

Agenda



AGENDA for a meeting of the DEVELOPMENT CONTROL COMMITTEE in the Council Chamber, County Hall, Hertford on THURSDAY, 26 APRIL 2018 at 10.00AM.

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

D Andrews, D J Barnard, S J Boulton, D S Drury, E M Gordon, J S Hale, M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman), A D Williams

AGENDA

AUDIO SYSTEM

The Council Chamber is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact the main (front) reception.

PART I (PUBLIC) AGENDA

Meetings of the Committee are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting - for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed below under "Part II ('closed') agenda".

MINUTES

To confirm the minutes of the meeting of the Development Control Committee held on 28 March 2018 (*to follow*).

PUBLIC PETITIONS

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

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

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

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

MOTIONS (Standing Order C9)

Motions may be made on a matter relevant to the Committee's terms of reference (other than motions relating to a matter on the agenda, which shall be moved when that matter is discussed).

Motions must have been notified in writing to the Chief Legal Officer by 9 am on the day before the meeting and will be dealt with in order of receipt.

No motions had been submitted at the time of agenda dispatch.

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

Report of the Chief Executive

Local Member:

OTHER PART I BUSINESS

Such other Part I (public) business which, the Chairman agrees, is of sufficient urgency to warrant consideration.

PART II ('CLOSED') AGENDA

EXCLUSION OF PRESS AND PUBLIC

There are no items of Part II business on this agenda but if an item is notified the Chairman will move:-

*"That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph ** of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information."*

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

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

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

Minutes



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

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

DEVELOPMENT CONTROL COMMITTEE 28 MARCH 2018

ATTENDANCE

MEMBERS OF THE COMMITTEE

D Andrews, D J Barnard, S J Boulton, D S Drury, E M Gordon, J S Hale, M D M Muir (Vice Chairman), S Quilty, I M Reay (Chairman)

Upon consideration of the agenda for the Development Control Committee meeting on 28 March 2018 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: There were no declarations of interest.

CHAIRMAN'S ANNOUNCEMENTS

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

PART I ('OPEN') BUSINESS

MINUTES

The minutes of the Committee meeting held on 19 February 2018 were confirmed as a correct record.

PUBLIC PETITIONS

There were no public petitions.

ACTION

Democratic
Services

1. PROPOSED APPLICATION FOR EXTENSIONS TO CREATE 4 NEW CLASSROOMS AND A NEW LINK CORRIDOR TO ACCOMMODATE THE EXPANSION OF SCHOOL INTAKE NUMBERS FROM 30 TO 60 PUPILS PER YEAR; ADDITIONAL STAFF PARKING AND DEMOLITION OF BOILER BLOCK AND LINK CORRIDOR AT LEAVESDEN GREEN PRIMARY SCHOOL, HIGH ROAD, WATFORD, HERTFORDSHIRE, WD25 7QZ

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

1.1 The Committee considered application 9/0105-18 (CC0122), for the proposed extensions to create 4 new classrooms and a new link corridor to accommodate the expansion of school intake numbers from 30 to 60 pupils per year; additional staff parking and demolition of boiler block and link corridor at Leavesden Green Primary School, High Road, Watford, Hertfordshire, WD25 7QZ.

1.2 The Committee heard that Leavesden Green Primary School was currently a 1FE school; the proposal would expand the school to 2FE, expanding the current intake numbers from 30 to 60 pupils per year. It was noted the school had previously been a 2FE school, however, approximately 10 to 15 years ago the demand for places dropped and therefore the school admission size was lowered to its current 1FE. Demand in Watford had now risen again and as the school had previously operated at 2FE, it was selected as a suitable site to be expanded.

1.3 The Committee heard there was a growing demand in the Watford area, particularly for more primary school places. It was noted that there would be a slight increase in vehicles within the area; however, the impact would be minimal.

1.4 During debate, concern was raised with regard to the lack of access for emergency vehicles due to the car parking issues on site. Members requested a 2 for 1 replacement of trees policy be included within the Landscaping condition, as shade for the pupils.

RESOLVED

1.6 Having considered all the relevant planning matters, that permission be granted subject to the following conditions:

1. Accordance 1
2. Accordance 2
3. Highways 1
4. Highways 2
5. Highways 3

- 6. Highways 4
- 7. Ecology 1
- 8. Ecology 2
- 9. Landscaping
- 10. Flood Risk
- 11. Playing Field



KATHRYN PETTITT
CHIEF LEGAL OFFICER

CHAIRMAN _____

CHAIRMAN'S
INITIALS

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HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
THURSDAY 26 APRIL 2018 AT 10.00AM**

EAST HERTS DISTRICT

Agenda Item
No.

1

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

Report of the Assistant Director of Environment

Contact: Felicity J. Hart Tel: 01992 556256

Local Member: Andrew Stevenson
Adjoining Member: Ken Crofton

1. Purpose of report

- 1.1 To consider planning application referenced 3 /2352-17 for the phased extraction of 1.25 million tonnes of sand and gravel, use of mobile dry screening plant, weighbridge, wheel cleaning facilities, ancillary site offices, construction of a new access road onto Wadesmill Road and phased restoration to landscaped farmland at a lower level.

2. Summary

- 2.1 This is an amended application proposing the extraction of 1.25 million tonnes of sand and gravel, the use of a mobile dry screening plant, ancillary plant and equipment and construction of a new access road onto Wadesmill Road with phased restoration after extraction to landscaped farmland. The application is EIA Development and is accompanied by an Environmental Statement. This revised application has been submitted following the refusal of planning permission in March 2017 for a larger scheme for the extraction of 1.75 million tonnes of sand and gravel.
- 2.2 The first application was originally submitted in 2016 and was originally proposed to be for the extraction of 2.6 million tonnes of sand and gravel over 15 years. That application was amended and the quantity to be extracted was reduced to 1.75 million tonnes and the time period for extraction reduced to between 7 to 10 years. The application for

extraction of 1.75 million tonnes was refused at Development Control Committee in March 2017. The applicant has appealed that decision and the case is going through the appeal process with a Public Inquiry scheduled for May 2018.

- 2.3 Many issues were considered in the determination of the previous planning application and although the quantity of mineral proposed to be extracted is less in this current application, many of the issues remain the same. These include assessment of planning policy, the extraction of the mineral in relation to the county's need in Hertfordshire, impact on the Green Belt and appropriateness, landscape and visual assessment, hydrogeological issues and flood risk, ecological issues, rights of way issues, traffic and transport issues and health, noise and air quality/health issues.
- 2.4 As was the case in 2017, the County Council has received a large volume of objections to the proposed mineral extraction from the local community as well as petitions against the proposal.

3. Recommendation

- 3.1 It is concluded that the proposed development should be refused planning permission for the following reasons:
 1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds and access road 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, noise, 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, in particular caused by the construction of the proposed site access together with 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/human health, and a Health Impact Assessment has not been submitted. Therefore the proposal is contrary to policy 18 of the Minerals Local Plan, paragraph 109 of the NPPF and the NPPG.
 4. The proposal would have a negative impact upon users of the existing rights of way that cross the site. The proposal would negatively impact the rights of way including the crossing of a PRoW by the haul road. 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

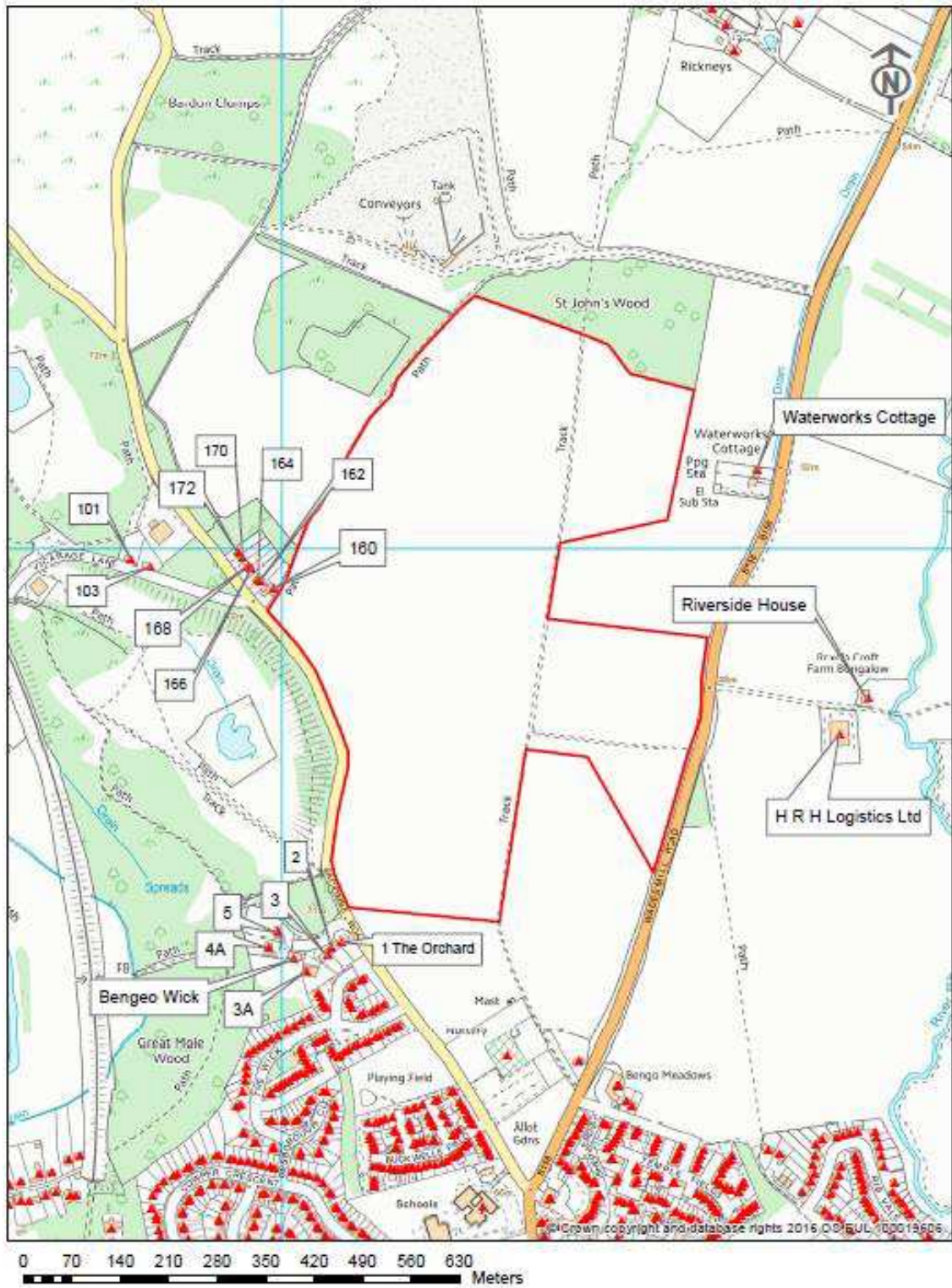
affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way has been made. This is contrary to Policy 18 and Policy 3 of the Minerals Local Plan.

5. The proposed development includes land proposed for the access road which is outside of the Preferred Area within the Minerals Local 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.

4. Site and surroundings

- 4.1 The application site comprises open rural land located to the west of Wadesmill Road and to the east of Sacombe Road, to the north of the built up area of Hertford. The site is currently used for arable farming and consists of open fields with a Restricted Byway and public footpath running through the centre of the field linking the settlements of Bengo with Chapmore End.
- 4.2 To the north of the site is an area of ancient woodland known as St.Johns Wood and beyond the wood and to the west is Rickneys Quarry which is partially extracted and currently inactive. St John's Wood is also a Local Wildlife Site.
- 4.3 The site is situated in the Metropolitan Green Belt and is also in a groundwater protection area in Source Protection Zone 1 (SPZ1). There are Local Nature Reserves to the west of the site at Waterford Heath.
- 4.4 There is an existing farm track from Wadesmill Road which goes up the valley side through the fields in a westerly direction. This bisects the eastern part of the application site which abuts Wadesmill Road.
- 4.5 The nearest residential properties are situated to the south and west with others on the eastern side of the site. The settlement of Bengo is sited to the south together with Bengo Primary School being sited in relatively close proximity.
- 4.6 An area of land to the south of the site comprises a redundant nursery and forms land referred to as HERT4, a site proposed for housing in the Draft East Herts District Plan.

