

**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
FRIDAY, 8 DECEMBER 2017 AT 10.00AM**

Agenda Item  
No.

**1**

**EAST HERTS DISTRICT**

**APPLICATION FOR THE VARIATION OF CONDITION 1 AND CONDITION 25 OF PLANNING PERMISSION 3/1228-13 TO EXTEND THE LIFE OF THE SAND AND GRAVEL EXTRACTION AND RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION DETAILS AT WESTMILL LANDFILL SITE, WESTMILL ROAD, WARE, HERTFORDSHIRE, SG12 0ES**

*Report of the Chief Executive and Director of Environment*

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Local Member: David Andrews

**1. Purpose of Report**

1.1 To consider application 3/0075-16 for the variation of condition 1 and condition 25 of planning permission 3/1228-13 to extend the life of the sand and gravel extraction and restoration via landfill and to amend the restoration via landfill and to amend the restoration details at Westmill Landfill Site, Westmill Road, Ware.

**2. Summary**

2.1 The principle of the development has been established therefore through the planning history of the site, and the principle of extensions to time limits on restoration as previously set are considered also to be acceptable and necessary given the justification of the applicant in delays in waste reaching the site (largely due to regulation change and improved recycling rates overtime).

2.2 This has consequently delayed completion of the landfilling process at Westmill. The principle of alternative contours in order to retain a silt lagoon on the site are also considered to be acceptable.

2.3 The visual harm after restoration of the landfill would be minor to moderate after settlement. This also needs to be balanced against the economic benefits of the former mineral extraction which para 144 of the NPPF gives great weight to. The impact on the landscape will clearly remain significant during operational stage, however, the extension of time limit on the land fill is required to allow the restoration to proceed, and on balance the longer term minor-moderate impacts of the landfill area after restoration are considerate acceptable when weighed against the strategic need to retain and complete the landfill.

Westmill Landfill Site, Ware

- 2.4 Subject to the conditions placing restrictions on vehicle movements and washing of wheels before vehicles leave the site and a financial contribution of £30 000 to the Highway Authority for road cleaning and any repair to the network as a result of the development (through section 106 legal agreement), then the Highways Authority have no objection to the proposals which are considered to accord with local and national planning policy in this regard
- 2.5 The Rights of Way Officer (HCC) has no objections to the proposals subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 2.6 There are clear impacts upon residential amenity in terms of noise, air quality and odours. The Environmental Statement has demonstrated that effective mitigation through the use of planning conditions can be achieved to reduce these effects as much as is possible through planning condition where possible, but also in the separate Environmental Permit regime for the site. The impacts are temporary however, will reduce over time and will cease upon completion of the landfill operation and restoration. The effects have to be weighed against the benefits of the scheme- which has an economic and strategic role (Westmill is the last the Landfill within Hertfordshire). On balance, the case officer is of the opinion that the temporary effects upon residential amenity do not outweigh the benefits of the scheme, including the required time for final restoration, and as such the proposal is considered to be in general accordance with local and national planning policy with regard to potential impact upon residential amenity.
- 2.7 Given that the Environment Agency and Flood Risk Management Team have no objections, the proposal is considered to be in accordance with planning policies relating to flood risk and ground water protection.
- 2.8 The Ecology Officer is satisfied that there would be no significant impact upon biodiversity and ecology in accordance with the relevant planning policies.
- 2.9 Given that the quarry and landfill operation already exist and this application seeks an extension of time to operations and restoration, it is not considered that there would be any significant impact upon heritage assets and the application is in accordance with the policies identified.

### **Conclusion**

- 2.10 Overall having taken the balance of all the issues and policy into account, including all of the information as submitted in the environmental statement, and that subject to the application being referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of

State deciding not to call in the application for his determination, it is recommended that the Chief Executive and Director of Environment should be authorised to grant planning permission subject to the completion of a section 106 Legal Agreement with the developer for a financial contribution of £30,000 to the Highway Authority for road cleaning and any repair to the network as a result of the development; a £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway and the following conditions and informative:

1. Time Limits For Cessation
2. Vehicle Movements(Whole Site)
3. Vehicle Movements(Quarry)
4. Wheel Cleaning
5. Covered Loads
6. HGV hours
7. Permitted Hours of operations
8. Further Development
9. Quarry Processing Plant
10. Vehicle Noise
11. Noise from operations restriction
12. Noise from sales and deliveries restriction
13. Noise from temporary operations restriction
14. Groundwater protection 1
15. Groundwater protection 2
16. Dust Suppression
17. Restoration Plans
18. Planting
19. Removal of plant/structures
20. Aftercare
21. Ecology
22. Display of Permission

Informative-Ecology

### **3. The Proposal**

- 3.1 The site has operated as a sand and gravel quarry with material being extracted since the 1950's. As part of the restoration of the areas of quarrying landfill has operated at the site for over 30 years. Cemex operate the sand and gravel extraction including a ready mix concrete plant, processing and sales of aggregates, and Biffa operate the landfill operation and restoration. The landfill site takes in residual household waste which has no recyclable value, such as that from HWR's (Household Waste Recycling facilities) including from East Hertfordshire, Stevenage and Broxbourne. Biffa also landfill inert commercial waste at the site. The application is made by Cemex UK Operations Ltd, however also covers Biffa's landfill operations as the landfill is essentially part of the remodelling of the site contours, and

overall infill, and final restoration of the sand and gravel extraction site. An Environmental Statement has been submitted with the application.

- 3.2 Whilst there is an extensive planning history to the site, the latest permission was granted 23 August 2013 and is the current planning permission for sand and gravel extraction and landfilling at the site.
- 3.3 That permission had a number of conditions attached, two of which the applicant seeks to vary to enable continued operations at the site. The conditions which are sought to be varied are:-

Condition 1

*Extraction of sand and gravel shall cease on or before 31 December 2015 unless otherwise approved by the Mineral Planning Authority. All plant, machinery, equipment and buildings associated with the winning and working and processing of minerals or the restoration of the site shall be removed from the site on or before 31 December 2017.*

Reason: To comply with Section 51 of the Planning & Compulsory Purchase Act 2004

Condition 25

*The restoration of the site shall be carried out in accordance with the revised Scheme of Restoration and Landscaping for Westmill Quarry, dated November 1990 and illustrated by plans number P11285/10/2, P11285/11/3, P11285 P11285/11/4, as approved by the Mineral Planning Authority on 20 December 1990, or any in accordance with subsequent variation thereof which shall receive the approval in writing by the Mineral Planning Authority.*

- 3.4 Since the application was initially submitted, the sand and gravel extraction being carried out to the north of the site has ceased, however condition 1 requires to be varied as restoration of this area needs to be undertaken following removal of all plant and machinery. Some sale of remaining sand and gravel stocks will continue for a short period until existing stocks are exhausted. The application sought to extend sand and gravel extraction (now ceased) until 31/12/2016 and seeks sand and gravel processing until 31/12/17.
- 3.5 Revised mineral reserve calculations at the site historically over time have indicated a larger reserve and this has impacted on the length of time required to extract the sand and gravel (now ceased), which has led to the requirement to revise the initial time constraints for reserve extraction and restoration. The remaining extractable reserve calculation in 2015 was 241,483 tonnes, which has now been exhausted (although was still being worked at the time of submission of this application).

- 3.6 With regard to the established landfill area to the centre and south of the site, landfilling operations are continuing into final cells 9 and 10. The operator has intended to complete landfilling as soon as is possible as it is in their interests as this is how they effectively receive an income stream.
- 3.7 The waste industry has technically evolved over the last 15 years to incorporate regulation change such as the Landfill Directive 1999 and the Environmental Permitting Regulations 2007, which have positively protected the environment through better land fill engineered design in order to protect the environment from pollutants, perhaps most significantly from ground water contamination.
- 3.8 As a general principle all landfill operations include a geotechnical barrier, ground water protection, surface water management, engineered capping and the monitoring of gas and leachate.
- 3.9 The Applicant states that these regulation requirements, which are positive moves to further protect the environment may have however to some extent slowed the landfill process.
- 3.10 Waste streams have also evolved over the last 15 to 20 years as part of the waste hierarchy and government targets for recycling. Landfill would fall at the bottom of the hierarchy as disposal of waste and the preference would first to follow the principle of the three 'R's, to 'Reduce, Re-use or Recycle".
- 3.11 The amount of waste reaching landfill generally has progressively fallen as a result of efforts to follow the 3 'R's. The applicant has indicated that the combination of changes in the waste stream and regulation has impacted upon the time necessary to complete restoration and as such the following sequence of cessation is now proposed:-
- Infilling with waste- to cease 31 December 2021  
Capping of waste-to be complete by 31 December 2022  
Restoration- to be complete by 31 December 2027
  - The initial application indicated a longer time frame for cessation for landfill, which was shortened following discussions between the Applicants and Planning Officers. The initial time frames were:-
  - Infilling of waste- to cease 31 December 2023  
Capping of waste to be complete by 31 December 2025  
Restoration-to be complete by 31 December 2030
- 3.12 Should the application be supported, then the conditions of a new permission would reflect the first set of cessation/completion dates above.

