



Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

HCC Application No:3/0770-16 Site reference: CM0963

Description & location of development:

Application for the phased extraction of sand and gravel, use of mobile dry screening plant, creation of stockpile area, weighbridge, wheel cleaning facilities, ancillary site offices, together with construction of a new access onto Wadesmill Road and phased restoration of landscaped farmland at a lower level on land at Ware Park, Wadesmill Road, Hertford.

**To: Mr Douglas Symes
D.K. Symes Associates
Appletree Farmhouse
39 Main Road
Middleton Cheney
Banbury
Oxfordshire
OX17 2ND**

In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby REFUSES the development proposed by you in your application dated 4th March 2016 received with sufficient particulars on 7th March 2016 for the reasons numbered 1 - 6 detailed in the attached schedule.

Dated: 24. day of March 2017 Signed:

TEAM LEADER, DEVELOPMENT MANAGEMENT

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

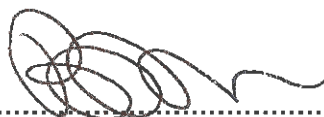
If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Dated: 24 day of March 2017 Signed:
TEAM LEADER, DEVELOPMENT MANAGEMENT



**REASONS 1 – 6 OF REFUSAL FOR WARE PARK, WADESMILL ROAD,
HERTFORD**

1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds, stockpiling area and plant including associated activity would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances of benefits of mineral extraction and potential avoidance of sterilisation do not clearly outweigh the harm to the Green Belt and any other harm, including harm to landscape, rights of way, air quality and health. This is contrary to the NPPF and Policy GBC1 of the East Herts Local Plan 2007.
2. The proposal would have significant detrimental impact upon landscape, these include the significant negative landscape and visual impacts from phase 4 both operational and the restored landform, the significant negative landscape and visual impacts from the stockpiling area, plant and site access (including the loss of hedgerow associated with the new access). This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
3. The proposal has not demonstrated that the development would not have detrimental impact upon air quality, particularly PM10 and PM2.5 and this has not been assessed via a Health Impact Assessment. Therefore the proposal is contrary to policy 18 of the Minerals Local Plan and paragraph 109 of the NPPF.
4. The proposal would have a negative impact upon the existing rights of way and users of these rights of way that cross the site, including for Health Walks. The proposal would impact the rights of way including, crossing of the right of way by the haul road and the diversion of the right of way for working of phase 4. This would conflict with policy 18 of the Minerals Local Plan as the proposal does not ensure that the rights of way are not adversely affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way is made. This is contrary to Policy 18 and Policy 3 of the Minerals Local Plan.

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5. The proposed development includes land within Phase 4 and the stockpiling and plant site area, land adjoining Sacombe Road and the Wick/ The Orchard, all of which are outside of the Preferred Area within the plan. The development is also not proposed to be worked as an extension to Rickneys Quarry. This is contrary to Policy 3 of the Mineral Local Plan that requires proposals to satisfactorily fulfil the requirement of the proposals for the preferred area identified on the inset maps.
6. The proposal has not demonstrated that noise would not have a detrimental impact upon nearby residential property. This is contrary to policy 18 of the Minerals Local Plan, NPPF (para.144) and National Planning Practice Guidance.

Informative

Note: Hertfordshire County Council's Development Control Committee has raised serious concerns regarding the potential for Hertford's water supply to become contaminated as a result of this development due to the proximity of boreholes to the site.

Dated: 24 day of March 2017 Signed: 
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