- 4.7 The distances from the application boundary to the nearest properties are as follows:
- Houses to the West (160 Sacombe Road)– 2.5m
 - Houses to the East (Waterworks Cottage) – 53m
 - Houses to the South (The Orchard) – 27m
 - Bengeo Primary School – 340m



Plan showing application site in relation to nearest residential properties.

5. Proposed development

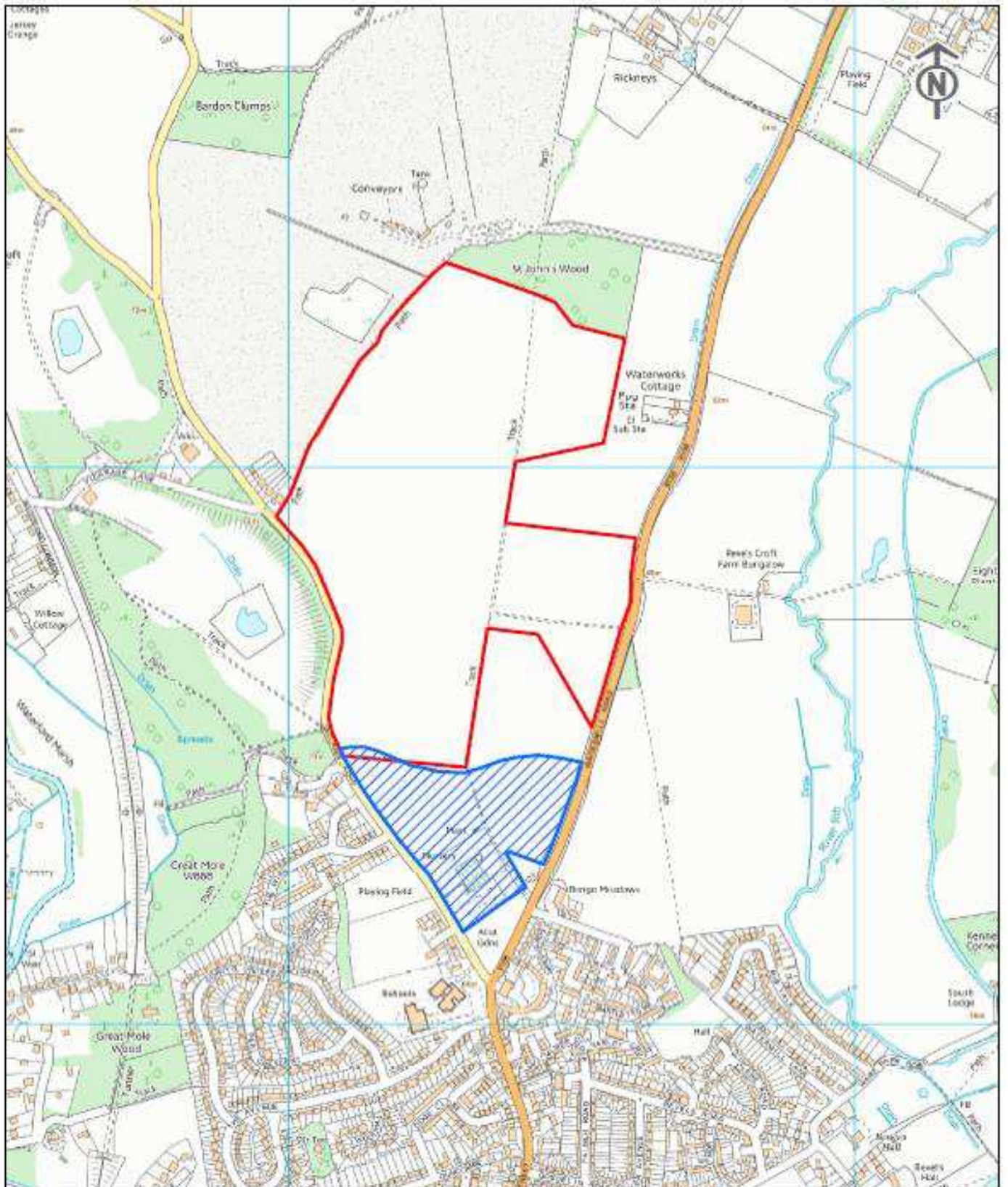
- 5.1 This application proposes that mineral extraction would be carried out in three consecutive phases to the west of Restricted Byway no.1. The extraction would start in the south and would complete in the north. The soils would be stripped from each phase in sequence and the soils would then be used to create environmental bunds around the working phases. Any unusable material such as overburden or interburden would be placed into the previously excavated strip so they are in the correct place when restoration is carried out at the end of the phase.
- 5.2 Each of the three phases would take varying lengths of time, between 2 and 3 years, with a likelihood of extraction being completed in around 7 years. The total amount of sand and gravel that is proposed to be extracted under this proposal would be 1.25 million tonnes.
- 5.3 The intention is that the southern phase (Phase 1) would be extracted first together with a load out area which would be constructed within phase 2. The direction of proposed extraction has been determined by the anticipated need to extract the southernmost area of land due to the potential for residential development on the adjacent land to the south.
- 5.4 This application proposes that a dry screening unit would be located at the excavated level around 64 a.o.d.in phase 2. It is proposed that the dry screening unit would be small in size and readily mobile. The applicant considers that it should not be visible due to soil bunds that are proposed around the site, and because it would be operating within the excavation area.
- 5.5 Access to the site is proposed to be directly off Wadesmill Road using an existing farm entrance and track. The access from Wadesmill Road is proposed to be upgraded to a new concrete road with a junction suitable for HGV movements both in and out. The road into the site would be fully concreted with some wider sections provided for passing vehicles. The passing places are also proposed to be concreted.
- 5.6 Traffic movements (HGVs) are estimated at 100 per day on average comprising 50 in and 50 out. This remains the same as per the original planning application. It is proposed that all vehicles would travel north on Wadesmill Road with no vehicles travelling south through Bengoe. All vehicles would turn right into the site and turn left when exiting the site.
- 5.7 A series of perimeter soil bunds are proposed around the excavation site. These have been designed with the aim of reducing visual and noise impacts. The proposed bunds would vary between 2 and 4 metres high.
- 5.8 The hours of operation proposed for the extraction are standard hours within the quarrying industry, which are 7.00am to 6.00pm Monday to

Friday and 7.00am to 1.00pm on Saturdays with no working on Sundays or bank holidays.

- 5.9 There is a Restricted byway (No.1) and footpath No.3 that cross the site north/south. Previously these would have had to be re-routed in part, however in this current proposal the routes would remain on the same alignment. The proposed internal haul road for the lorries would cross Restricted Byway no.1 at one location in the centre of the site, and a number of features are proposed by the applicant to ensure the safety of users at the crossing. A permissive field edge footpath is also proposed along the eastern boundary of the site for the duration of the operations.
- 5.10 The final restoration of the site would be to a lower level without the importation of any material. It is proposed that the majority of the site would be returned to agriculture with the western and northern slopes being planted as woodland.
- 5.11 The applicant states that this planning application has been submitted to avoid any conflict between the mineral extraction and possible residential development to the south. East Herts District Plan (pre-submission version) shows a site for 150 houses to the south of this planning application site. The applicant considers that it is important that minerals are extracted ahead of the residential development to avoid any unacceptable impacts and that this site therefore needs to be developed independently of Rickneys Quarry in order to fit in with the timescale for the possible residential development.

6. Development plan and planning policies

- 6.1 Town and Country Planning Act 1990 section 70(2) requires that in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 6.2 The Planning Compulsory Purchase Act 2004 Section 38 (6) Development Plan requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts then the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.3 The National Planning Policy Framework (NPPF) requires that the development plan is the starting point for decision making.



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



6.4 The Development Plan for the area comprises

- March 2007
- East Hertfordshire Local Plan
- East Herts Draft District Plan

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

Hertfordshire Minerals Local Plan Review 2002-2016 (adopted 2007)

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

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

6.7 Policies in adopted or approved plans were due to expire on 27 September 2007 unless the Secretary of State extended such policies beyond that date (Planning and Compulsory Purchase Act 2004; Schedule 8 (1(3))). After this three year period an application was made to save the policies for a further period from March 2010 for development management purposes, until they are replaced with new minerals policies. The County Council received a direction from the Secretary of State to save all the minerals local plan policies beyond the three year period; until they are replaced. The extension of saved policies was to ensure continuity of the plan-led system and a stable planning framework locally. The list of 'saved' Minerals Local Plan policies are outlined in Appendix 2 of the adopted Minerals and Waste Development Scheme (MWDS).

6.8 The County Council is currently reviewing the adopted plan and has an adopted MWDS which sets out the proposed timetable for plan production. The progress of plan production against the adopted MWDS is monitored through the Authorities Monitoring Report which is published every year. The AMR also reports the status of each of

the adopted policies, how the policies are to be replaced, merged or deleted as the plan develops.

6.9 The Minerals Planning Authority (MPA) has a statutory responsibility to prepare a Minerals Local Plan in line with national policy and regulations. National policy requires the MPA to identify/allocate sites for future mineral extraction to ensure there is a steady and adequate supply of minerals for Hertfordshire. The new Minerals Local Plan is currently at consultation stage.

6.10 The NPPF (para145) requires mineral planning authorities to plan for a steady and adequate supply of mineral aggregates by preparing an Annual Aggregates Assessment.

6.11 East Herts Local Plan 2007 policies

Policy SD1 Making Development More Sustainable
Policy GBC1 Appropriate Development in the Green Belt
Policy TR1 Traffic Reduction in New Developments
Policy TR2 Access to New Developments
Policy TR20 Development Generating Traffic on Rural Roads
Policy ENV1 Design and Environmental Quality

6.12 The Town and Country Planning (Environmental Impact Assessment) Regulations 2015 requires that that the Environmental Statement, together with any other relevant information which is relevant to the decision, comments and representations made on it must be taken into account in deciding whether to grant consent. This application required an EIA (Environmental Impact Assessment) and as such an Environmental Statement was submitted with the application containing chapters on landscape and visual assessment; ecology; water; flood risk; traffic; archaeology; rights of way; noise and dust.

The National Planning Policy Framework 2012

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

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

National Planning Policy Guidance

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

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

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

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

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

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more.
- Introduce new point sources of air pollution.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.
- Affect biodiversity. In particular, is it likely to result in deposition or concentration of pollutants that significantly affect a European-designated wildlife site, and is not directly connected with or necessary to the management of the site, or does it otherwise affect biodiversity, particularly designated wildlife sites.

Minerals - The planning system controls the development and use of land in the public interest and, as stated in the NPPF, this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential

sensitivity of the area or proposed development to adverse effects from pollution. In doing so the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under the regulations.

7. Consultation Responses

7.1 East Herts District Council

Planning comments – The Council's response is based on consideration of the proposal regarding the provisions of relevant policies of: the East Herts Local Plan Second Review, April 2007; the national planning guidance of the National Planning Policy Framework; Hertfordshire Minerals Local Plan Review, 2002 — 2016, Adopted March 2007; and, the contents of the emerging Local Plan Pre-Submission Consultation 2016 (currently at Examination). In this respect, it should be noted that, within the District Plan, development is proposed to be allocated to the south of the application site through Policy HERT4, North of Hertford (see more below).

7.2 In respect of the Minerals Local Plan provisions, it is acknowledged that this Plan is subject to emerging review. However, being at a relatively early stage of consultation (Regulation 18) from December 2017, the proposal would currently come under the provisions of the adopted Hertfordshire Minerals Local Plan Review, 2002 — 2016, Adopted March 2007. In this regard, the site falls within a Preferred Area (No. 2). Therefore, East Herts Council recognises that the extraction of minerals/aggregates would constitute appropriate development in this Green Belt location. As such, the Council confirms that it has no objection to the principle of the development. Whilst it is acknowledged that the proposed buildings, bunds, and associated equipment would fail to preserve the openness of the Green Belt, and therefore represent inappropriate development, these would be temporary into the medium term.

7.3 In respect of the detail of the proposed scheme, the Council does have some concern, as mentioned previously, that the site is of an open aspect in an elevated position, publicly accessible, and in the immediate surroundings of Hertford and links to Bengoe and other villages and is less contained than other areas of Rickneys Quarry. However, while there would undoubtedly be some impact during the extraction phase, it is considered that, post-extraction, opportunities would allow for restoration conditions to address these concerns and allow for satisfactory re-profiling of land. In this respect, it should be noted that allocated development is proposed within the Pre-Submission District Plan (currently at Examination) on a neighbouring site to the North of Hertford (HERT4) for residential use (150 homes). In order to address Green Belt concerns, 100 of these 150 dwellings

would only be delivered in the event that extraction on the southern element of the current application site had taken place, in order to allow for the re-profiling of land in this location.