## Restoration

- 3.13 Upon final cessation of waste disposal at Westmill the whole site requires capping to pre settlement contour levels in accordance with the landfill permit. Once capped the site will be restored with soils to a profile depth of 1 metre and seeded with amenity grass mix.
- 3.14 Infrastructure related to the landfill operation shall be required until final soils have been placed. Once final restoration has been completed the office, weighbridge, and carpark shall be removed. The leachate plant and gas extraction shall be retained as part of the permit regulation.
- 3.15 The areas to the north of most recent sand and gravel extraction will not be landfilled, and this application does not propose any new areas of landfilling to that previously approved.
- 3.16 The northern area where Cemex sand and gravel operation is located, includes aggregate stock piles, a fresh water lagoon, the aggregate processing plant, offices, a workshop and weighbridge. This area will be restored following the removal of all plant and buildings, and the restoration scheme here includes the retention of the lagoon, creation of grassland, and woodland and heath scrub. This area is surrounded by existing woodland and scrub which will be retained. Wooden fencing shall be erected to delineate the Rights of Way along this section. The soil bank shall be seeded to protect soils and prevent erosion.
- 3.17 Soil storage mounds near/on the historic silt lagoons will be removed and spread over previous hard standing areas once all concrete has been removed and spread over the previous hard standing areas once all concrete has been removed. Upon replacement of soils the restoration scheme introduces an area of natural colonisation, and acid grassland.
- 3.18 With regard to the area of the land fill site, there will be some changes to contours as previously approved once the site is restored. The existing approved restored contours post settlement plan reference P1/285/11/3 illustrates contours over the whole quarry void and restored (via landfill). The restoration contours were produced in 1988.
- 3.19 Since this scheme was produced quarrying operations created a new silt lagoon adjacent to the historic lagoons on the site around 1990. This lagoon was created to manage on site silt produced through aggregate processing. Although the lagoon was critical to the operations of the quarry its location has impacted the current restoration. It is estimated that there is approximately 225,000m<sup>3</sup> of silt in the lagoon.

- 3.20 Due to the quantity of silt and practicalities of removing such a fluid material it has been considered most appropriate to retain the silt lagoon in its current form. The implication of retaining this lagoon requires an amendment to the restoration contours, pre and post settlement.
- 3.21 Landfill cells 8 -10 have been created within a 25m stand off from the silt lagoon. A stability report has been undertaken to quantify the standoff distance is geo-technically acceptable as is a 1:3 batter.
- 3.22 In practice, for the cells that yet have to be completed, meeting the revised pre-settlement profile simply means placing waste at revised pre-settlement levels (taking into account the depth of cap and restoration soils above). However for cells that have already been filled and capped, it is not practical to strip off the cap and recommence waste placement up to the revised pre-settlement level. Therefore on these cells, the existing cap will remain in place and inert waste, nominally soils, will be used to meet the calculated revised pre-settlement profile levels in order to ensure the approved final post-settlement landform is reached.
- 3.23 The post settlement contours will remain as permitted except along the northern boundary of cells 8-10 which abut the silt lagoon. The revised contours will provide a steeper gradient for a width of approximately 50 metres. Once all of the cells have been filled and capped they will eventually be seeded over with grass mix as part of the final restoration.

### Rights of Way

- 3.24 Three footpaths surround the Westmill site. Footpath no.23 to the north runs along the northern aggregate plant site boundary along the gardens of Downfield Court and links with footpath no.22. The definitive line of no.22 ran north to south from Downfield Court to the junction with the A602 near Gentlemen's Field. This route has been partially diverted on a temporary basis from the east of Gentlemen's Field along the A10 to Poles Lane until 10/11/2018. The remaining route over the quarry void (being restored via landfill operations) is closed until 10/11/2018. Footpath 52 is also temporarily closed until 10/11/2018.
- 3.25 A consequence of this application is the delay in reinstating the definitive rights of way. The Applicant seeks to extend the temporary closure and diversion of Rights of Way of footpaths no.22 and no.52 until restoration is complete (December 2027). The appropriate applications will be made to the County Highway Authority subject to the determination of this application. The applicant has introduced a permissive path through the plant site linking Rights of Way No 23 and 22 as an alternative route whilst restoration works are completed on site.

- 3.26 Aftercare details for maintenance of land following restoration have previously been approved by the Local Planning Authority in December 1990 and identified areas of the site for grazing and agriculture. A condition requiring that these details be revised, again for a period of five years following completion of restoration, is considered reasonable should the application be approved.

#### Site and Access

- 3.27 Westmill Quarry and landfill site is located approximately 2km north of Hertford, approximately 500 metres west of Ware. The site covers an area of approximately 72ha, which has been used for the extraction of sand and gravel (which is now ceased although was ongoing at the time of the submission of this application) and is being restored via landfill. The site falls within Thundridge Parish.
- 3.28 The site is bound by Westmill Road (A602) to the west, Westmill plantation and open countryside to the north, the A10 to the south the Hanbury Manor and Golf Country Club to the east. Downfield Court, a group of 10 residential properties is located immediately adjacent to the north east boundary of the site. Further residential properties are located to the south of the A10 road and include Wheatsheaf Close, Greyfriars, The Larches and Dovedale. Adjoining the site to the south eastern corner and junction with the A10 and Westmill Road (A602) is a small industrial estate, Gentleman's Field. Further west along Westmill Road is the Hertfordshire County Council Household Waste Site. To the north is the River Rib.
- 3.29 The site is accessed at two points off Westmill Road. The northern access is used solely for the aggregate plant site (now for sales of aggregate only as extraction has ceased) and the southern access serves the landfill and is for the importation of waste material only.
- 3.30 The site is located within the Suffolk and North Essex Clayland National Character Area which is characterised by an agricultural landscape predominantly arable with some woodland. The site is within the Green Belt.
- 3.31 Poles Park which is a Grade II Registered Park and Garden which surrounds Poles Convent which is a Grade II\* Listed Building is located to the east of the site (now known as Hanbury Manor/Golf Hotel). Westmill Farm House (Grade II), Garden Walk on the south of Westmill House (Grade II), Westmill House (Grade II\*) are all located approximately within 150m to the north and west of Westmill Quarry.
- 3.32 Downfield Pit Westmill SSSI is located within 50 metres of the site. There are no other designations within 500 metres from Westmill Quarry.



- 3.33 The aggregate processing plant is located to the north of the quarry and includes a ready mixed concrete plant (approved 1970's). The operation of the aggregate plant is limited to the reserve of sand and gravel at the quarry. To the south and east of the plant site are historic silt lagoons part of which have naturally regenerated with willow, and there are some storage mounds in the area.
- 3.34 Most recent mineral extraction took place in the final phase (8) to the north- however has recently ceased.
- 3.35 The landfill has been subdivided into cells to assist landfill engineering requirements. The landfill includes two distinct areas known as Westmill I and Westmill II. Westmill I is located in the west of the site and landfilling ceased here in 2003, and this area is now being restored.
- 3.36 Westmill II comprises 10 fully engineered landfill cells. Cells 1-5 have been filled and capped, and are at varying stages of restoration. Cells 6, 7 and 8 have been filled although pre-settlement contours are still to be achieved. At present waste is being tipped into cells 9 and 10.
- 3.37 In association with the landfill operations, the site also accommodates site offices, a weighbridge and an environmental compound comprising of landfill gas engines, a flare, leachate treatment plant and soil repair centre located in the south west corner of the site.

#### **4.0 Policy Considerations**

- 4.1 National Planning Policy Framework 2012  
 Ch.3-Supporting a prosperous rural economy  
 Ch.4-Promoting sustainable transport  
 Ch.7-Requiring good design  
 Ch.8-Promoting healthy communities  
 Ch.9-Protecting greenbelt land  
 Ch.10-Meeting the challenge of climate change, flooding and coastal change  
 Ch.11-Conserving and enhancing the natural environment  
 Ch.12-Conserving and enhancing the historic environment  
 Ch.13- Facilitating the sustainable use of materials

National Planning Policy for Waste 2014

- 4.2 There is also a series of technical guidance in the NPPF. The following are of relevance:- Dust, noise, noise standards, stability in surface mine workings and tips, restoration and aftercare of mineral sites, landscape strategy and aftercare schemes.
- 4.3 Hertfordshire Waste Development Framework, Waste Site Allocations Development Plan Document 2011-2026

Policy WSA2: Applications for Waste Management Development on Allocated Sites and Employment Land Areas of Search

- Westfield is a safeguarded strategic site allocated under this policy.
- 4.4 Hertfordshire Minerals Local Plan Review 2002-2016 (Saved Policies)

Minerals Policy 1- Aggregates Supply  
Minerals Policy 2-Need for Mineral Working  
Mineral Policy 3-Sites for Sand and Gravel Extraction and the Working of Preferred Areas  
Minerals Policy 9- Contribution to Bio-diversity  
Minerals Policy 12- Landscape  
Minerals Policy 13- Reclamation Scheme  
Minerals Policy 14- Afteruse  
Minerals Policy 15- Landfill  
Minerals Policy 16-Transport  
Minerals Policy 18- Operational Criteria for the Control of Mineral Development

- 4.5 Hertfordshire Waste Core Strategy

Policy 1A: Presumption in Favour of Sustainable Development  
Policy 3:Energy and Heat Recovery  
Policy 4: Landfill and Landraise  
Policy 6:Greenbelt  
Policy 11: General Criteria for Assessing Waste Planning Applications  
Policy 15: Rights of Way  
Policy 16: Soil, Air and Water  
Policy 19:Protection and Mitigation

- 4.6 East Herts Local Plan Adopted 18th April 2007 (Saved Policies)

GBC1- Appropriate Development in the Greenbelt  
GBC14- Landscape Character  
GBC15- Mineral Resources  
TR3-Transport Assessments  
ENV1-Design and Environmental Quality  
ENV2-Landscaping  
ENV17-Wildlife Habitats  
ENV18-Water Environment  
ENV20-Groundwater Protection  
BH2-Archaeological Evaluation and Assessments  
BH16-Historic Parks and Gardens

- 4.7 A Neighbourhood Plan for Thundridge has not yet been produced.

