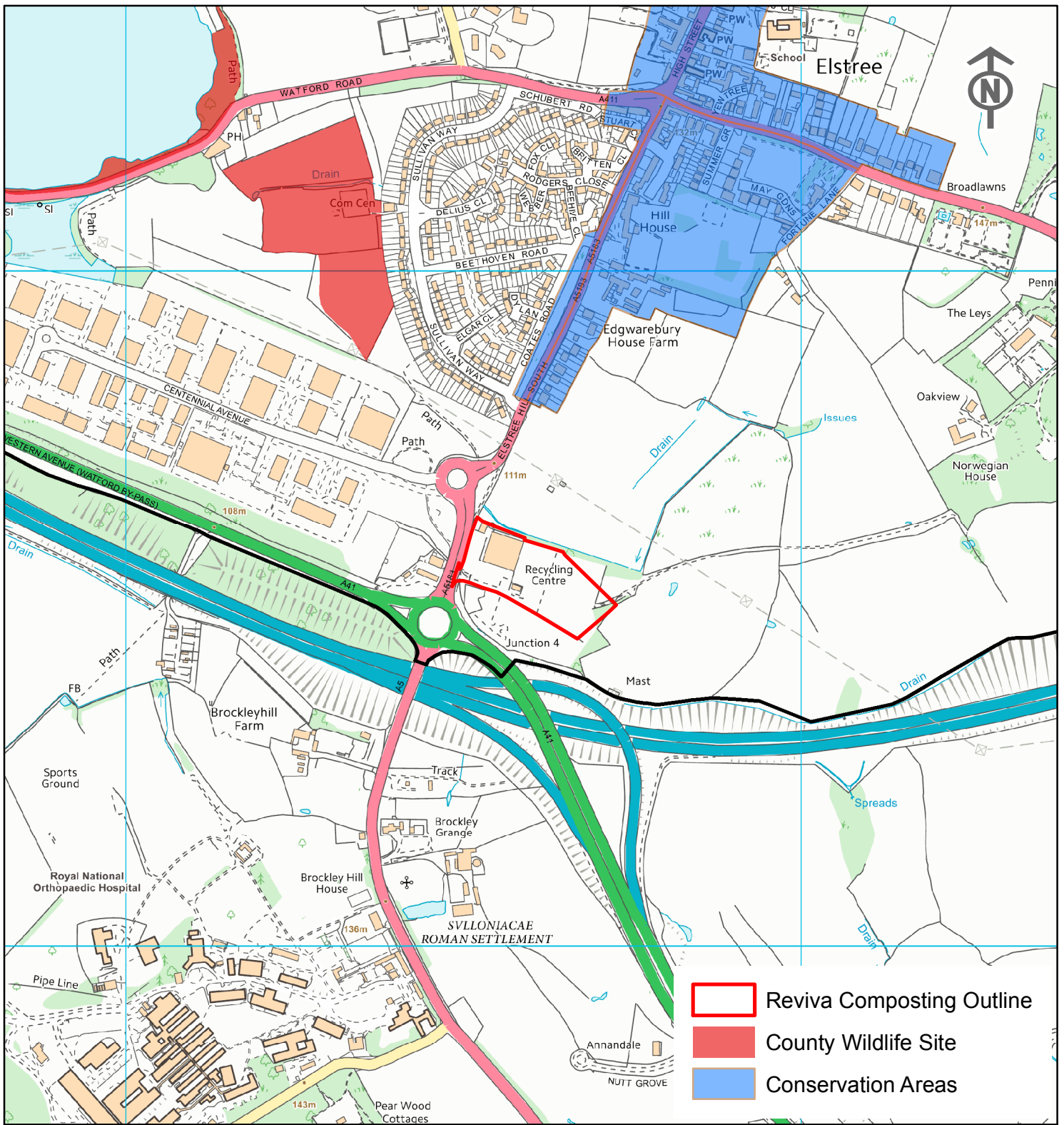
National Planning Policy Waste

National Planning Policy Framework

Herts Waste Development Framework

Hertsmere Core Strategy

Representations received



DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 22nd March 2017

Proposed application for the extension of existing building to enclose green waste composting activities at Reviva Composting Ltd, Elstree Hill South, Elstree, WD6 3BL