- 7.4 The proposal shows the area of development being somewhat detached from direct impact on the majority of concentrated residential development in the area, albeit closer to the The Wick, a residential area on Sacombe Road, as well as directly adjacent to a row of residential cottages at the end of Vicarage Lane. In order to address any impact concerns which have been raised over issues such as noise; general disturbance from extraction; traffic (number of lorry movements per day over the extended period of excavation); and, effects on the Green Belt, should permission be granted for the development, conditions should appropriately deal with such matters and also provide details of the future restoration proposals and the period for such works to be completed.
- 7.5 Such restoration proposals should be detailed and established at the outset via conditions, rather than following a generalised approach. Conditions should also ensure that the consideration of sensitive elements of byways and footpaths, in conjunction with other opportunities to extend the footpath network and introduce interpretation opportunities on the land for wildlife and public access, are factored in at this stage. These should also support the opportunity to add mixed woodland planting, biodiversity enhancements and surface water management to introduce ponds etc.
- 7.6 In respect of the use of bunds to help mitigate noise impact, East Herts Council would seek to ensure that the County Council is satisfied that appropriate assessment of the efficiency and efficaciousness of these bunds by way of an independent noise assessment has been undertaken, especially as the noise impact would be of a continual state, which would materially affect the amenities of the local residents over the proposed, and potentially extended, years of the operation of the extraction.
- 7.7 In respect of the character of the site, consideration should be given to introducing conditions intended to ensure that a thoroughly detailed investigation of mitigation measures for noise attenuation is undertaken, including proven additions of significant screen planting of mature trees to support the bunds, which would also serve to improve the visual amenity of the area while in operation.
- 7.8 Furthermore, as the site sits within the Rib Valley, but is largely elevated above other land, the wider adverse impacts of development in relation to the existing landscape could be significant. The land to the east, which slopes down to Wadesmill Road, is a notably sensitive area and it is therefore important that landscape mitigations should be employed in order to help address the effects of invasive proposal and limit the most noticeable and damaging detriments to the visual amenity

of the existing area.

- 7.9 Standard conditions should also be attached in respect- of restricting the operating hours of the use; control of the lorry routes used, which should expressly exclude other unsuitable routes to the site; and, limiting the number of lorry/vehicle movements expected per day/week.
- 7.10 In summary, and in consideration of the current proposal, East Herts Council has no objections in principle to the proposed extraction, and in respect of the associated temporary built structures, considers that the benefits of extraction and subsequent housing delivery would represent very special circumstances that would clearly outweigh the harm. East Herts Council also seeks to ensure that reasons for refusal for the previous application are addressed satisfactorily. It is therefore requested that the County Council takes the issues and concerns mentioned above into consideration in their determination of the application.
- 7.11 East Herts District Council Environmental Health Department comments that having considered the appropriate assessments I am confident that the development can proceed in accordance with the relevant guidance without any detriment to the amenity of neighbouring land users. In order to ensure that such controls are maintained and adequate throughout the lifecycle of the development. It is recommended that conditions in relation to noise, hours of working, surfacing of access, vehicle cleaning & access roads, dust control, and an informative re: contaminated land.
- 7.12 Hertford Town Council noted the revised smaller application but still did not consider the applicant had provided evidence of the proven need to extract at this time. The Committee did not believe the change was significant to warrant a change to the Council's objections to the previous application. Specifically, the Committee considered that the location was completely inappropriate and expressed concern in regards to noise levels, increased traffic, visual impact, road safety and dust. Should this proposal go ahead the Committee would wish to see strict controls on hours of work, vehicle movement which should not exceed 100 per day, monitoring of noise along with strict noise abatement controls and in addition monitoring and enforcement for the repair of damaged road surfaces or drains etc that HCC deems as caused by the trucks. The Committee would also wish to ensure that there was no weekend working and monitoring to ensure there was no vehicle access into Bengeo under any circumstances. Further concern was expressed regarding the volume of traffic onto the road, which had seen two fatal accidents in the last 18 months. In addition, in noting the change in total area, the applicant comments the change may relieve concerns regarding pollution of subterranean water, but this does not address the problem with the contamination of the chalk filters which provide the water and this is not reduced under this plan. There will still

be many vehicles using the B158 and the wheel washing will get into the chalk. The Committee maintains its strong objection to any alteration to the landscape visually and the concerns around proximity of any future workings to homes or schools.

- 7.13 Environment Agency confirms that the site is located in a highly sensitive groundwater area within Source Protection Zone 1 (SPZ1). Although the amended plans have removed those works directly adjacent to the public water supply abstraction, it is still essential that there is no harm to the water environment as a result of the development. Therefore the following conditions are proposed:
1. A scheme for long term groundwater monitoring to be submitted. (including a maintenance plan for boreholes) in respect of contamination or turbidity.
 2. Submit Groundwater Monitoring reports including any necessary contingency action arising from the monitoring.
 3. If contamination is found then no future development shall be carried out until a remediation strategy has been approved.
 4. No drainage system for the infiltration of surface water drainage into the ground shall be permitted.
 5. Development shall not commence until a scheme for the repair of borehole OBH1A has been submitted.
 6. Development shall not commence until a scheme for the disposal of foul and surface water is approved and pollution prevention measures regarding the storage of pollutants in SPZ1 are also agreed.

In regard to the letter received from the Stop Bengoe Quarry organisation we don't have any comments. We are aware of their concerns and with all things there is a level of risk, however in this case we are satisfied with the proposed mitigation.

- 7.14 Lead Local Flood Authority raises no objection in principle on flood risk grounds.

- 7.15 Hertfordshire County Council as Highway Authority

The applicant has submitted the amended plan (Drawing No 131124/A/04.1E) showing the proposed access arrangements with a right turn lane on Wadesmill Road (B158), together with a Stage 1 Safety Audit. This layout is acceptable in principle from a highway safety point of view. The junction is to include a splitter island to ensure that the left turn out only is enforced. The proposal is now acceptable from a highway point of view subject to the conditions set out below. The works within the highway will be subject to a Section 278 Agreement in respect of the provision of a right turn lane at the access to the site on Wadesmill Road. In order to prevent the HGV traffic from the site travelling through Hertford the geometry of the junction is to be

designed so that HGV's can only turn right into and left out the site. Details are to be submitted for approval as required by Condition 1.

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

- 1.) Details of the proposed access including installation of a splitter island (to ensure HGV's only turn left out of the site) are to be submitted for approval by the Planning Authority.
Reason for condition: In the interest of highway safety and vehicle routing.
- 2.) Written records of vehicles entering and leaving the site in connection with all lorry movements to/from the application site shall be kept by the site operator and made available for inspection by the Mineral Planning Authority upon request. There shall be no more than 100 HGV lorry movements (50 in, 50 out, vehicles over 7.5 tonnes) entering/leaving the access/egress onto the Wadesmill Road in any one working day.
Reason for condition: In the interest of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highway in the vicinity of the site.
- 3.) There shall be no more than 8 HGV lorry movements (4 in, 4 out, vehicles over 7.5 tonnes) entering/leaving the access/egress onto the Wadesmill Road during the hours of 08:00-09:00 (AM peak) and 16:00-17 (PM peak) in any one working day.
Reason for condition: In the interest of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the highway in the vicinity of the site.
- 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 for condition: To prevent the deposit of mud onto the road in the interest of highway.

Hertfordshire County Council Highways makes the following comments in relation to the assessment of the application in relation to highways issues:

The proposal as originally submitted involved the extraction, dry screening and transportation of some 2,600,000 tonnes of sand and gravel over a period of 14/15 years.

This has now been revised and the amount of extraction is now 1.25 million tonnes. This will reduce the duration of the operation to approximately 7.5 years.

As requested the applicant has carried out an assessment of the A602 Ware Road/A602 Westmill Road/Wadesmill Road/Anchor Lane roundabout. The capacity assessment has demonstrated that the junction already operates at capacity in the 2017 Base scenario and that the development traffic (which only adds 12 two-way trips on the network) has a negligible impact on the operation of the junction. However, this junction is going to be improved as part of the proposed A602 improvement scheme which was granted planning permission in November 2016. The average two-way daily HGV traffic will be 80 movements.

The applicant has submitted the amended plan (Drawing No 131124/A/04.1E) showing the proposed access arrangements with a right turn lane on Wadesmill Road (B158), together with a Stage 1 Safety Audit. This layout is acceptable in principle from a highway safety point of view. The junction is to include a splitter island to ensure that the left turn out only is enforced.

The proposal is now acceptable from a highway point of view subject to the conditions set out above. The works within the highway will be subject to a Section 278 Agreement in respect of the provision of a right turn lane at the access to the site on Wadesmill Road. In order to prevent the HGV traffic from the site travelling through Hertford the geometry of the junction is to be designed so that HGV's can only turn right into and left out the site. Details are to be submitted for approval as required by Condition 1.

Response to issues raised by residents:

The traffic generated by this proposal will be 12 (two-way) movements per hours. This represents a 1.23% of the existing AM peak hour traffic, which is 975 two-way traffic flow. The PM peak hour traffic flow is 791 which means that the site traffic will represent a 1.52% of this traffic. The site traffic represents a small amount of the overall traffic flow on Westmill Road. The traffic figures provided with the original application are still pertinent as the amount of gravel extraction has been reduced from 2.6 million tonnes to 1.25 million tonnes. This in turn has reduced the duration of the operation from 15 yrs to 7.5 yrs.

The initial concerns about the access arrangements have been overcome by the submission of an amended plan showing a right turn lane, which is now acceptable in principal. However, the access is still subject to detailed design which will need to include a splitter island as required by Condition 1.

It is recognised that the A602 is a heavily trafficked road and improvements to the major junctions along its length are being carried out. HGV traffic forms a small percentage of the traffic on the A602 and the B158 Wadesmill Road. From a classified traffic counts carried out

this year the percentage of 1.23% quoted in the Traffic Study accompanying the application for the amount of traffic generated by the proposal has been verified as correct. This is an insignificant increase in the amount of traffic. The number of HGV movements will be controlled by condition, as will the provision of wheel cleaning facilities on site.

The Rickneys site application which was granted permission in 2009 has never been implemented and the permission expires at the end of this year. If a new application is submitted it will be assessed from a highway point of view. The existing permission allowed 110 HGV movements a day (55 in, 55 out, vehicles over 7.5 tonnes)

The Highway Authority has no objection to the proposal subject to the conditions set out above and subject to the applicant entering into a S278 Legal Agreements in respect of the highway works. The site operator is to keep written records of vehicle entering and leaving the site as required by Conditions 1 and 2.

7.16 Hertfordshire Ecology makes the following points;

There is little or no data on this Application Site area within the Herts Environmental Records Centre database. There are some local butterfly records of interest which include Grizzled skipper, but most are directly related to the adjacent Waterford Heath former gravel pit and HMWT Nature Reserve.

Herts Ecology raised concerns regarding the proposals in 2016, mainly in respect of uncertainties and lack of sufficient information to adequately determine the application. This included potential impacts on St Johns Wood. However no fundamental constraints were identified at the time. The site to be worked is a large, rather ecologically sterile intensive arable field with almost no internal features. Notwithstanding the farmland ecology that is present, it is not reasonable to consider that the site supports a biodiversity interest sufficient to represent a major constraint on the proposals. However the issues raised did need further evidence or consideration.

Additional information (November 2016) was then supplied on which Herts Ecology provided a view. This indicated that the main issues previously raised had been addressed or that other issues such as birds were unlikely to be a fundamental concern given the nature of the site and could readily be considered as necessary.

Further information on ecology has now been provided in respect of overwintering birds (March 2017). Arable farmland can be used by certain breeding birds but open bare expanses are often favoured by species overwintering in such landscapes such as Golden plover or other species which like large open fields or can use hedgerows. The results of the winter 16/17 surveys found 11 species of conservation value using the site and 15 common species. Few species used the open arable land and although of some importance due to declines I do not consider any species recorded to be especially significant.

On this evidence I have no reason to disagree with the view that this assemblage is typical of lowland arable farmland with scattered woods and hedges. It is of no special intrinsic interest and is of local value. Whilst birds remain an important consideration for future site restoration and land use, the current overwintering bird use of the site is would not represent an ecological constraint on the proposals.