## **5.0 Relevant Planning History**

- 5.1 The site is a sand and gravel quarry with material having been extracted since the 1950's. It has been used for landfill for commercial

and household waste for over 35 years having been granted consent in April 1980 (Application 3/1325-79).

- 5.2 The quarry has a long planning history dating back to the 1950's. Two planning permissions were issued at Westmill Quarry in 1956 for sand and gravel extraction and restoration using inert waste. These permissions were reviewed in 1998 in accordance with Schedule 13 of the Environment Act 1995 (Review of Old Minerals Permissions(ROMP). A schedule of conditions was approved November 1998 by Hertfordshire County Council. 32 conditions were identified within the schedule covering cessation, method of working, mitigation measures and archaeology.
- 5.3 On 29 September 2011, Hertfordshire County Council granted planning permission for the variation of conditions 8 (Method of Working) and 16 (Scheme for Acoustic Bund) of planning permission 3/1181-97 at Westmill Quarry.
- 5.4 On the 23 August 2013 the Mineral Planning Authority granted approval for extended operating hours 0600-1800 Monday to Friday and 0600-1300 on a Saturday no operation on a Sunday or Bank Holiday (application 3/1228-13). A full permission was re-issued and therefore this approval supersedes the original ROMP approval and is now the principle permission related to Westmill Quarry and Landfill site.
- 5.5 The Council has also determined various planning applications for ancillary development related to the quarry and landfill (such as for fencing and operational buildings/equipment).

## **6.0 Consultations & Representations**

- 6.1 There have been several rounds of consultation where consultees have been written to directly, on the initial application, and on two receipts of additional information under regulation 22 of the Environmental Assessment Regulations.
- 6.2 East Herts District Council Development Management does not object to the proposal.
- 6.3 Environmental Health (East Herts District Council) does not object to the proposal and stated:-

*“The operations going forward are likely to have greater prominence than those already undertaken in terms of noise and odour therefore it is recommended that appropriate strategies and monitoring arrangements are put in place or secured to ensure that any impacts do not exceed the relevant extant guidelines”*

6.4 Thundridge Parish Council have made the following comments in summary:-

The Parish Council have grave concerns about the extended time scale that this application seeks. Initial concerns of the Parish Council are:-

At the Liaison Meeting 16/12/15, Biffa stated that Cell 10 should take three years to fill. Cell 10 should be full by 31/12/19. The applicant has requested 31/12/23 as the date they expect to fill cell 10. This is 4 years longer than previously advised.

Final capping of Cell 10 should take place following the cell being filled and from previous information takes 10 to 12 weeks. The applicant requests that the completion of capping should be 31/12/25. This is more than 4 years longer than previously advised.

The expired permit allowed 2 years for final restoration. The request is for 5 years for final restoration, 2 years from capping the last cell (10) is 31/03/22. This would be more than 8 years less than the requested date of 2030.

6.5 Ware Town Council strongly object on the grounds that the conditions should stand.

6.6 Hertford Town Council does not object to the proposal

6.7 Highways Authority (HCC) does not object to the proposal subject to the following conditions;

*No more than 482 HGV movements (241 in, 241 out) per day shall take place Monday to Friday into/out of the Westmill Landfill and Quarry/Ready Mix Plant and no more than 200 HGV movements (100 in, 100 out) shall take place on Saturdays into/out of the Westmill Landfill and Quarry/Ready Mix Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.*

Reason: In the interests of Highway Safety

*No more than 80 HGV movements (40 in, 40 out) per day shall take place Monday to Friday into /out of the Westmill Quarry and Ready Mix Concrete Plant and no more than 40 HGV movements (20 in, 20 out) shall take place on Saturdays into/out of the Westmill Quarry and Ready Mix Concrete Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.*

Reason: In the interests of Highway Safety

*No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway. Details of the on-site vehicle cleansing equipment are to be submitted to the for approval by the Waste Planning Authority.*

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

Advice Note: Waste vehicle movements are not currently restricted under the planning consent. Overall site traffic for minerals extraction and processing will be maintained at current levels to the end of 2017 when operations will be completed.

The existing daily site traffic levels amount to 80 two way HGV movements and 10 two-way staff vehicle movements per day associated with minerals extraction plus 422 two way HGV movements (211x2) and 24 two way staff vehicle movements (12x2) per day generated by the waste operations. In addition to the main site activities approximately 60 two way HGV movements per day are generated by the ready mix concrete plant.

No additional traffic will result from the existing processes already approved.

Improvements to the A602, which involves widening of the carriageway past the site, are proposed by the Highway Authority and it has been agreed with the schemes engineers that that as part of the road widening scheme, the geometry of the access will be amended to ensure that no vehicles can turn right of the site.

As part of the improvements in the vicinity of the site it is proposed to remove the sharp bend in the carriageway alignment. A new alignment will be provided in the existing wide verge to flatten the curve of the road at this point.

A deceleration lane will also be added at the entrance of the Household Waste Recycling Centre (HWRC). All the works are proposed in the Highway boundary.

There is evidence that mud is being deposited on the A602 in the vicinity of the site entrance. There is clear evidence that the level of traffic generated by the existing operation at the site has caused an unacceptable amount of mud on the road and damage to the verges of Westmill Road in the vicinity of the site access. Bearing this in mind it is recommended that a bond [or contribution] of £30 000 be secured via a Section 106 Agreement in respect of the prevailing circumstances on Westmill Road. The Highway Authority has no objection to the proposal subject to the conditions set out above.

## 6.8 Landscape Officer HCC (In summary)

Landscape and Visual Effects At **Operational Stage** -Landscape Effects:-

Overall the proposed operational stage results in prolonged moderate to major adverse effects on landscape character and quality.

Visual Effects:-

Overall the proposed operational period results in prolonged moderate to major adverse effects on views and visual amenity.

Effects at **Restoration Stage** - Landfill Area:-

Landform

Overall, the proposed pre-settlement contours give rise to temporary major adverse effects on landscape character. However, as settlement occurs and the planting becomes established, the significance of effects diminishes relatively rapidly in the short term, and more slowly in the medium to long term, to provide more effective mitigation and benefit landscape character.

Post Settlement Contours:-

Overall the proposed post-settlement contours and established planting scheme result in negligible effects on landscape character, however some permanent minor – moderate adverse effects on landscape character remain as a result of the relatively steep slopes between the ridgeline and the silt lagoon.

Visual Effects:-

Pre-settlement contours:-

Overall the proposed pre-settlement contours result in temporary major adverse effects on views from the wider landscape to the north, due to the creation of a prominent and contrived, stepped landform profile within a panoramic view of the wider valley landscape. However, as settlement occurs and the planting scheme becomes established, the significance of effects diminishes relatively rapidly in the short term, and more slowly in the medium to long term.

Post settlement contours:-

Overall the proposed post-settlement contours and established planting scheme result in negligible effects on visual amenity, there are some permanent minor – moderate adverse effects on views from the permissive footpath to the southern side of the silt lagoon as a result of the relatively steep slopes between the ridgeline and the silt lagoon.

## **Restoration Stage - Plant Site**

Overall the proposed restoration scheme introduces a new diverse landscape and visual character within the lower valley slopes.

### **Significance of Effects**

In order to mitigate the significance of effects, it is advised to reduce the duration of the operational stage as far as possible.

### ***Restoration stage – landfill area***

The opportunity to reduce the slope gradient between the silt lagoon and the ridgeline, where it does not affect slope stability, would be welcomed.

### ***Restoration stage – plant site***

At the restoration stage, the proposal introduces a new diverse landscape and visual character within the lower valley slopes. This approach is established under the extant permission and is deemed acceptable.

### **Conclusion of Landscape Advice**

Overall the proposed development does not deliver landscape and visual enhancements, over and above the extant scheme, to mitigate the effects of extending the operational stage and amendment of the restoration scheme.

However, it is appreciated that a balanced judgement will take into account the need to ensure that the development is completed and can be successfully restored within a realistic timescale, and whether the proposed restoration scheme delivers significant biodiversity enhancement.

## **6.9 Hertfordshire Ecology (HCC) (In summary)**

An Environmental Statement (Ecology) has been submitted in support of the application. It is not considered that the Application to vary Condition 1 of 3/1228-13 to have any ecological impact other than extend the time during which existing extraction and machinery will be on site. Consequently ecology will not represent a constraint for this proposal as it is already affected or not by the operations.

With respect to Condition 25 this stated:

*The restoration of the site shall be carried out in accordance with the revised Scheme of Restoration and Landscaping for Westmill Quarry, dated November 1990 and illustrated by plans number P11285/10/2, P11285/11/3, P11285/13/1 and P11285/14, as approved by the Mineral Planning Authority on 20 December 1990, or any in accordance with subsequent variation thereof which shall receive the approval in writing by the Mineral Planning Authority.*

This proposal is therefore related to a variation of the original scheme of restoration.

The Phase 1 Habitat Survey (2014) to be very thorough and it provides a sound baseline of habitat resources currently present.