In respect of restoration, the proposals will introduce additional features into the site in respect of woodland blocks and hedgerows, as well as trees, buffer strips, grasslands and attenuation wetland. These can only provide a net gain in biodiversity as a result of the proposals. My only concern is with the complexity of the landscaping drawings in respect of the ability to manage the grassland rides around the woodland blocks and glades. In practice if the remainder of the fields are to be restored as arable (although species-rich grassland would be preferable) I am not convinced these edge grasslands will ever be managed to retain them as grassland, although the field margin strips would survive under regular topping each year. However this is a relatively minor issue given the overall the new habitat provision which would result, according to the Landscape Restoration Strategy Nov 2015 in the Liz Lake 2017 report.

Unfortunately there is unlikely to be a strong agricultural justification to restore the land to unimproved grassland managed as viable grazing land, although this could of course still be an option in the future.

On this basis I consider there are no fundamental ecological constraints associated with the proposals, which can be determined accordingly.

- 7.17 Hertfordshire County Council Landscape Officer comments as follows:
A new planning application has now been submitted for the phased extraction of 1.25 million tonnes of sand and gravel from within 3 working areas, over a period of up to 8 years. The key changes between the previous planning application and this current application are as follows:

Removal of working phase 4, plant and stockpile area
Relocation of haul road (to remain outside the preferred area)
Reduction of material for extraction from 1.75 million tonnes to 1.25 million tonnes
Reduction in duration of development from 7.5/10 years to 5/8 years
Introduction of load out area into a pre-extracted area within Phase 2, to include mobile dry screening plant, weighbridge, wheel cleaning facilities, ancillary site offices
Alteration of final restoration landform to include reduction of northern and western boundary slope from 1 in 7/8 to 1 in 4/5.
Relocation of attenuation pond
Creation of additional new hedgerow in phase 3

The appeal site lies within landscape character area '069 Stoney Hills'¹ that is judged to be in a poor condition and of a moderate robustness, therefore the strategy and guidelines for managing change is to improve and restore landscape condition and strength of character, and ensure that *'the restoration of exhausted minerals sites is carried out... to ensure that they reflect and enhance local landscape character and distinctiveness.'*

Overall it is felt that the submitted LVIA fails to recognise the local topography, and the clear distinction between the character of the elevated and/or flatter plateau landform that is consistent with RQPA2, and the character of the undulating sloping valley sides that lies outside RQPA2, and their differing abilities (or sensitivity) to accommodate the proposed development without causing harm to landscape character and/or visual amenity.

This view echoes the conclusions of the landscape sensitivity assessment contained within the analysis of the suitability of the Stoney Hills character area for minerals extraction, which informed the amendment of the RQPA2 boundary to exclude the area between the byway and Wadesmill Road. The report stated that *'The site profile suggests that mineral extraction might be possible, but that extreme care is taken to ensure no permanent damage to local landscape character occurs. It might be considered preferable to keep it within the centre of the plateau rather than on the edges, where it would be more visible and closer to settlements.'*

It is proposed to carry out phased minerals extraction and progressive restoration across three working phases.

The working phases are located within the RQPA2 and are well contained by the existing highways and vegetation to the north and west, and by the existing byway to the east. The adverse landscape and visual effects of extraction activity within these areas would be mitigated due to the containment of the works within the less sensitive elevated and/or flatter part of the plateau landform, and the screening effect of the local topography and established vegetation, in combination with the temporary screening bunds.

With regards to mitigation measures the submitted Planning Statement (paragraph 4.11.1) states that it is proposed to implement a *'10m undisturbed margin along the northern and western boundary with woodland.'* It is also noted that from the progressive operations plan (1217/PO/2) that it is proposed to retain 3 field trees within working Phase 1. The intention to protect the existing trees and woodland is fully supported. However, tree protection measures and method statements are required in line with BS5837:2012 Trees in relation to design, demolition and construction – recommendations.

On determining the overall significance of landscape and visual effects of the working phases, the duration and reversibility of the minerals extraction works is a key consideration. In terms of duration, each phase is anticipated to be worked for up to 32 months each, resulting in an overall operational period of up to 8 years that is considered medium term, however temporary due to low-level restoration back to agricultural use.

It is proposed to replace an existing informal agricultural field entrance and unsurfaced track with an enlarged site entrance, to include a wider bell mouth with associated turning circles and visibility splays, and a concrete surfaced access road up to 7.3m wide to accommodate the required HGV movements for the operation and restoration of the minerals development.

The proposed site entrance and access road are located outside the RQPA2 across the more sensitive, open and undulating sloping valley sides.

There is fundamental concern for the proposal to create an enlarged site entrance and new access road in this sensitive location. The large scale and industrial appearance of the concrete surfacing and other hard engineered features, creates a permanent scar within the landscape and detracts from the rural landscape character and quality, and the amenity of views from users of the local public rights of way network, users of Wadesmill Road, and from across the wider valley landscape to the east.

There is also fundamental concern for the removal of a substantial length of roadside vegetation to accommodate the enlarged entrance and visibility splays that erodes the rural setting of the highway. A tree survey, tree protection plan and method statement are all required in line with 'BS5837:2012 Trees in relation to design, demolition and construction – recommendations.'

On completion of the minerals extraction and the implementation of the restoration scheme, it is proposed to retain the access road on a permanent basis, the submitted Planning Statement (paragraph 4.10.7) states that *'The concrete access will be retained for future agricultural use together with approximately 30 m of the concrete road. If required the 'bell mouth' can be reduced in width by placing kerbs and covering the concrete with soil.'*

This approach is not supported and does not provide sufficient mitigation to address the permanent adverse landscape and visual effects of the enlarged access and retained concrete road upon local landscape character and visual amenity. The proposal to create a broadly sloping landform profile, and a distinct undulation in the area broadly consistent with working Phase 2, is supported in principle.

However there is strong concern for how the proposed restoration contours 'tie in' with the existing contours and levels along the length of the byway. From the submitted information the contours appear to indicate a sharp

change in levels that is not considered appropriate along this sensitive edge. The transition between the proposed restoration landform and the sloping valley side is critical and should blend seamlessly.

There is concern for the proposed restoration landform in the northern half of the working Phase 3 and the creation of a distinct hump and hollow that is not characteristic of the plateau landform.

Along the north and west site boundaries with Sacombe Road, Rickneys Quarry and St Johns Wood, it is proposed to reduce the bank from 1: 7/8 to 1 in 4/5 to accommodate the change in levels. Whilst not characteristic of the local landscape, the bank is further mitigated by the proposed woodland planting.

The proposed new woodland and hedgerow planting is fully supported.

However there is concern for the approach to the new hedgerow and tree planting along the southern section of the byway that is not continuous but switches from one side of the footpath to the other.

The location and appearance of the proposed attenuation pond is queried. It is proposed to locate the attenuation pond within the previously dry undulation across the sloping valley side. Further information is required to show how it sits in relation to the existing and proposed contours and levels, and the byway. It should be clearly understood that the pond is not a permeant wet feature and will predominantly appear as a dry depression within the landscape. The proposed wildflower meadow is supported in principle however there needs to be certainty that it will be managed appropriately in the long term.

In conclusion, there is fundamental concern for the creation of an enlarged site entrance and new access road (that lies outside RQPA2) across the sensitive valley slopes that give rise to permeant adverse effects on landscape character and visual amenity.

The restoration strategy is supported in principle, however further detail is required with regards to the following aspects:

- Arboricultural Report to include tree survey, tree protection plan and method statement, in line with industry good practice guidance 'BS5837:2012 Trees in relation to design, demolition and construction – recommendations,' is required as a minimum standard for this type of development and should address all trees and vegetation affected by the development including the site access and haul road.
- Contour plans (1m intervals) and site cross sections to show the proposed restoration landform within each working phase in context with the wider contours to the east as far as Wadesmill Road. Cross sections should include the hump and hollow, the attenuation pond and the byway.

- Detailed cross sections to show the treatment of existing and proposed levels where the proposed restored landform meets the byway.
- Further information regarding the approach to the hedgerow planting along the byway, and the treatment of the attenuation pond

7.18 Hertfordshire County Council Rights of Way

The application site is bounded to the north west by public footpath Hertford 3 and it is crossed by restricted byway/footpath Hertford 1. A restricted byway is available for use by the general public in non-motorised vehicles, in addition to those categories of use covered by a bridleway. When the Hertfordshire Minerals Local Plan Review went before an inspector his report clearly stated that restricted byway/footpath 1 was such an important route that the land under it and to its east should not be included in any such development. Despite that, it, and certain land to its east, is included within the red line of this development. That this route is still of such importance is backed up by comments from local users which I believe you received at the time of the earlier application, and by the fact that it is heavily used by regular health walks. The proposed bunds and hedges may mitigate against the danger of the public falling into the quarry or suffering materials falling onto them from it, but they will not wholly prevent disturbance of the public's enjoyment by dust, noise and loss of views. The new application requires all lorries to cross the restricted byway, some 80 movements a day, with inevitable damage to its surface and increased risk of conflict between them and users. At the very least a concrete pad needs to be installed at this cross over and banksmen need to be in position there constantly when there are lorry movements to reduce the likelihood of conflict.

A permissive path alongside the B158 is proposed which would allow walkers to walk further away from the noise, dust, and loss of views which the proximity of a quarry inevitable presents, but only as a footpath (which could not be used by all users of the present restricted byway), and only for the duration of the works. Such route should be at least of bridleway status to allow use by horse riders and pedal cyclists. It represent a considerable lengthening of the distance to be covered by users, and also a reduction in enjoyment, given that they will pass close to the road, with limited views of open country, in contrast to the current surroundings.

Although this permissive footpath is proposed for the duration of works, no new permanent definitive routes are proposed to compensate for the public's disturbance of their enjoyment of the definitive route. This is contrary to Minerals policies 18 and 14 of the County Council's planning policies. At the very least I would require that the footpath section of Hertford 1 is upgraded to restricted byway, that a new public footpath is created along the south side of St. John's Wood, and that a new bridleway/cycle track is created alongside the B158 on the applicant's side of the roadside hedge (an aspiration in the County Council's Rights of Way Improvement Plan), with funding to layout and maintain these new routes

7.19 Hertfordshire County Council Archaeology

An archaeological evaluation of this proposed development site was carried out in 2014-2015, prior to the submission of this application (and previous application ref. 3/0770-16). This evaluation comprised a geophysical survey of the site, and a programme of trial trenching, and the reports on this work are included in the documents submitted with the application.

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

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

The current proposal will involve the stripping of topsoil over the site, prior to extraction. I note that it is stated in the documentation that 'It is recognised that mineral extraction will destroy any archaeological surface[s].' I also note that it is intended to phase the extraction of minerals from the site.

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

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

These may include:

- The appropriate archaeological excavation of archaeological remains

identified during the programme of archaeological evaluation, before any development commences on the site;

- The analysis of the results of the archaeological work, with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;
- Such other provisions as may be necessary to protect the archaeological interests of the site.

These recommendations are considered both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case *three* appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

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

- 1. The programme and methodology of site investigation and recording***
- 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation***

7.20 Hertfordshire County Council Public Health responded to the original application stating the following:

- a. On the face of the evidence and guidance available, we did not consider it likely there would be a significant impact on human health from a proposal such as this, provided it could be reasonably and safely assumed that modelling and impact assessments were robust, all identified mitigation measures were assured to be in place, were regularly reviewed, and were adhered to. This remains our view.
 - b. We raised concerns, however, on the Air Quality Assessment conducted by the applicants, which we outlined in our previous responses.
 - c. We also asked for a Health Impact Assessment to be undertaken
2. The revisions to the air quality assessment are noted and accepted. In view of the level of public concern we have, however, independent expert air quality advice on the revised application has been sought. See Appendix x for the full advice.

- a. The applicant has not developed a Dust Management Plan (DMP) as part of its proposed mitigation of dust impact.
- b. The applicant should provide details of a suitable monitoring regime that accompanies the DMP.

We accept the advice of our independent experts that a Dust Management Plan as part of the mitigation of dust impact must be developed.