The 'extended' nature of the Phase 1 survey identifies the potential for protected and other species to be present. Whilst I am less convinced that the presence of species like otter should be regarded as probable, it is also sufficient in that it identifies the key protected (and other) species potential on the site.

An Ecological Management Plan (2017) has been prepared and submitted to further inform the proposals in respect of protected species. Table 1 considers habitats where species *may* be present and the relative impacts on them. For bats and dormice (European Protected Species), woodland areas will remain unaffected whilst scrub, of possible relevance to dormice, will remain partially affected. However, given the presence of dormice in Hertfordshire I do not believe there is a reasonable likelihood of their presence sufficient for the LPA to require a survey. This would mean that no further information on dormice is required prior to determination.

Reptiles were considered potentially present across much of the site although much of the site is currently an active quarry and landfill. A mitigation strategy has been outlined and I consider this to be acceptable. It consists of a destructive search or translocation, depending on circumstances.

Nesting birds are addressed by the usual recommendations – removal of vegetation outside the nesting season or if unavoidable, not without a prior assessment of nesting activity. Particular attention will be paid to the potential for Red kites, Little ringed plover and barn owls.

Badgers will be considered following best practice and pre-commencement walkover surveys.

Dormice are not considered to have a reasonable likelihood of being present. In any event only very small amounts of scrub are regarded as being present on site. This is a view with which I agree, as outlined above.

I consider that bats will be present on the site but it is stated that no woodland, scattered trees or hedgerow trees will be lost to development. Therefore it is reasonable to expect no bat roosts are likely to be otherwise affected. However an appropriate mitigation strategy has been outlined in respect of surveys where considered necessary.



I consider that the Ecological Management Plan 2017 outlined above represents an acceptable approach to addressing the species issues outlined within the 2014 report, in respect of addressing restoration amendments. Although no invertebrate surveys are proposed as previously, invertebrate habitat is provided within the final restoration. On the basis of the above, I do not consider that further surveys of the species themselves are necessary in order to reasonably inform any decision.

Consequently, I advise that if appropriate, to secure the recommendations, a Condition should be attached to any permission which requires the recommended 'management strategies' for the species to be followed according to the Ecological Management Plan 2017.

However, this management plan does *not* address long term site restoration proposals themselves, creation of habitats or their management. A plan of the plant site restoration has been provided and this appears to provide a good variety of habitats appropriate for the area – although they must be managed to maintain their quality and condition.

In this respect I note the application summary states the restoration of the main landfill will be to grassland and hedgerows and the plant site restoration will be to acid grassland wetland and scrub. I support this. In this context it must be recognised that all open grassland areas will require appropriate grazing or cutting if they are to be maintained and ecologically valuable habitats.

I also note in the planning statement 1.8.2 -  
*The main objective of aftercare is to restore land covered by the proposed development to a beneficial standard that will ensure successful planting and contribute and enhance local biodiversity.*

This is to be welcomed. I consider that if followed, this process should ensure that biodiversity will be taken properly into account in terms of creating good quality habitat and securing its appropriate management.

I am satisfied there are no outstanding ecological constraints associated with the proposals.

#### 6.10 Historic Environment Advisor (Archaeology HCC)

The development is unlikely to have a significant impact on heritage assets of archaeological interest.

#### 6.11 Rights of Way Officer (HCC)

No objections subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.

The sum is required to cover the cost of signs, vegetation clearance, surfacing and legal administration (for a s25 Dedication Agreement, to upgrade the routes to bridleway status).

#### 6.12 Flood Risk Management (HCC)

FRM have no objections. They note that the site currently exists and discharges into a lagoon which then discharges into a small ditch that becomes culverted downstream and conveys flows beneath the A10.

#### 6.13 Waste Management Unit (HCC)

The Waste Management Unit (WMU) is tasked with fulfilling the County Council's statutory duties as the Waste Disposal Authority for Hertfordshire and is required to identify points of disposal for Local Authority Collected Waste.

In order to move residual wastes (that which is left over after prevention, re-use, recycling and composting) further up the waste hierarchy, the WMU has procured contracts for the disposal of LACW through regional Energy from Waste (EfW) facilities. However, there remains a need for landfill capacity for some difficult/bulky waste types and where access to the EfW facilities is not possible given existing supporting infrastructure such as waste transfer stations.

The Westmill landfill facility is the last remaining major point of disposal within the County and enables nearby Waste Collection Authorities (WCA's) such as East Hertfordshire and Broxbourne Borough Council, along with proximate household waste recycling centres, to travel a reasonable distance to dispose of wastes collected, reducing the environmental impact of transporting LACW and enabling effective service provision at the kerbside.

Without a local disposal point, some Hertfordshire WCA's may be required to purchase additional Refuse Collection Vehicles (RCV's) to prevent disruptions in the collection of waste whilst other RCV's are travelling to and from disposal sites located further away.

As disposal facilities for LACW close to Hertfordshire are becoming increasingly limited, the extension of time for the Westmill landfill site would enable the continued provision of a local point for the disposal of LACW whilst the County Council works to provide long term arrangements for the treatment of residual wastes under its control. As such the WDA is fully supportive of the proposed application.

#### 6.14 Environmental Health (East Herts District)

No objections. The operations going forward are likely to have greater prominence than those already undertaken in terms of noise and odour

therefore it is recommended that appropriate strategies and monitoring arrangements are put in place or secured to ensure that any impacts do not exceed the relevant extant guidelines.

#### 6.15 Environment Agency-

No objections. Initially did object on the grounds that insufficient information had been submitted with regards to protection of groundwater. The site lies on a principle aquifer. Following much discussion and revisions of the hydrology report submitted the Environment Agency now accept that groundwater protection would be adequate and the objection has been removed.

The Environmental Permit application for this proposal has been submitted and is waiting a decision.

#### 6.16 Natural England-

Do not wish to make any comments on the application

#### 6.17 Historic England-

Do not wish to offer any comments on the application

#### 6.18 Ramblers Association

Public Footpaths 22 and 52, Wareside, cross the site. They have been temporarily closed, and are due for reinstatement by 18/11/2018. Please take the existence of these footpaths into account, when deciding on this matter. We've been waiting nearly 30 years to get our footpaths back.

#### 6.19 Hertfordshire and Middlesex Wildlife Trust-Initial Response (have not responded to additional information received under regulation 22 request)

The EIA Scoping Opinion (05 December 2015) states: 'The Environmental Statement shall detail the impacts upon the ecology of the site for the period of the extended works. This report (phase 1 habitat study) shall also contain mitigation proposals for wildlife, protected species and flora for the proposed extension of time.'

The submitted ecological appraisal does not detail the impacts of the proposals on the ecology of the site, which it acknowledges with the following statement taken from the report (AEcol 2014): 'BS 42020 recommends that ecological reports in support of planning include a detailed description of any potential effects upon biodiversity to ensure significant negatives are addressed. Consideration of a development scheme proposal is beyond the remit of this assessment.'

Therefore no assessment of potential impacts upon biodiversity that might enable the application of the 'mitigation hierarchy' (in order to define and describe measures to resolve potential negative effects i.e. avoidance, mitigation or compensation) has been performed. As a result, it is concluded that this assessment  
CEMEX (UK) Materials LTD PHASE 1 SURVEY  
Westmill Quarry may be as yet insufficient to support a Planning Application in itself.'

Therefore by the admission of the submitted ecological report, insufficient information has been submitted to enable appraisal of the impacts of the extension of the works on the ecology of the site.

6.20 Sir Oliver Heald QC MP for North East Hertfordshire-  
(2<sup>nd</sup> February 2016)\_Objects to the proposal

"I understand that the owners of Westmill Quarry have made an application to extend it with minerals extraction continuing until 31 December 2016 and with landfill continuing until 2023 and restoration only to be complete by 2030. This does seem to be to be contrary to the spirit of the decision that Biffa should not be allowed to extend at Westmill. I also think that local people are entitled to certainty and that these endless further applications for extra mineral extraction have become unreasonable.

It should be remembered that this is land in the Green Belt and has been compromised for far too long. The proposal has also got implications for the River Rib and the local flora and fauna. This is an area with a high proportion of heritage and listed buildings and the traffic volumes associated with this development are disadvantageous to the area. It is also damaging to local business with the smells and dust.

I believe it is time the company were required to stick to the permission they have and finish the job. Westmill has had this for long enough. I do hope it will be possible for you to consider this objection."

6.21 Neighbours / Publicity; Publicity for this application was as follows:  
Initial Consultation:-

5 site notices were placed around the site, 1 at each vehicle entrance point, 1 at Gentlemen's Field Industrial Estate, 1 opposite the subway adjacent to the A10 road, 1 on Poles Lane, and 1 north of Downfield Court, 14 January 2016.

A press notice was placed in the Hertfordshire Mercury 14 January 2016.

A total of 850 neighbours were directly consulted via letter 13 January 2016.

A total of 36 objections were received with regard to the initial consultation.

Second consultation (on receipt of additional information under regulation 22 request of the Environmental assessment regulations)

A press notice was placed in the Hertfordshire Mercury 25 August 2016.

The 850 neighbours were re-consulted 17 August 2016.

The additional information consisted of:-

- Further information covering letter from agent
- Restored Rights of Way Routes
- Surface Water Drainage Assessment
- Transport Assessment
- Response to EA objection
- Landscape and Visual Impact Assessment
- LVIA appendices
- Concept restoration

A total of 14 objections were received with regard to the second consultation.