- 3. We previously requested that a Health Impact Assessment (HIA) was undertaken and this has not been done. We note that the appended expert advice takes the view that a full HIA is not necessary, however we would clarify that this is in relation air quality only.
- 4. We remain of the view that a Health Impact Assessment (HIA), properly undertaken, would be an important piece of work on a development of this size and scope. HIA is intended to look for all and any impacts including ways to improve opportunities for health and wellbeing as much as looking at negatives and risks. An HIA is broader than the scope of the submitted Environmental Statement, which is one of the reasons we recommended this, and could demonstrate a wider range of impacts, including a focus on any potential adverse impacts on vulnerable groups and health inequalities.
 - a. For the avoidance of doubt, a Health Impact Assessment is not solely concerned with air quality and, when properly undertaken, has a depth and breadth in understanding the health impact of a given proposal that other assessments – including Environmental Impact Assessment – do not wholly encompass.
- 5. While we accept the Applicant’s revised work on air quality, on the basis that a Health Impact Assessment, properly and robustly undertaken, has not been conducted, we still cannot be assured that all reasonable steps have been taken to consider, identify and minimise potential risks to human health. As a consequence we therefore **object** to this proposal.
- 6. Should a suitable robust Health Impact Assessment be undertaken which robustly demonstrates to our satisfaction and/or that of Public Health England that there would be minimal health impact we would be minded to rescind our objection provided that the following conditions be applied to any approval:
 - a. That a Dust Management Plan is developed and adhered to as referred to above.
 - b. That air quality monitoring is provided as part of (a) to reassure the local community;
 - i. that it is put in place as soon as possible to allow for a pre-construction baseline to be developed; and has a plan for mitigation of poor air quality events
 - ii. that it is in place for the lifetime of site operations

- iii. that it is appropriately located
 - iv. that it includes the monitoring of PM_{2.5}
- c. That the applicant be required to establish for the lifetime of the development a Community Liaison Group to provide reassurance to the local community, be required to have regard to the Group and be required to take action to mitigate any impacts on human health which may arise including:
- i. Communicating information regarding construction activities throughout the construction period
 - ii. Establish a community complaints procedure that is advertised widely and with clear timescales in which a response and resolution can be expected
 - iii. Ensure open communication and sharing of information including the display of emissions data on a website.
7. The purpose of these requirements in our view would be to place the onus upon the operator to demonstrate as much as practicably possible that the operations of the proposed development do not have a detrimental health impact on the local community.

7.21 Bengeo Rural Parish Council In our previous email dated 28th February 2017 we advised that although the key amendments to the Developers application for extraction of gravel at Bengeo Quarry are welcome this still leaves major problems for the residents of Bengeo Rural who live adjacent to the B158. Therefore currently our position on this application remains unchanged and we do not support this application. As stated in our previous objection the B158 is extremely dangerous particularly when accessing by the residents.

For the Rickneys application approximately 10 years ago the main condition which had to be fulfilled before any extraction took place was that a third lane should be installed opposite the entrance so the traffic can flow even though lorries are waiting. If this application were to be accepted it would be essential for a third lane to be created in order to mitigate this problem

7.22 Council for the Protection of Rural England (CPRE)

CPRE Hertfordshire notes that the latest planning application for this site no longer proposes to use the eastern part of the site for mineral extraction or processing, but that the site would still create a new mineral working operation requiring a new access from Wadesmill Road, not an extension to the Rickneys site as set out in the adopted Minerals Local Plan. Consequently we still have a number of concerns about the proposals and our previous Letters are still relevant, and we ask that you report them to your Committee in due course.

Uncertainty also remains about the relationship with the adjacent Land to the south. Although the East Herts District Plan is currently at the Examination stage, there has been no final decision on the proposal to build housing to the south of the site, which is also strongly contested by many objectors.

Furthermore, although the site is part of the allocation in the Adopted Minerals Plan it would still not be implemented as required by that Plan, and the new consultation draft Minerals Plan does not include the site as a 'specific' site or 'preferred area'. In our view the future of this Land for mineral working should therefore be determined through the Minerals Local Plan process rather than this planning application, which we consider should be refused on the grounds of prematurity in addition to concerns about the Local impact of the proposals.

8. Third Party comments

- 8.1 The application has been publicised in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 Parts 3 (Applications) and 15 (Publicity for applications for planning permission) as follows: EIA Regs 2017

Publicity has consisted of the display of site notices at the application site (on 19th October 2017 and 8th March 2018) and the publishing of a press notices in the Hertfordshire Mercury on 12th October 2017 and 22nd February 2018.

Letters were sent to 1303 properties regarding the original submission and again sent following the additional information received in February 2018. Approximately 1021 replies were received in total objecting to the application.

- 8.2 2 e petitions against the proposal have also been received. One e petition contains 835 signatures and is entitled "Hertford is worth more than gravel – petition against a new quarry proposal in Bengo Field". The other e petition is entitled "Protect our public rights of way and views from quarrying on Bengo Field (Land at Ware Park)".
- 8.3 The application has been advertised as constituting EIA development affecting land in the Green Belt.
- 8.4 In November 2017, the applicant formally requested that the application be held in abeyance until further information had been submitted (which had been formally requested by The Planning Inspectorate in respect of the concurrently running planning appeal against the refusal of planning permission from March 2017). A second round of consultations was

undertaken on this planning application with reference to the extra information submitted and further representations have been received.

Consultation Responses

8.5 Mark Prisk MP commented as follows:

I am writing to reiterate my objection to this application. Many of the underlying problems with the previous application, which the council rejected, remain with this application: the impact on air quality; traffic generation; the risks of pollution to the water supply. I understand the applicant has sought to provide additional information concerning soil contamination; a cumulative impact assessment and a Non- Technical Summary.

I support local residents' views that these are inadequate and fail to satisfactorily answer concerns related to the original application. The desk-based soil contamination study fails to provide a full survey of surface chalk which would be the minimum required in these circumstances. The impact assessment is incomplete, lacking as it does any account of the impact on the landscape or Green Belt land. The NTS has several omissions or contradictions, not least over the increase in traffic. Most significantly, the applicant has still not addressed the threat to Hertford's water supply.

Given this I wish to record my strong objection to this second application for a quarry on this site.

8.6 Oliver Heald MP

I understand that the HCC Development Control Committee will be considering an application by Bengo Quarry on Thursday 26 April for 1.25m tonnes, quarry alongside the footpath on one side, access cutting through the field outside the preferred area. I am fully supportive of the objections of County Councillors Andrew Stephenson and Ken Crofton and District Councillor Michael McMullen and would be grateful if you could take account for these concerns.

Comments from members of the public & interest groups

8.7 In response to the first and second consultation over 1021 responses objecting (letters, emails and online representations) have been received from residents and members of the public raising a wide range of points. The main objections are summarised below.

- Proximity to existing dwellings and a primary school
- Impact on air quality/dust
- Impact on health

- Impact on highways affecting pedestrian/cyclist use of Wadesmill Road/road safety
- Impact on visual amenity/landscape and the Green Belt
- Impact on Byway no.1, footpaths and loss of recreational area used by the public
- Impact on ecology/habitat destruction
- Noise impact on occupiers of nearest residential properties
- New Minerals Plan does not include this site
- No urgent need to quarry
- Loss of historic value/impact on archaeology
- Concern regarding risk to groundwater and water supply

8.8 Stop Bengoe Quarry have submitted a document detailing their concerns in relation to the following: landscape and amenity; ecology; water supply; air quality and health; traffic and road safety; noise; archaeological concerns; and planning need for mineral in Hertfordshire, together with comments on the emerging policy in the new Hertfordshire Minerals Local Plan.

A full copy of the document can be found at Appendix 1.

8.9 Molewood Residents Association comments as follows:
The association represents residents of the 1960s Leach Homes estate as well as The Avenue, Lodge Close, The Drive, The Orchard, Buckwells Field and Sacombe Road. Our association represents a community of Hertfordshire residents (over 700 households) who will be directly impacted by the proposals in the application and in some instances live on the very boundaries of the proposed gravel extraction.

I wish to respond to the application on the following basis:

This quarry is sited in Green Belt land adjacent to Bengoe and our residents use the routes across the land for country walks to nearby Chapmore End. Enjoying the views across the Rib Valley and enjoying the natural landscape all contribute to a special landscape character. Recently we have successfully registered the Footpath and Byway crossing the land as an Asset of Community Value in recognition of its importance and frequency of usage by the residents of Bengoe.

Some of our residents are on the very perimeter of the proposed site and others are very close to the quarry. We are concerned by the ongoing lack of engagement with the community and in the instance of the application there has been no community exhibition (as per the original application) and very limited attempts to share the plans with the community.

The extraction of gravel (even in smaller amounts) is highly likely to create airborne silica particulates in the very near vicinity to the Primary School that many of our residents attend. The risk of damaging effects upon young lungs we feel is too great a risk to place upon our community.

The area upon which the application has been made and the site adjacent (Rickneys Quarry) have been recommended to have been removed from the proposed HCC Minerals Local Plan for 2018 onwards. HCC has identified sites that fulfil its Mineral requirements with lower impact to its residents and communities it represents.

I understand that the applicant has addressed concerns about road safety upon which the entrance to the site will be located. Their response is thorough and on paper makes a lot of sense. A physical inspection of the road would tell you otherwise:

The damage to road surfaces and the condition of an unclean road leaves the stretch of road to the East of the site at an increased risk of an accident. The site of both serious and fatal accidents in recent times due to its undulating nature, poor visibility on adjacent road entrances and the national speed limit. All these factors limit decision making time, a needless risk of life on a piece of road that has a past history of fatality.

The road is an arterial road for East-West flow through East Herts. Any impairment to the flow of traffic during peak hours due to queueing of heavy goods vehicles will have a knock on effect to our community as commuters try to "make up the time" by speeding through our housing area; already a known and dangerous rat-run, therefore, now a designated 20mph zone.

The stretch of road on which the entrance will be sited is a rural road and has no street lighting – making the road more dangerous during the winter months – again during peak flows of traffic.

Our residents wholly support the observation from the Development Control Committee that the risk to contamination of the nearby bore holes supplying a significant part of Hertford's daily water requirements is too great a risk to consider from the original application. There are insufficient grounds of contingency in the event that the water supply was compromised and in light of the preferred Minerals locations proposed for 2018 onwards we would also require that this is taken into consideration.

8.10 Chapmore End Association

I wish to state at the outset that the members of the CEA are very strongly opposed to this new application which is in fact an edit of the previously refused application both in document and intent. The fundamental issues from the original application have not been addressed (principally reasons 1 and 2 of the reasons for refusal). The damage to the Green Belt (which cannot be remediated) and the environmental impacts of mineral extraction next to a school and on the boundaries of a busy town that will occur with this application. We have seen recently how sensitive the B158 is to a change in traffic as a result of the roadworks to the junction of B158 and A602 - the addition of such a large amount of heavy goods vehicles will detrimentally affect the area around Chapmore End.

I am sure that my neighbours will be making their own personal submissions regarding this application, but as the chairman of the CEA I would reiterate the Associations strong opposition to this application.

8.11 Watermill Estate Resident's Association

Watermill Lane Residents' Association (WERA) consists of 100 households and I am writing to you on behalf of members with regard to the new application for the phased extraction of 1.25 million tonnes of sand and gravel on land at Ware Park, Wadesmill Road, Hertford (locally known as Bengoe Field) - your reference PL\0870\17.

The WERA Committee is in agreement with the Molewood Residents' Association regarding this application and feel that the differences between this and the previous application are not sufficient enough to address the reasons for refusal.

In addition the Committee believes that the following should be taken into account:

The Footpath and Byway crossing the land has recently been registered as an Asset of Community Value in recognition of its importance and frequency of usage by the residents of Bengoe.

The area upon which the application has been made and the site adjacent (Rickneys Quarry) have been removed from the proposed HCC Minerals Local Plan for 2018 onwards. HCC has identified sites that fulfil its Mineral requirements with lower impact to its residents and the communities it represents.

There is, therefore, no need for this area to be quarried and the planning application should once again be rejected

8.12 Bengoe Primary School We are writing, on behalf, of the Leadership team and Governors of Bengoe Primary School, to object to the new, revised proposal to extract 1.25 million tonnes of sand and gravel from Bengoe Field which is in close proximity to Bengoe School.

Our school has 500 pupils aged between 3 and 11 and 65 members of staff. In addition, Bengoe Playgroup rents a room in

the school and has 48 children aged from 2 upwards.

Although this application appears within the previous Minerals Local Plan, it does not comply with the expectation of this being an extension to Rickney's quarry, and proposes a dangerous entrance from the B158 instead. Importantly, the draft Local Minerals Plan (recently debated in public at Hertfordshire County Council) has recommended that this site is no longer included in the options for the next fifteen year period.

Bengeo School is 'situated next to the busy and dangerous. B'158' Wadesmill Road. The addition of the suggested average of 80 lorry movements "a day (and presumably fewer on Saturday's given the 'proposed operational hours) could' encourage drivers to overtake and could lead to more accidents (many of our staff. and parents use this road to get to and from school).