Third consultation (on receipt of further additional information under regulation 22 request of Environmental Assessment regulations)

On 28 June 2017, 5 new site notices were erected a further press notice was placed in the Hertfordshire Mercury and neighbours were re-consulted again on the following additional information:-

Further information in a covering letter from the agent  
Hydrological updated report  
Pre and post settlement contour plans  
Ecological management plan

A total of 5 objections were received with regard to the third consultation.

Representations in summary:

45 objections have been received in total from all neighbour consultations. A letter received from Hanbury Mews Residents Ltd. contained the signatures of 11 residents. A letter from Redbrick

Management was signed by 9 residents of Poles Park. Hanbury Manor Hotel have also objected to the application.

Neighbour concerns in summary are:-

- Odour. Adverse respiratory effects on neighbours. The perfume used to mask the smell does not reduce the hazard of respiratory effects.
- Litter. There has been litter blowing over from site. Poles Lane is often strewn with litter that has blown over from the landfill site, some ends up in trees
- Traffic. Dangerous high volumes of HGV vehicles on the A602
- Air pollution from traffic.
- Dust from operations and traffic
- There is a sweeper used by the operator but mud/debris still dispersed on the road
- Not a sustainable long term solution to waste disposal
- General disappointment at time extension for landfilling. Concern with initial length of cessation dates proposed. Previous time limits should be imposed. Lives of residents have been disrupted enough. Residents have tolerated the situation as the end of operations was expected as early as the end of 2017.
- Loss of footpath during operations
- Excessive number of flies
- Excessive number of seagulls and problems of birds droppings
- Impact on landscape, from attractive countryside to industrial mountain
- Is unacceptable development in the greenbelt
- There is a reduced need for landfill as the County plans in future to incinerate waste. Recycling is also increasing therefore there is no need to landfill. Cemex has finished quarrying on the site therefore there is a reduced requirement for extension of activities on the site.
- EA objections to potential impacts upon groundwater
- Is a breach of section 73 of the Town and Country Planning Act- this should not be dealt with as a variation but a full application
- Contrary to Human Rights Act
- Contrary to European Law and Policy
- Would be inappropriate to use public finances to monitor compliance of conditions
- The only motive is profit
- The on site "Bio-Genie" takes waste from outside the County (such as from London and Bedfordshire) why should Hertfordshire be used as the South East's dust bin?

6.22 Redbrick Management on behalf of Poles Park Residents Ltd (8 Feb 2016)-

Letter of objection outlining similar concerns to those of other neighbours with 9 signatures of residents attached to this report Appendix 1.

6.23 Hanbury Mews Residents Ltd (1 February 2016)-

Letter of objection with 11 signatures outlining similar concerns to those of other neighbours attached to this report Appendix 2.

6.24 Downfield Court Residents Ltd- have withdrawn all objections. Letters received 29 January 2016, 26 August 2016 and 24 August 2017. The initial objection letter contained signatures from 10 addresses. They note that the applicant has now reduced the overall cessation dates for landfilling and restoration however still have concerns how they have been able to operate outside of their permitted term whilst the application has been considered. The letter withdrawing the objections is attached to this report Appendix 3.

6.25 The Hanbury Manor Marriot Hotel- (15 December 2016)-

Object to proposals as:-

- Environmental Statement understates impacts and the effect on the hotels business
- Smells and dust
- Hotel often receives complaints from guests. 92 complaints were received in a 5 month period March to September 2015
- Hotel employs 232 staff and is therefore an important employer and leisure provider
- Visual impact and unjustified time extension sought.

Letter attached to this report (Appendix 4.)

## **7.0 Planning Issues**

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

The Principle and Need of Development  
Landscape and Visual Impacts  
Development in the Greenbelt  
Traffic and Highways  
Rights of Way  
Residential Amenity  
Ecology  
Ground water/Drainage  
The Historic Environment

## The Principle and Need of Development

- 7.2 The principle of extraction of sand and gravel from the site and restoration via landfill has long been established through various planning permissions as outlined earlier in this report. The latest permission for the site was granted 23 August 2013 and is now the principle permission related to Westmill Quarry and Landfill site.
- 7.3 Sand and gravel extraction has recently ceased (summer 2017) since the submission of the application was received (21/12/15). The application seeks to partially regularize the position therefore on the extraction which continued beyond initial restriction on condition 1 of the previous planning approval, which required that extraction cease on or before 31 December 2015. The condition also required the restoration of the site by the end of this year 2017.
- 7.4 The variation of condition 25 seeks to essentially vary final landscape contouring as outlined previously in this report. With regard to the sand and gravel extraction, the applicant has indicated that revised mineral reserve calculations at the site historically over time have indicated a larger reserve and this has impacted on the length of time required to extract the sand and gravel (now ceased), which has led to the requirement to revise the initial time constraints for reserve extraction and restoration. The remaining extractable reserve calculation in 2015 was 241,483 tonnes, which has now been exhausted (although was still being worked at the time of submission of this application).
- 7.5 Westmill mineral extraction area is identified as an existing site within the Minerals Local Plan and saved policy MP1 states:

*“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 regions varying needs”*

Hertfordshire County Council’s apportionment figure is 1.39 million tonnes, the Minerals Local Plan apportionment was set at 1.99 million tonnes for the period 2002-2016. The additional 241,483 tonnes of sand and gravel extracted from Westmill Quarry did contribute towards maintaining a strategic land bank of minerals reserves required at the time in accordance with Minerals Local Plan policy MP1. This was also in accordance with paragraph 144. of the NPPF, which states that when determining planning applications, local planning authorities should *inter alia*:



-give great weight to the benefits of the mineral extraction, including to the economy;

-as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;

- 7.6 There was a need therefore to maintain the required landbank at the time for sand and gravel extraction to meet local and national requirement of supply. There is no conflict with policy MP2 of the Local plan which requires that the Council consider the existing quantity of permitted reserves and the rate at which and proposed timescale over which the permitted reserves will be worked. These are mute points however to some degree as since the application has been submitted the reserves have now been worked.
- 7.7 Westmill is identified as a specific site for sand and gravel extraction in the Proposals Map of the Local Plan under Policy MP3. The principle of sand and gravel extraction at the site has been clearly demonstrated and the need for the additional period of working the sand and gravel has been justified.
- 7.8 With regard to the landfill operation the following justification has been made by the applicant. Landfilling operations are continuing into final cells 9 and 10. The operator has intended to complete landfilling as soon as is possible as it is in their interests as this is how they effectively receive an income stream.
- 7.9 The waste industry has technically evolved over the last 15 years to incorporate regulation change such as the Landfill Directive 1999 and the Environmental Permitting Regulations 2007, which have positively protected the environment through better land fill engineered design in order to protect the environment from pollutants, perhaps most significantly from ground water contamination.
- 7.10 These regulation requirements, which are positive moves to further protect the environment may have however to some extent slowed the landfill process.
- 7.11 Waste streams have also evolved over the last 15 to 20 years as part of the waste hierarchy and government targets for recycling. Landfill would fall at the bottom of the hierarchy as disposal of waste and the preference would first to follow the principle of the three 'R's, to 'Reduce, Re-use or Recycle'.
- 7.12 The amount of waste reaching landfill generally has progressively fallen as a result of efforts to follow the 3 'R's. The applicant has indicated that the combination of changes in the waste stream and regulation has impacted upon the time necessary to complete restoration.

7.13 The case officer has no information before them which would conflict with the justification given for the extended period required for landfilling as part of the restoration process.

7.14 As the reclamation of Westmill is via landfill which is designed in accordance with permitting regulations the implications of premature cessation could have significant environmental consequences in the long term and lead to a detrimental restoration scheme and the land being classified as derelict which is contrary to planning policy, most specifically MP13.

7.15 Minerals Policy 13 of the Local Plan states,

*“The County Council will not allow land worked for minerals to become derelict or remain out of beneficial after-use. All applications for mineral working must be accompanied by a detailed, comprehensive proposal for progressive reclamation wherever practical. The proposed restoration and after use must be integral with the design of the proposed workings as a whole, irrespective of the proposed after-use.....”*

7.16 Waste disposal at Westmill is of a type that cannot be recycled or undergo extensive treatment, and as such the proposal does not conflict with Policy 4 of the Hertfordshire Waste Core Strategy, *Landfill and Landraise* which states that,

*“Proposals for additional capacity within existing landfill sites will only be granted planning permission as a last resort where it can be demonstrated that residual waste has already undergone extensive treatment and there are no other suitable means of disposal...”*

7.17 Minerals Policy 15 of the Local Plan states that,

*“The reclamation of mineral workings with waste will only be permitted where it can be demonstrated that the disposal of waste is necessary to achieve restoration proposals”*

It is clear that the site requires restoration, and the proposal accords with MP15 of the Local Plan in this context.

7.18 The principle of the development has been established therefore through the planning history of the site, and the principle of extensions to time limits on restoration as previously set are considered also to be acceptable and necessary given the justification of the applicant in delays in waste reaching the site (largely due to regulation change and improved recycling rates overtime).

7.19 This has consequently delayed completion of the landfilling process at Westmill. Subject to the assessment of landscape impact, the principle

of alternative contours in order to retain a silt lagoon on the site are also considered to be acceptable.

### Landscape and Visual Impacts

- 7.20 The application site does not have any formal landscape designation (such as AONB) but lies within the Suffolk and North Essex Clayland National Character Area.
- 7.21 Policy GBC14 Landscape Character of the East Hertfordshire Local Plan 2007 requires that a landscape character assessment be prepared to assess development proposals which will be required to improve and conserve local landscape character. A Landscape Visual Impact Assessment (LVIA) which describes landscape character and how this is likely to be affected has been submitted as part of the Environmental Statement accompanying the application.
- 7.22 Saved Minerals Policy 12 of the Minerals Local Plan (2002-2016) states that development proposals will be expected to respect landscape character both during operations and in proposals for reclamation and ensure that any distinctive landscape features are protected from the impact of development.
- 7.23 Saved Minerals Policy 18 of the Minerals Local Plan (2002-2016) states *inter alia* that:

All proposals for mineral extraction and related development shall, where appropriate:

*ii) demonstrate a satisfactory restoration landform, including full details of landscaping and long term management, which can be secured within a reasonable timescale and are appropriate to the area. The final landform should be one that has the appearance of one created naturally and set harmoniously within the surrounding landscape, consistent with the landscape character of the area, be sustainable and pose no long term risk to the environment by way of reduced stability”*

and :

*iv) include measures to minimise visual intrusion and any adverse impact on the local landscape.*

- 7.24 Policy 4 of the Hertfordshire Waste Development Framework (2011-2026) states that proposals for additional capacity within existing landfill sites shall demonstrate the visual impact on the character of the landscape and any mitigation.
- 7.25 The Landscape and Visual Assessment (LVIA) has been assessed by the Landscape Officer of the Council.

7.26 In summary, the Landscape Officer considers the following:-

The Landscape Officer has considered pre and post settlement contours at operational stage, and restoration stages for both the landfill area and area of most recent mineral extraction (described as the plant area). The landscape effects and significance of the effects as set out in the submitted LVIA were considered at length by the Landscape Officer who does not object to the proposals.

7.27 With regard to the Landfill area, whilst some effects are understated at operational stage in the LVIA as submitted, the Landscape Officer advises that the visual impact during operational stage will lead to moderate to major impacts on landform and visual amenity.

7.28 At the restoration stage of the Landfill area, the Landscape Officer is of the opinion that proposed pre-settlement contours would give rise to temporary major adverse effects on landscape character. However, as settlement occurs and planting becomes established the significance of effects diminishes relatively rapidly in the short term, and more slowly in the medium to long term to provide more effective mitigation and benefit landscape character.

7.29 With regard to post settlement contours of the Landfill area at restoration stage, the Landscape Officer considers that overall with established planting the scheme would result in negligible effects on the landscape character and visual amenity. Whilst there are some permanent residual minor-moderate landscape visual effects around the steep slope between the ridgeline and retained lagoon, the effects will diminish rapidly as planting becomes established.

7.30 With regard to the most recently worked area, 'the Plant site' to the north, the Landscape Officer considers that overall the proposed restoration scheme introduces a new diverse landscape and visual character within the lower valley slopes.

7.31 With regard to *significance of effects* of the Landfill Area the Landscape Officer has stated that the proposed operational stage and restoration does give rise to significant adverse landscape and visual effects and it is advised to reduce the duration of the operational stage as far as is possible.

7.32 The Landscape Officer does however recognise that several aspects of the development have been established under the previous permission, for example the highest part of the landform would not change at 86m AOD through the revised scheme.

7.33 However as noted above, as settlement occurs and the planting scheme becomes established, the effects diminish rapidly. The full term settlement (10 years+) will give rise to some permanent residual minor-

moderate landscape visual effects, as a result of the relatively steep slope between the ridgeline and the silt lagoon.

- 7.34 The visual harm after restoration of the landfill would therefore be minor to moderate after settlement. This also needs to be balanced against the economic benefits of the former mineral extraction which para 144 of the NPPF gives great weight to. The impact on the landscape will clearly remain significant during operational stage, however, the extension of time limit on the land fill is required to allow the restoration to proceed, and on balance the longer term minor-moderate impacts of the landfill area after restoration are considered acceptable when weighed against the strategic need to retain and complete the landfill. In Landscape terms therefore the proposal is considered to be in accordance with local and national planning policy in this regard.

### Development In the Greenbelt

- 7.35 At District Level policy GBC1 of the East Herts Local Plan seeks to protect the openness and function of the Greenbelt and states,
- “Within the Metropolitan Greenbelt, as defined on the proposals Map, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.”*
- 7.36 At County level policy 6 of the Waste Development Framework relates to new or expansion to existing waste management facilities in the Greenbelt. Whilst this application does not relate to either a new or expansion of the landfill but a time extension to the existing operation, it still has some relevance such as that the proposal must demonstrate the need for the development, and how this cannot be met on alternative non-Greenbelt sites.
- 7.37 Chapter 9 of the NPPF identifies mineral extraction as an appropriate use within the Greenbelt provided that the openness of the Greenbelt is maintained.
- 7.38 The proposal does have a detrimental effect on the openness of the Greenbelt. Given however that this time extension will allow the time needed to fill landfill cells which then in turn will allow the proposed contours to be achieved through restoration and ultimately the return to grassland, then the proposal is not considered to be at odds with the intent of the policies identified. The benefits accrued from the development in terms of dealing with some of the County’s unrecyclable waste outweigh the potential impacts upon the Greenbelt which are temporary.

### Traffic and highways impacts

- 7.39 In accordance with saved policy TR3 of the East Herts Local Plan and Ch.4 of the NPPF, as a development that is likely to generate significant traffic movement the application has been supported by a Transport Assessment as part of the Environmental Statement, which has been reviewed by the County Highway Authority.
- 7.40 Whilst sand and gravel extraction has ceased since the submission of the application, the extended time limit proposed seeks to regularize the fact that the previous time limit has been exceeded (now therefore in retrospect)and also some sale of aggregate stocks is still continuing on site.
- 7.41 Minerals Policy 16 states that,
- “ Minerals 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 proposed after use would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment”.*
- 7.42 At the time of submission of the application, The daily site traffic levels amounted to 80 two way HGV movements and 10 two-way staff vehicle movements per day associated with minerals extraction plus 422 two way HGV movements (211x2) and 24 two way staff vehicle movements (12x2) per day generated by the waste operations. In addition to the main site activities approximately 60 two way HGV movements per day are generated by the ready mix concrete plant.
- 7.43 As sand and gravel extraction has now ceased the overall figures have lowered, and on completion of the final landfill cells 9 and 10, HGV movements will again fall significantly.
- 7.44 The Highways Officer is satisfied with the findings of the Transport Assessment, that the proposal will not increase traffic on the surrounding highways network or impact significantly upon highway safety.
- 7.45 Subject to conditions placing restrictions on vehicle movements and washing of wheels before vehicles leave the site and a contribution of £30 000 to the Highway Authority for road cleaning and any repair to the network as a result of the development(through section 106 legal agreement), then the Highways Authority have no objection to the proposals which are considered to accord with local and national planning policy in this regard.

#### Rights of Way

- 7.46 Policy 15 of the Hertfordshire Waste Core Strategy states that:

Westmill Landfill Site, Ware

*“Waste management proposals should ensure that public Rights of Way are not adversely affected or, where this is not possible, that good quality, safe and convenient alternative provision is made or suitable replacement Right(s) of Way is secured.....Proposals should enhance the public Rights of Way network through the creation of new Rights of Way and/or open space, or the improvement of existing access.”*

- 7.47 Three footpaths surround the Westmill site. Footpath no. 23 to the north runs along the northern aggregate plant boundary along the gardens of Downfield Court and links with footpath no. 22.
- 7.48 The definitive line of footpath no.22 ran north to south from Downfield Court to the junction of the A602 near Gentlemen’s Field. This route has been partially diverted on a temporary basis from the east of Gentlemen’s Field along the A10 to Poles Lane until 10/11/2018. Footpath 53 is also temporarily closed until 10/11/2018.
- 7.49 A consequence of this planning application is to delay reinstating the rights of ways. The Applicant seeks to extend the temporary closure and diversion of Rights of Way no 22 and 52 until the end of restoration in 2027. A separate application to temporarily stop and divert the footpaths shall be submitted should the planning application be successful.
- 7.50 The Rights of Way Officer (HCC) has no objections to these proposals subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 7.51 The sum is required to cover the cost of signs, vegetation clearance, surfacing and legal administration (for a s25 Dedication Agreement, to upgrade the routes to bridleway status). The contribution would be secured through section 106 legal agreement. No objections subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 7.52 The Ramblers Association have stated that they have not been able to use these parts of footpaths 23 and 52 for 30 years, however, appropriate diversions have been put in place and will be accommodated for again should the application be successful.
- 7.53 The internal paths would also be upgraded to bridleways as a consequence of the development which is seen as a community benefit and in accordance therefore with Policy 15 of the Hertfordshire Waste Core Strategy.

#### Residential amenity

- 7.54 Saved Policy MP18 of the Minerals Local Plan requires that development demonstrate that no significant noise intrusion and no

significant degradation of the air will arise from the development. Policy 11 of the Waste Core Strategy requires that the proposed operation of the site will not adversely impact upon the amenity of human health.

7.55 The NPPF at para.144 similarly requires that there be no impact upon human health. The closest residential properties to the site are on Downfield Court, a collection of 10 dwellings which are positioned to the north east corner of the site within 20 metres of the boundary to the aggregate plant site. There are also several properties north of Downfield Court, including Downfield Cottages. The grounds of Hanbury Manor Hotel about the site to the north east with residents of Poles Park and Hanbury Muse further east, and a large concentration of properties are found within 100 metres of the site to the south across the A10 road, including Greyfriars, Wheatsheaf Drive and Dovedale.