The proposed site is less than 500m from the school. It is highly possible that there would be a danger to health from the particles of silicates in the air, caused by the excavation and transportation from a site so near to the school. This could be particularly threatening to the health of our pupils (several of whom have asthma) who will be playing, or taking PE lessons in the school grounds.

The evidence of Dr Bryan Lovell (former president of the Geological Society of London) at the initial hearing was compelling. He stated that there was a very real danger of contamination to Hertford's water supply due to the proximity of boreholes to the site.

An overwhelming reason why this quarry is not necessary, is that Hertfordshire have now made provision for enough sand and gravel to be excavated in different areas for the next fifteen years. As we understand it,, the current land bank is double the legal requirements. A beautiful piece of countryside would be destroyed unnecessarily.

Our children have been very active in learning about and supporting the campaign against the quarry. This involved writing letters to the press and the planning officer as well as representing the school in the Council Chamber.-They were all overjoyed when the development control committee voted unanimously to accept the planning officer's advice to reject the application. The children's disappointment when they heard that there was a new application, has been overwhelming. If this new: application (which has changed very little from the original one) were to be accepted by the planning committee, they would feel disillusioned with the whole planning process.

9. Planning Issues

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

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

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

- 9.2 Minerals Policy 1 in the Hertfordshire Minerals Local Plan - Aggregate supply states that planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply.
- 9.3 The County Council seeks to maintain an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment, to enable an appropriate contribution to be made to meet the region's varying needs. The landbank is defined as the stock of mineral planning permissions for the winning and working of minerals.
- 9.4 When determining planning applications for mineral extraction the County Council will take into account the following factors:-
- the existing quantity of permitted reserves of the mineral;
 - the rate at which, and the proposed timescale over which it is expected that those permitted reserves will be worked;
 - the proposed rate and timescale in the application for working the mineral deposit;
 - the existence of resources of the mineral which are identified as Preferred Areas within the Plan and which are shown as being desirably worked at an early stage of the Plan period; and

- the particular nature and qualities of the mineral deposit concerned, such as the suitability for a particular end use not met by other available sources in the area or region.

9.5 The NPPF also provides a framework for decision making, stating that minerals are essential to support sustainable economic growth and our quality of life and it is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. It continues to say that when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy and that minerals planning authorities should plan for a steady and adequate supply of aggregates (para145) by:

- preparing an annual Local Aggregate Assessment based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites; and
- ensuring that large landbanks bound up in very few sites do not stifle competition

Landbank

9.6 The stock of mineral planning permissions for the winning and working of minerals is an important consideration in determining whether there is an urgent current need for minerals, or whether there is sufficient supply of minerals in the medium term. The NPPF (paragraph 145) identifies that mineral planning authorities should maintain a minimum 7 year supply of planning permissions for mineral working. The NPPG says that landbanks of aggregate supply should be used as an indicator of the security of future supply and to inform decisions as to whether to initiate a review of a minerals plan document, where the landbank falls below the minimum requirement.

9.7 The Minerals Local Plan acknowledges that 'all mineral extraction will involve disturbance and harm to the area in which it takes place. Therefore, a primary consideration is whether or not there is a need for extraction to take place in order to meet the County Council's supply policy. In considering applications for mineral development the County Council will consider the adequacy of the landbank in relation to the quantity and quality of the mineral in the context of Minerals Policy 2.

- 9.8 There are several major minerals sites in Hertfordshire currently extracting sand and gravel. As of December 2017 the Landbank equivalent figure was 7.5 years. As such the current landbank is therefore sufficient to meet the 7 year requirement.
- 9.9 In addition it was resolved to grant planning permission in January 2017 for a further new sand and gravel quarry (extracting 8 million tonnes) on land at former British Aerospace (BAE) (subject to a S106) and therefore Hertfordshire's landbank could be significantly boosted further over the next 30 years.

Preferred Areas

- 9.10 The current Minerals Local Plan identifies three preferred areas for mineral working on the basis that the County Council would therefore not have to rely on a single site for meeting the future need. Preferred Areas are defined in the Plan as the locations potentially favoured for mineral working needed to meet the Plan's requirements.
- 9.11 Rickneys Quarry is identified in the current Minerals Local Plan as Preferred Area 2. Following a site selection process three preferred areas were identified, the other two being, land at former British Aerospace and Tyttenhanger Quarry.
- 9.12 The notes in the Minerals Local Plan referring to land adjoining Rickneys Quarry state that as a specific consideration, that the working of the site would be considered as an *extension to the existing Rickneys Quarry*. The map shows an extension to both the north and south of the existing Rickneys Quarry and states that proposals will be required to include a comprehensive plan for Public Rights of Way to ensure the network is maintained and kept safe at all times. It also refers to the fact that the site overlies a large proportion of the Groundwater Source Protection Zone for the Wadesmill Road water supply bore, which is a very sensitive site in terms of potential pollution of the groundwater resource.
- 9.13 Most of this application site is situated within Preferred Area 2, as shown on Inset Map 11 of the Minerals Local Plan except for the proposed access road to the quarry which is outside of the Preferred Area.
- 9.14 The Minerals Local Plan intends that all new workings during the Plan period should take place within the specific sites and preferred areas identified in Minerals Policy 3.
- 9.15 Minerals Policy 3 refers to sites for sand and gravel extraction and the working of preferred areas. Specific Sites for sand and gravel extraction are identified on the Proposals Map in the Minerals Local Plan. These sites are those which have a valid planning permission for mineral extraction including active sites with unworked permitted reserves and sites on which extraction has not commenced. However, other sites such

as BAE where it is likely that planning permission will be granted (as there is a committee resolution to grant planning permission) will also be added to the landbank.

- 9.16 MLP Policy 3 states that proposed mineral working within the Preferred Areas defined in this Plan will be permitted only when they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with MLP Policy 3

Need for mineral working

- 9.17 It is acknowledged in the NPPF that minerals are essential to support sustainable economic growth and quality of life and therefore it is important to ensure there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The Government requires mineral planning authorities to give great weight to the benefits of the mineral extraction when determining planning applications.

- 9.18 However, the current landbank is 10.46 million tonnes, equivalent to 7.5 years and the minimum requirement set out in the NPPF is 7 years. The recent planning permission resolved to be granted on land at former British Aerospace will extend the landbank into the medium and longer term ensuring that a supply of 250,000 tonnes per annum is extracted taking an expected 30 years to complete. As the mineral extraction of the land at former BAE would be a new quarry, the quantity of mineral available for the supply of sand and gravel in Hertfordshire would be extended significantly in future years, giving less importance to the relatively smaller quantity available from land at Ware Park.

- 9.19 The principle of mineral working at this site is therefore not considered essential due to the existing quantity of permitted reserves in Hertfordshire.

- 9.20 In addition, the Minerals Local Plan intends that all new workings during the Plan period will take place within the specific sites and preferred areas identified in Minerals Policy 3, because allowing other sites for aggregate extraction could undermine the strategic objectives of the plan. It is considered that there are no exceptional circumstances that have been demonstrated as to why any further development (ie the access) outside of the Preferred Area is required as part of this proposed minerals development and therefore that aspect is considered contrary to MLP Policy

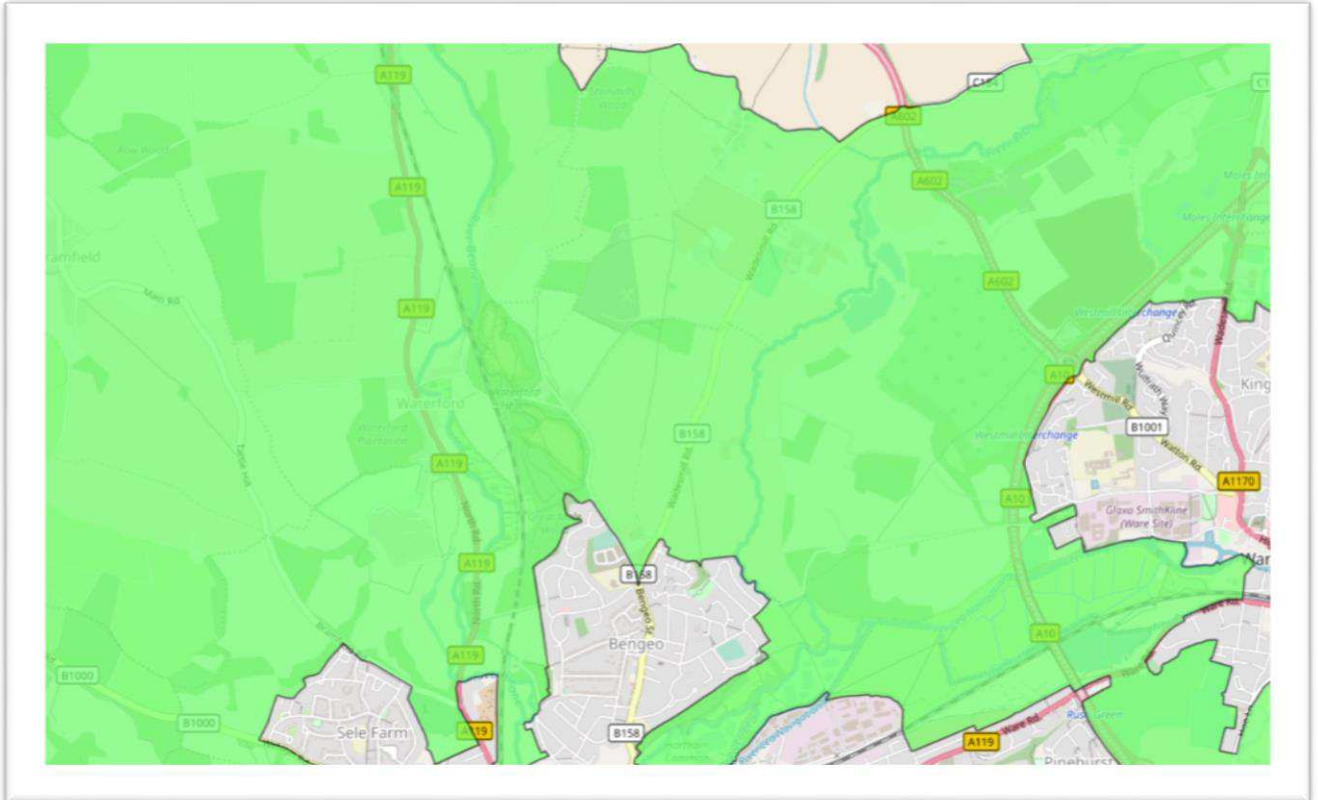
Green Belt

- 9.21 The NPPF (para 87) states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt (para 88). Certain forms of development, including mineral extraction, are not inappropriate in Green Belt *provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt* (para 90).
- 9.22 The proposed mineral extraction at Ware Park would be contained in three working phases on the western side of the Restricted Byway, Byway no.1. Although that area of the site is within the Green Belt, and there would be plant and equipment connected with the extraction and restoration for up to 8 years, it is considered that the mineral extraction operation itself would not constitute inappropriate development. However, the proposed development would require the construction of bunds 2-3 metres high around the edges of the development. These bunds would impact on users of local PRoWs in visual terms. There is no doubt that visual harm would occur, and in doing so would be detrimental to openness in the Green Belt in spatial terms into the medium term.
- 9.23 The proposed access to the quarry off Wadesmill Road would entail the construction of a new industrialised site entrance suitable for HGVs and 7.8m wide near to the entrance with Wadesmill Road with wider and narrower sections. This road would be constructed from concrete. A new wider bell mouth to Wadesmill Road with kerbs appropriate for HGVs and wider areas for passing places along its length. Currently, the position chosen for the access comprises an existing informal agricultural field entrance with unsurfaced farm track. It is considered that visually there would be a significant adverse difference between the existing and the proposed entrances with the proposed industrial style entrance and road having a significant negative impact on openness in the Green Belt causing visual and spatial harm. The constant movements of HGV traffic using the access road would be very visible along the slope of the valley side and through arable fields and this would also impact adversely on openness in the Green Belt. As a result, it is considered that the proposed access road, outside of Preferred Area 2, would constitute inappropriate development in the Green Belt which would cause harm.
- 9.24 The proposal has not demonstrated that there would not be a detrimental impact on the health of the local community. A Health Impact Assessment has not been submitted and it is therefore not possible to assess fully what the impacts would be. Additionally, a Noise Assessment has indicated that there would be likely to be significant

noise impacts on occupiers of properties in the vicinity of the site as a result of the development and therefore harm would be likely to occur.

- 9.25 The proposed development is therefore assessed as being “inappropriate development”. Although part of the development would be the actual mineral extraction which is listed in Para.90 of the NPPF as a development not being inappropriate, that is only the case where the proposal preserves openness and does not conflict with the purposes of including land in the Green Belt. In this particular case it is considered that the overall physical impact of the proposed mineral extraction, the construction of the bunds and the access road would physically have a significant adverse impact on the openness of the Green Belt. In addition one of the purposes of the Green Belt aiming to preserve the setting and special character of historic towns would also be conflicted with.
- 9.26 Rickneys Quarry Preferred Area 2 is described in the Herts MLP as *an extension to Rickneys Quarry*. It was intended that any future mineral extraction that could have taken place would have been accessed via the existing access to Rickneys Quarry, thereby avoiding the need to create a new road on the visually sensitive slope of the Rib Valley. The land to the east of Byway no.1 was described by the Inspector in the report on the current Minerals Local Plan as being a valued landscape and as a result the Preferred Area 2 boundary was drawn to the west of the byway. It was never envisaged at that time that there would be a proposal for a new access cutting through the valued landscape referred to by the Inspector, with the adverse impact that would cause.
- 9.27 The Green Belt serves five purposes which are laid out in the NPPF (para.80). One of the purposes is to preserve the setting and special character of historic towns. Hertford is an historic market town situated to the south of the application site. The land at Ware Park forms the first part of the Green Belt immediately to the north of the built up area of Hertford town (Bengeo). The views of Hertford town from the Rib valley looking south form part of its setting as an historic town. It is considered that the proposals would not enhance the beneficial use of the Green Belt, the landscape or visual amenity and would therefore not serve the purpose of preserving the setting and special character of the historic town of Hertford.
- 9.28 The proposal is therefore considered to be inappropriate development for which no very special circumstances are considered to exist, and although the proposed potential housing site at HERT4 has been taken into consideration, this is not sufficient in terms of the overall Green Belt balance to be given much weight. The harm that would occur to the openness of the Green Belt, together with other identified harm, should be given substantial weight. Although great weight should be applied to the benefits of mineral extraction, it is considered that the impacts on the

landscape and openness in the Green Belt in this particular location would clearly outweigh the benefits.



Map showing Green Belt around Hertford.

Transport/Traffic

- 9.29 One of the aims of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum.
- 9.30 One of the most obvious effects of mineral workings on an area is the amount of HGV traffic generated. Land at Ware Park is situated in a rural area accessed along the Wadesmill Road (B158) from its junction further east with the A602. Wadesmill Road is predominantly rural with a scattering of residential properties situated along its route. The impact of mineral related traffic on areas of residential development should be minimised as far as possible, balanced with the fact that minerals can only be worked where they occur naturally. It is accepted that this proposal would generate up to 100 HGV movements per day along that

stretch of Wadesmill Road, however using that route would avoid HGV traffic passing through the residential area of Bengoe and Hertford. In terms of capacity it is considered that the route would have sufficient capacity for the number of HGVs proposed over the time period proposed when balanced against the overall numbers of vehicles that use the road.

- 9.31 Mineral Local Plan Policy 16 (Transport) states that mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development including the proposed afteruse would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment. In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Planning permission will normally only be granted for the extraction of minerals which are capable of being transported from sites via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).
- 9.32 The NPPF (para 32) requires planning decisions to ensure that developments take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It also says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.33 The proposal as originally submitted involved the extraction, dry screening and transportation of some 2,600,000 tonnes of sand. This application has revised the amount of proposed sand and gravel to be extracted to 1.25 million tonnes. This will reduce the duration of the operation to approximately 7.5 years. As requested the applicant has carried out an assessment of the A602 Ware Road/A602 Westmill Road/Wadesmill Road/Anchor Lane roundabout. The capacity assessment has demonstrated that the junction already operates at capacity in the 2017 Base scenario and that the development traffic (which only adds 12 two-way trips on the network) would have a negligible impact on the operation of the junction. However, this junction is undergoing improvement as part of the proposed A602 improvement scheme which was granted planning permission in November 2016. The average two-way daily HGV traffic will be 80 movements.
- 9.34 The applicant has submitted the amended plan (Drawing No 131124/A/04.1E) showing the proposed access arrangements with a right turn lane on Wadesmill Road (B158), together with a Stage 1 Safety Audit. This layout is acceptable in principle from a highway safety point of view. The junction would include a splitter island to ensure that the left turn out only is enforced for HGVs.

9.35 The proposal is now considered to be acceptable from a highway point of view subject to the conditions. The works within the highway would be subject to a Section 278 Agreement in respect of the provision of a right turn lane at the access to the site on Wadesmill Road.

Noise and amenity

9.36 A strategic aim of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept to an acceptable minimum by protecting residents from noise, dust, visual intrusion and other amenity effects of mineral extraction.

9.37 Minerals Local Plan Policy 18 requires 'all proposals for mineral extraction and related development to demonstrate that no significant noise intrusion will arise from the development'.

9.38 The NPPF (para144) requires that in determining applications local planning authorities should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

9.39 NPPF guidance is that noise levels associated with site operations at surrounding properties should not normally exceed 10dB(A) above background, subject to an upper limit of 55dB Laeq, 1 hour. HCC has employed an expert acoustic consultant to carry out an environmental noise assessment for the application.

9.40 From a noise perspective, the differences between the previous application and this one are as follows:

- the buffer zone between the boundary of phase 1 and the worst affected residential properties at The Orchard has been increased
- A "Load out area" has been introduced into phase 2 of the proposed mineral extraction area.

9.41 Despite these changes, a 2013 Noise Assessment report submitted by the applicant, based on a four phase site layout from LF Acoustics has been used to support this revised application.

9.42 The Noise Assessment undertaken on behalf of HCC looked at both the construction of the bunding phase and the operational/excavation phase.

9.43 The conclusion in relation to the construction of the bund construction is that it would be deemed to be an acceptable noise situation for the residents of the nearest noise sensitive dwellings.

- 9.44 In relation to the operational/excavation phase the assessment of the Sacombe Road location concluded that the predicted noise levels that would be generated during the operational/ extraction phase would exceed the derived noise limit by up to 8 dB(A), which is 18 dB(A) above the current “typical” background noise level at this location. It should also be noted that the derived recommended noise limit of 48dB(A) at this location is shown to be exceeded for the majority of the time during all three operational phases of the proposed sand and gravel quarry. Based upon worst case operations, the absolute daytime noise limit of 55dB(A) is also likely to be exceeded during excavation works on the northern sections of phase 2.
- 9.45 Taking into consideration both the amount the derived noise limits could be exceeded by and also the significant time period they could be exceeded for, it is considered that an unacceptable noise situation would be likely to occur for residents of the nearest noise sensitive properties on Sacombe Road.
- 9.46 In relation to the operational/excavation phase the assessment of The Orchard concludes that the predicted noise levels generated during this phase would exceed the derived noise limits at that location by up to 6dB(A), which is 16 dB(A) above the current “typical” background noise level at this location. It should also be noted that the derived recommended noise limit of 48dB(A) at this location is shown to be exceeded throughout the operational time of phase 1 and based upon worst case operations is also likely to be exceeded throughout phase 2, which equates to 2-4 years.
- 9.47 Taking into consideration both the amount of the derived noise limits could be exceeded by and also the duration of the significant time period they could be exceeded for, it is considered that an unacceptable noise situation would be likely to occur for residents of the nearest noise sensitive premises on The Orchard when considered in relation to standards within national planning guidance.
- 9.48 A further assessment has also been undertaken in relation to Waterworks Cottage and Glenholm. Here it has been established that the recommended derived noise limits would be unlikely to be exceeded. For residents at this location it is considered that the proposal would represent an acceptable noise situation.

Air Quality/Health Impacts

- 9.49 Minerals Local Plan Policy 18 requires all proposals for mineral extraction and related development to demonstrate that no significant degradation of the air (particularly from dust and emissions) will occur.

- 9.50 The NPPF (para 109) requires the planning system to contribute to and enhance the natural and local environment by preventing new and existing development from being put at unacceptable risk from by unacceptable levels of air pollution.
- 9.51 The potential sources of emissions to air would mainly be from mineral extraction and dust from soil stripping together with the construction of bunds and use of the haul road.
- 9.52 The main sources of dust during construction and operations relate to soil stripping and vehicles traffic on haul roads. The soil stripping operations would take place at the beginning of each Phase. Soil stripped from the subsequent phase would be used in the restoration of the preceding phase. Soil stripping is a temporary operation which typically lasts for a limited number of weeks in each year. On mineral sites dust is managed by only stripping soils when they are in a dry and friable condition. Truck mounted water bowsers are used to dampen haul roads. Soil bunds are grass seeded to prevent wind erosion.
- 9.53 The working of the mineral deposit in the quarry would not be expected to generate dust due to the mineral being damp in its natural state. Sand and gravel from mineral workings does not tend to become airborne other than in conditions of exceptionally high wind.
- 9.54 With regards to air quality from vehicle exhaust emissions, the number of HGV movements (100 per day) to and from the site is considered relatively low compared to overall levels of traffic in the area.
- 9.55 An Air Quality Assessment (AQA) has been undertaken for this proposal as Hertfordshire County Council raised concern about the links between emissions of PM10, PM2.5 and human health. Following the submission of the AQA, with reference to pollutants, HCC Public Health advises that appropriately located monitoring for the lifetime of the site operations should be required. There would also need to be mitigation measures if these thresholds are exceeded.
- 9.56 The AQA report was considered, for the most part, to be thorough and clear in its methodology, however there were two key issues for concern. It does not recognise PM2.5 which can be linked to adverse human health. The EC Directive limit value for PM2.5 is 25µg/m³ as an annual mean average. From a health perspective it is considered that there is no safe level of PM2.5, although it is accepted that these particles are present in varying levels in the environment.
- 9.57 The screening exercise identified a range of human health sensitive receptors, including Bengeo Primary School and the subsequent assessment suggested that the impacts were not significant. It should be noted that there has been a very large volume of letters submitted to the County Council with concerns (amongst others) on this point.

- 9.58 It is still considered that a proper Health Impact Assessment should be undertaken and that the AQA should explicitly consider the issue of PM2.5 whether by way of revising the existing report or producing a further supplementary report. The conclusion on PM10 should be further examined to determine how robust it is.
- 9.59 HCC Public Health remains of the view that a Health Impact Assessment (HIA), properly undertaken, would be an important piece of work on a development of this size and scope. HIA is intended to look for all and any impacts including ways to improve opportunities for health and wellbeing as much as looking at negatives and risks. An HIA is broader than the scope of the submitted Environmental Statement, which is one of the reasons it is recommended, and could demonstrate a wider range of impacts, including a focus on any potential adverse impacts on vulnerable groups and health inequalities.
- 9.60 (For the avoidance of doubt, a HIA is not solely concerned with air quality and, when properly undertaken, has a depth and breadth in understanding the health impact of a given proposal that other assessments – including Environmental Impact Assessment – do not wholly encompass.)
- 9.61 While it is accepted the Applicant's revised work on air quality has been submitted in this application, a HIA, properly and robustly undertaken, has still not been conducted, and therefore HCC cannot be assured that all reasonable steps have been taken to consider, identify and minimise potential risks to human health. If a suitable HIA is produced, and the proposal considered acceptable, then conditions regarding submitting a Dust Management Plan and provision of suitable air quality monitoring, together with the establishment of a Community Liaison Group would be suggested in order to manage and mitigate any impacts on human health that may arise as a result of the development.
- 9.62 However, in the absence of a HIA, it is considered that the application should be refused as the proposal has not been demonstrated to not have a detrimental impact on air quality and would therefore be contrary to Policy 18 of the Minerals Local Plan and paragraph 109 of the NPPF.

Landscape

- 9.63 The strategic aim of the Minerals Local Plan is to ensure sensitive working, reclamation and aftercare practices so as to preserve or enhance the overall quality of the environment and promote biodiversity by protecting and enhancing the County's landscape quality and seeking landscape improvements from extraction and restoration.