7.56 The environmental assessment as submitted included noise, air quality and odour surveys. These have been considered by the Environmental Health Officer at the District Council who has made no objection to the proposal but has stated that:

*“The operations going forward are likely to have greater prominence than those already undertaken in terms of noise and odour therefore it is recommended that appropriate strategies and monitoring arrangements are put in place or secured to ensure that any impacts do not exceed the relevant extant guidelines”.*

7.57 With regard to air quality the ES (Environmental Statement) found that the continuation of mineral extraction (now ceased) and restoration via landfill would not introduce any additional dust sources but would see a continuation of existing operations. Whilst the extraction has ceased there are limited stockpiles still at the site for sale. The following dust suppression methods would continue to be implemented for the duration of both gravel sales and landfilling operations:-

- Water bowser
- Dampening of haul roads
- Spraying of stock piles
- Seeding of soil mounds
- Cease tipping in high winds

7.58 The site has not recorded any nuisance from dust and effects from extraction have now ceased. Conditions requiring water bowzers on site and wheel washing of HGV's would be attached to any approval. The site is not within an Air Quality Management Area (AQMA) and whilst some objections have been received from residents with regard to air pollution, no objections have been received from Environmental Health. It is considered that the appropriate dust suppression methods outlined above would maintain air quality at acceptable levels.



- 7.59 With regard to noise, a full noise assessment has been submitted with the application. The assessment showed that noise limits for daily landfilling operations can be maintained below in accordance with National Planning Policy Guidance at 55db( Laeq ) for the duration of operations sought. Noise limits have been restricted through conditions attached to the previous planning permission, which would again be attached should this application be successful. Operations are further limited by time restriction conditions on HGV movements as follows:
- HGV for sales and delivery purposes: 0600-1800 Monday to Friday and 0600 to 1300 hours Saturday, no HGV movements Sunday or bank holiday
- 7.60 There is an acoustic bund adjacent to Downfield Court which will be retained with associated planting, which has assisted in limiting noise impact significantly.
- 7.61 As operations diminish on site associated noise levels shall also be reduced, further limiting impact. Towards the end of the restoration, there will be a short period when the screening effect is reduced however as earth moving for restoration increases. This would not exceed 70db ( Laeq ) for a period of approximately 8 weeks, which is considered acceptable for temporary operations and in accordance with previous conditions attached which allowed for a higher noise levels for temporary operations.
- 7.62 With regard to odour, the site is already and separately regulated by the Environment Agency under an Environmental Permit, which deals with relevant pollution control including a detailed odour management plan, which will continue to be applied. National Planning advice is that the Planning system does not need to and should not duplicate such controls.
- 7.63 The Odour Management Plan for the site includes a dry odour system which is located along the eastern boundary of the site adjacent to Poles Lane and Hanbury Manor, which sprays fragrance to mask smells at fence height.
- 7.64 The Environmental Statement recognizes that the continuation of landfill restoration and implementation of the proposed restoration scheme would result in odour from the site until cessation of operations. Once the site has been capped odours from the placement of material shall cease and odour from specific waste types would also cease. Landfill gas management shall continue beyond restoration and shall be monitored as part of the landfill permit.
- 7.65 The impact of odour has to be balanced however against the extension of time for landfilling which will allow the final restoration of the site to the required contours.

7.66 There are clear impacts upon residential amenity in terms of noise, air quality and odours. The Environmental Statement has demonstrated that effective mitigation through the use of planning conditions can be achieved to reduce these effects as much as is possible through planning condition where possible, but also in the separate Environmental Permit regime for the site. The impacts are temporary however, will reduce over time and will cease upon completion of the landfill operation and restoration. The effects have to be weighed against the benefits of the scheme- which has an economic and strategic role (Westmill is the last the Landfill within Hertfordshire). On balance the case officer is of the opinion that the temporary effects upon residential amenity do not outweigh the benefits of the scheme, including the required time for final restoration, and as such the proposal is considered to be in general accordance with local and national planning policy with regard to potential impact upon residential amenity.

### Ecology

7.67 Saved Minerals Policy 9 states that of the Minerals Local Plan states that,

*“Proposals for mineral development should, where appropriate, provide opportunities to contribute to the delivery of national, regional, and local biodiversity action plan targets. Additionally, proposals that prejudice the delivery of these targets or would result in the loss of, or damage habitats and/or species will not be supported. Where appropriate, 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”*

7.68 Policy 4 of the of the Hertfordshire Waste Development Framework states that disposal of waste and restoration with inert material by raising the level of the land will only be granted permission where it would result in in significant or other environmental benefit.

7.69 Policies 11 and 19 similarly seek to safeguard Hertfordshire’s natural environment, requiring that proposed developments will not adversely impact upon wildlife habitats and the natural environment and where appropriate should provide opportunities to contribute to biodiversity targets(such as that set in the Biodiversity Action Plan).

Chapter 11 of the NPPF seeks to conserve and enhance the natural environment.

7.70 No objections have been received from the Ecology Officer (HCC) who is satisfied with an ecological management plan (EMP) which was submitted by the applicant. Following much discussion between the case officer and the Ecology Officer, it is noted that any impacts upon bio-diversity as a result of the development are existing (given that the

use is existing) and that final restoration will have positive benefits for wildlife.

- 7.71 Whilst the wildlife trust objected initially with regard to lack of information with regard to the initial submission, they were re-consulted on the later submission of the Ecological Management Plan, and have not responded.
- 7.72 The Ecology Officer has confirmed that they are happy that no further survey work is required prior to determination of the application, as the use is existing, but also as restoration will occur over a number of years, and as any additional survey work now would not necessarily identify species which may be present in future.
- 7.73 It is recommended that a condition to follow the recommendations of the EMP is attached should the application be approved, but also an informative to indicate that if any protected species are encountered during operations or restoration that it is the developer's responsibility to obtain an appropriate license from Natural England should this be necessary.
- 7.74 Following the advice of the Ecology Officer (HCC) the application is considered to be acceptable and in accordance with the policies identified above.

#### Ground Water/Drainage

- 7.75 Chapter 10 of the NPPF seeks to direct development areas of low flood risk. The site is within Flood zone 1, outside of the flood plain of the River Rib and is at very low risk of flooding. The Flood Risk Management Team have no objections. They note that the site currently exists and discharges into a lagoon which then discharges into a small ditch that becomes culverted downstream and conveys flows beneath the A10.
- 7.76 Policy 16 of the Hertfordshire Waste Development Framework requires that waste management proposals will not have a negative impact on the water environment.
- 7.77 A principal aquifer runs under the site and as such a detailed hydrological survey has been submitted with the application. The calculations of this survey have been revised at the request of the Environment Agency, who are now satisfied that there would be no significant impacts bourn from the development in terms of protection of groundwater and the aquifer.
- 7.78 This is also controlled via the permitting regime with the Environment Agency through ongoing monitoring of the site including leachate extraction to ensure protection of groundwater.

- 7.79 Given that the Environment Agency and Flood Risk Management Team have no objections, the proposal is considered to be in accordance with the planning policies identified above.

### The Historic Environment

- 7.80 Chapter 12 of the NPPF seeks to preserve and enhance the historic environment. Policy 11 of the Hertfordshire Waste Development Framework requires that the scale of development is appropriate to the location and the character of the surrounding built environment.
- 7.81 Saved policies BH2 (Archaeological Evaluation Assessments) and BH16 (Historic Parks and Gardens) of the The East Herts Local Plan, are also of relevance.
- 7.82 Poles Park which is a Grade II Registered Park and Garden surrounds Poles Convent which is a Grade II\* Listed Building is located to the east of the site (now known as Hanbury Manor /Golf Hotel). Westmill Farm House (Grade II), Garden Walk on the south of Westmill House (Grade II), Westmill House (Grade II\*), Westmill (Grade II) are about 10 metres north east of Westmill (Grade II) are all located 150m to the north and west of Westmill Quarry.
- 7.83 Historic England have been consulted with regard to the application however did not wish to pass comment on the application. The Historic Environment Advisor (Archaeology HCC) has considered an archaeological evaluation submitted with the Environmental Statement and is of the opinion that the development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 7.84 Given that the quarry and landfill operation already exist and this application seeks an extension of time to operations and restoration, it is not considered that there would be any significant impact upon heritage assets including the setting of listed buildings and the application is in accordance with the policies identified.

## **8.0 Conclusion**

- 8.1 The principle of the development has been established therefore through the planning history of the site, and the principle of extensions to time limits on restoration as previously set are considered also to be acceptable and necessary given the justification of the applicant in delays in waste reaching the site (largely due to regulation change and improved recycling rates overtime).
- 8.2 This has consequently delayed completion of the landfilling process at Westmill. The principle of alternative contours in order to retain a silt lagoon on the site are also considered to be acceptable. The proposal does have a detrimental effect on the openness of the Greenbelt.

Given however that this time extension will allow the time needed to fill landfill cells which then in turn will allow the proposed contours to be achieved through restoration and ultimately the return to grassland, then the proposal is not considered to be at odds with the intent of the policies identified. The benefits accrued from the development in terms of dealing with some of the County's unrecyclable waste outweigh the potential impacts upon the Greenbelt which are temporary.

- 8.3 The visual harm after restoration of the landfill would be minor to moderate after settlement. This also needs to be balanced against the economic benefits of the former mineral extraction which para 144 of the NPPF gives great weight to. The impact on the landscape will clearly remain significant during operational stage, however the extension of time limit on the land fill is required to allow the restoration to proceed, and on balance the longer term minor-moderate impacts of the landfill area after restoration are considered acceptable when weighed against the strategic need to retain and complete the landfill.
- 8.4 Subject to the conditions placing restrictions on vehicle movements and washing of wheels before vehicles leave the site and a financial contribution of £30 000 to the Highway Authority for road cleaning and any repair to the network as a result of the development (through section 106 legal agreement), then the Highways Authority have no objection to the proposals which are considered to accord with local and national planning policy in this regard.
- 8.5 The Rights of Way Officer (HCC) has no objections to the proposals subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 8.6 There are clear impacts upon residential amenity in terms of noise, air quality and odours. The Environmental Statement has demonstrated that effective mitigation through the use of planning conditions can be achieved to reduce these effects as much as is possible through planning condition where possible, but also in the separate Environmental Permit regime for the site. The impacts are temporary however, will reduce over time and will cease upon completion of the landfill operation and restoration. The effects have to be weighed against the benefits of the scheme- which has an economic and strategic role (Westmill is the last the Landfill within Hertfordshire). On balance the case officer is of the opinion that the temporary effects upon residential amenity do not outweigh the benefits of the scheme, including the required time for final restoration, and as such the proposal is considered to be in general accordance with local and national planning policy with regard to potential impact upon residential amenity.
- 8.7 Given that the Environment Agency and Flood Risk Management Team have no objections, the proposal is considered to be in accordance with planning policies relating to flood risk and ground water protection.

- 8.8 The Ecology Officer is satisfied that there would be no significant impact upon biodiversity and ecology in accordance with the relevant planning policies.
- 8.9 Given that the quarry and landfill operation already exist and this application seeks an extension of time to operations and restoration, it is not considered that there would be any significant impact upon heritage assets and the application is in accordance with the policies identified.
- 8.10 Taking all material considerations and planning policy into account, , including all of the information as submitted in the environmental statement, it is recommended that subject to the application being referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State deciding not to call in the application for his determination, the Chief Executive and Director of Environment should be authorised to grant planning permission subject to the completion of a section 106 Legal Agreement with the developer for a financial contribution of £30,000 to the Highway Authority for road cleaning and any repair to the network as a result of the development; a £10,000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway and conditions as follows:

#### Time Limits For Cessation

1. Sand and gravel processing shall cease by 31 December 17. All plant, machinery, equipment and buildings associated with the winning and working and processing of minerals (including ready mix plant) shall be removed from the site by 31/12/20; the infilling of waste shall cease by 31 December 2021; the capping of waste shall be complete by 31 December 2022; and final restoration shall be complete by 31 December 2027.

Reason: In the interests of residential amenity, in order to limit visual impacts from the development and in the interests of timely restoration.

#### Vehicle Movements (Whole Site)

2. No more than 482 HGV movements (241 in, 241 out) per day shall take place Monday to Friday into/out of the Westmill Landfill and Quarry/Ready Mix Plant and no more than 200 HGV movements (100 in, 100 out) shall take place on Saturdays into/out of the Westmill Landfill and Quarry/Ready Mix Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.

Reason: In the interests of Highway Safety

### Vehicle Movements (Quarry)

3. No more than 80 HGV movements (40 in, 40 out) per day shall take place Monday to Friday into /out of the Westmill Quarry and Ready Mix Concrete Plant and no more than 40 HGV movements (20 in, 20 out) shall take place on Saturdays into/out of the Westmill Quarry and Ready Mix Concrete Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.

Reason: In the interests of Highway Safety

### Wheel Cleaning

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

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

### Covered Loads

5. No open backed loaded vehicles under the control of the operator shall enter or leave the site unless they are securely sheeted

Reason: In the interests of highway safety.

### HGV hours

6. The permitted hours for HGV access for sales and delivery purposes are hereby restricted to 0600-1800 hours Monday to Friday and 0600-1300 hours Saturday.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

### Permitted Hours of operations

7. No soil handling, excavation, or tipping of waste shall be carried out , other than the following times:07.00-18:00 hours Monday to Friday, 07.00-13:00 hours Saturday and no such operations (other than essential maintenance work) shall take place on Saturday afternoon, Sunday, or Bank Holidays or between 0700 and 0800 Monday to Saturday within 150 metres of any residential properties without the prior agreement of the Mineral Planning Authority.

### Further Development

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent revisions to the Order that may occur, no building, fixed plant, fixed machinery or fixed structures shall be erected on the land without

planning permission and the written agreement of the Mineral Planning Authority shall be obtained prior to the placing of any buildings or structures in the nature of the portable plant.

Reason: To minimise the adverse impact of operations on the local community in terms of visual intrusion.

#### Quarry Processing Plant

9. The existing processing plant shall be used solely for the processing of material excavated from the area subject of this permission and no materials shall be imported from elsewhere for processing without the prior written agreement of the Mineral Planning Authority.

Reason: To ensure the prompt and effective restoration of the site and plant area.

#### Vehicle Noise

10. All vehicles and plant employed within the site shall be fully maintained in sound working order at all times and shall be fitted with, and use effective silencers, provided in accordance with manufacturers recommendations.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Noise from operations restriction

11. Except for temporary operations, between the hours of 0700 and 1800 on permitted working days, noise from operations on the site including both fixed and mobile plant and machinery, shall not exceed 55dB LAeq 1h (free field) or the existing background noise levels (LA90) at noise sensitive properties, as shown on plan 1 attached to this schedule of conditions, by more than 10dB LAeq (1 hour) free field as measured at the nearest noise sensitive property, whichever is the lower. The operators shall take such measures to ensure that this noise level is not exceeded.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Noise from sales and deliveries restriction

12. Between the hours of 0600 and 0700 on permitted working days, noise from sales and deliveries operations on the site shall not exceed 42dB LAeq 1h (free field) or the existing background noise levels (LA90) at noise sensitive properties as identified in the noise assessment as



submitted. The operators shall take such measures to ensure that this noise level is not exceeded. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Noise from temporary operations restriction

13. For temporary operations such as site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level due to work at the nearest point to the noise sensitive properties, as identified on plan. No 1 attached to this schedule of conditions shall not exceed 70 Laeq. Temporary operations shall not be carried for more than eight weeks in any calendar year where those operations are within 150 metres of any noise sensitive properties.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Groundwater protection 1

14. Except with the prior written approval of the Mineral Planning Authority, no water shall be discharged direct from the site to any river, stream, ditch or other watercourse beyond the boundaries of the site. No solid matter shall be deposited so that it passes or is likely to pass into any water course.

Reason: To protect the ground water environment.

#### Groundwater protection 2

15. Any oil, fuel lubricant or other potential pollutant shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. Fuel or oil storage tanks shall be housed in an area with an impervious base surrounded by oil and fuel tight bund walls of sufficient height and construction. The bunded volume shall be capable of containing 110% of the volume of all of the enclosed tanks and pipework and shall also enclose all fill and drain pipes, which shall vent downwards.

Reason: To protect the groundwater environment.

### Dust Suppression

16. Measures shall be taken to prevent nuisance from windblown dust arising from operations at the site and such measures shall include the use of water bowsers to dampen down the materials handled on site, the internal haul roads and other areas traversed by vehicles and machinery.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

### Restoration Plans

17. The restoration of the site shall be carried out in accordance with the Concept Restoration Plan P3\_285\_9 submitted 17<sup>th</sup> August 2016; WK038300 and Drawing 003 rev 3- Cross Sections, Drawing 002 Proposed pre and post settlement levels; WK038400 Post Settlement contours, WK038500 Pre-settlement contours, received 9<sup>th</sup> June 2017.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenities of the local area.

### Planting

18. All planting and seeding shall be carried out in accordance with the details of the approved restoration plans and shall be maintained for five years after completion of the restoration. Any trees that within a year of planting die or become damaged, diseased or removed shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenities of the local area.

### Removal of plant/structures

19. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking, shall be removed from the site at such time as the Mineral Planning Authority, after consultation with the operator, shall determine that they are no longer required for the working or restoration of the site, and the site restored in accordance with the plans approved under this permission.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenities of the local area

### Aftercare

20. Full details of aftercare, for a minimum period of five years post restoration, and intended afteruse of the proposed restoration scheme shall be submitted to and agreed in writing by the Local Planning Authority within 6 months of the date of this permission.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenities of the local area.

### Ecology

21. The management strategies identified in the Ecological Management Plan as submitted 9 June 2017 shall be followed by the developer.

Reason: In the interests of Ecological preservation and enhancement

### Display of Permission

22. The terms of this permission and any schemes or details approved pursuant thereto shall be displayed at the site office, and shall be made known to any person(s) given responsibility for the management or control of operations.

Reason: To enable an easy reference and to encourage compliance with the requirements of this permission.

### Informative-

It is brought to the attention of the Developer that should any protected species be encountered during the life of this permission upon the site, that they have a duty to seek the appropriate advice and /or licences if necessary to deal with such species from Natural England.

### *Background information used by the author in compiling this report*

Application documents  
NPPF 2012  
East Herts Local Plan Adopted April 2007 (Saved Policies)  
Hertfordshire Waste Development Framework Waste Site Allocations  
Development Plan Document 2011-2026  
Hertfordshire Minerals Local Plan Review 2002-2016 (saved policies)  
Hertfordshire Waste Core Strategy 2011-2026  
Neighbour representations  
Consultee responses