- 9.64 Minerals Policy 12 requires all proposals for mineral extraction and related development to take account of existing and, where appropriate, historic landscape character and maintain its distinctiveness. Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features. Development proposals will be expected to respect landscape character both during operations and in proposals for reclamation; ensure that any distinctive landscape features are protected from the impact of development; and be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.
- 9.65 The County Landscape Officer has raised concerns with regards to the negative landscape and visual impacts that this proposal would create.
- 9.66 The previous planning application (reference: 3/0770-16) for the phased extraction of 1.75 million tonnes of sand and gravel from 4 working areas, over a period of up to 10 years, was refused at committee on 24th March and is currently subject to Appeal.
- 9.67 The reasons for refusal on the original planning application that relate to landscape and visual matters included the following: The location of the proposed working phase 4, plant and stockpile area were outside the 'Preferred Area' for mineral working and the proposed working of phase 4 (during operation and at restoration), and the site access, plant and stockpiling area (including the loss of hedgerow associated with the site access) would have had a significant negative landscape and visual impact on the area. In addition the screening bunds, plant and stockpile area would have caused visual harm, not to have preserved openness and was therefore considered to be inappropriate development within the Green Belt.
- 9.68 This current planning application has been submitted with a revised scheme for the phased extraction of 1.25 million tonnes of sand and gravel from within 3 working areas, over a period of up to 8 years. There are a number of changes between the schemes, as detailed earlier in the report. In particular the final restoration landform has been altered to include a reduction of the northern and western boundary slope from 1 in 7/8 to 1 in 4/5.
- 9.69 The appeal site lies within landscape character area '069 Stoney Hills' that is judged to be in a poor condition and of a moderate robustness, therefore the strategy and guidelines for managing change is to improve and restore landscape condition and strength of character, and ensure that *'the restoration of exhausted minerals sites is carried out... to ensure that they reflect and enhance local landscape character and distinctiveness.'*
- 9.70 Overall it is considered that the submitted LVIA fails to recognise the local topography, and the clear distinction between the character of the

elevated and/or flatter plateau landform that is consistent with RQPA2, and the character of the undulating sloping valley sides that lies outside RQPA2, and their differing abilities (or sensitivity) to accommodate the proposed development without causing harm to landscape character and/or visual amenity.

- 9.71 This view echoes the conclusions of the landscape sensitivity assessment contained within the analysis of the suitability of the Stoney Hills character area for minerals extraction, which informed the amendment of the RQPA2 boundary to exclude the area between the byway and Wadesmill Road. The report stated that *'The site profile suggests that mineral extraction might be possible, but that extreme care is taken to ensure no permanent damage to local landscape character occurs. It might be considered preferable to keep it within the centre of the plateau rather than on the edges, where it would be more visible and closer to settlements.'*
- 9.72 It is proposed to carry out phased minerals extraction and progressive restoration across three working phases within Rickneys Quarry preferred Area 2. The working phases would be located within the RQPA2 and are well contained by the existing highways and vegetation to the north and west, and by the existing byway to the east. It is considered that the adverse landscape and visual effects of extraction activity within these areas would be mitigated due to the containment of the works within the less sensitive elevated and/or flatter part of the plateau landform, and the screening effect of the local topography and established vegetation, in combination with the temporary screening bunds.
- 9.73 A 10m undisturbed margin along the northern and western boundary with woodland is proposed and 3 field trees within phase 1 would be retained. The intention to protect the existing trees and woodland is fully supported. However, tree protection measures and method statements are required in line with BS5837:2012 Trees in relation to design, demolition and construction – recommendations.
- 9.74 In relation to the overall significance of landscape and visual effects of the working phases, the duration and reversibility of the minerals extraction are key considerations. In terms of duration, each phase is anticipated to be worked for up to 32 months each, resulting in an overall operational period of up to 8 years that is considered medium term, however temporary due to low-level restoration back to agricultural use.
- 9.75 It is considered that the proposal to replace an existing informal agricultural field entrance and unsurfaced track with an enlarged site entrance, to include a wider bell mouth with associated turning circles and visibility splays, with a concrete surfaced access road up to 7.3m wide to accommodate the required HGV movements for the operation and restoration of the minerals development will have a significant impact on visual amenity. The proposed site entrance and access road

are located outside the RQPA2 across the more sensitive, open and undulating sloping valley sides.

- 9.76 There is fundamental concern for the proposal to create an enlarged site entrance and new access road in this sensitive location. The large scale and industrial appearance of the concrete surfacing and other hard engineered features would create a permanent scar within the landscape and detract from the rural landscape character and quality, and the amenity of views from users of the local public rights of way network, users of Wadesmill Road, and from across the wider valley landscape to the east.
- 9.77 There is also fundamental concern regarding the proposed removal of a substantial length of roadside vegetation to accommodate the enlarged entrance and visibility splays that would erode the rural setting of the highway.
- 9.78 On completion of the minerals extraction and the implementation of the restoration scheme, the proposal is to retain the access road on a permanent basis, including an approximately 30m stretch of concrete road surface. It has been suggested that some of the concrete could be covered with soil as restoration. However, this approach is not supported and does not provide sufficient mitigation to address the permanent adverse landscape and visual effects of the enlarged access and retained concrete road upon local landscape character and visual amenity.
- 9.79 It is therefore considered that the proposed development would have a significant adverse impact on landscape character of substantial significance, together with an adverse visual effect on the sensitive valley sides in the local area. The proposal would therefore be contrary to Mineral Local Plan Policies 12,13,18 and the NPPF as the distinctive landscape features would not be protected from the impact of development and its landscape character would not be respected.

Water and Flood Risk

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

condition has the potential to open up a pollutant pathway directly to the chalk aquifer.

- 9.82 Therefore, subject to requirement that certain hydrogeological works take place if permission is granted, then there is no objection from either Affinity Water or the Environment Agency. If the works required do not take place prior to commencement of development then it is considered that there would be a potential risk for contamination of a public water supply.
- 9.83 The Environment Agency concurs with the above view and recommends that conditions (requiring a long term groundwater monitoring programme), including a maintenance plan for the boreholes if permission is granted. Without the proposed conditions, the Environment Agency advises that the proposed development would pose an unacceptable risk to the environment and they would object.
- 9.84 A large number of representations have been received in relation to concerns about the water supply. Local people are so concerned about the *threat* to the water supply that they consider that is enough in itself to withhold planning permission as prevention of the possibility of contamination should be the solution not monitoring. Comments have been submitted suggesting that in order to fully assess the obvious risks to the water supply posed by the proposed quarrying there should be a sufficiently accurate survey of the geology of the field first to assess the risks. Hertfordshire County Council DCC raised concerns about the water supply situation at the meeting held in 2017. As a result an informative was added to the decision which stated, “ 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.”
- 9.85 However, the Mineral Planning Authority is obliged to take its advice from the statutory consultee, the Environment Agency and accept the expert advice given which is that if permission is granted, conditions should be applied. Although the concerns of the public and Members are acknowledged, given the firm advice from the Environment Agency there is no objection raised from a water supply point of view.
- 9.86 In terms of flooding, the Lead Local Flood Authority raises no objections and considers that the Flood Risk Assessment submitted with the application is acceptable and suggests a number of pre-commencement conditions on drainage details to be applied if planning permission is granted.

Ecology

- 9.87 Minerals Policy 9 requires proposals for mineral development to provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. The minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means such as by the attachment of conditions or planning obligations.
- 9.88 The NPPF (para109) states that ‘The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity..’
- 9.89 The NPPF also requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications, by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged
- 9.90 The Woodland Trust has raised concern about the proximity of the proposed mineral development, Phase 4 and part of Phase 3 being too close to St. John’s Wood. However the County Ecologist considers that an appropriate buffer could be achieved. This could be via a condition if permission were to be granted.
- 9.91 Hertfordshire County Council Ecology is of the opinion that the principle concerns originally raised have now been met and there is no objection to the proposal on ecology grounds.

Archaeology

- 9.92 An archaeological evaluation of the planning application site was undertaken in 2014-2015. This evaluation comprised a geophysical survey of the site and a programme of trial trenching. The reports from that work were submitted by the applicant in the Environmental Statement.
- 9.93 The archaeological investigations identified significant archaeology, particularly with the identification of an early-mid 1st century A.D. enclosure at the north-western end of the site and new evidence of Late

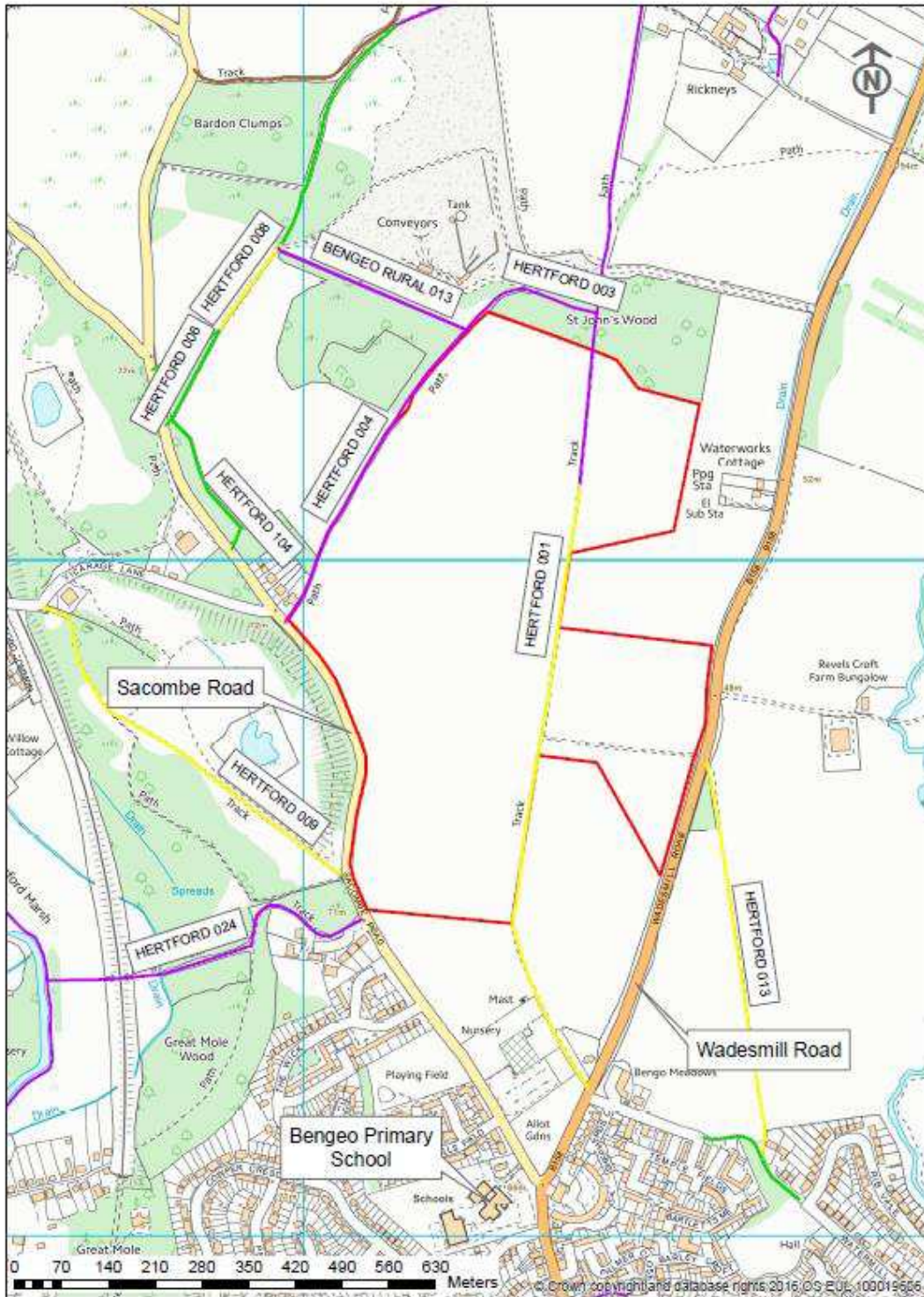
Mesolithic/early Neolithic activity. The finds from the former suggest high status occupation. The geophysical survey and trial trenching have therefore demonstrated that significant archaeological remains are present on site which would be likely to require a programme of open area excavation.

- 9.94 The proposed development is such therefore that it should be regarded as having an impact on below-ground heritage assets of archaeological interest which will require mitigation via a detailed programme of archaeological work. It is therefore recommended that if permission is granted that a substantial set of provisions are met, to include excavation and assessment of certain areas and analysis of results with potential future production of report. It is considered that these recommended provisions closely follow the thrust of recommendations in the NPPF. There is therefore no objection from an archaeological point of view, subject to the addition of three conditions if permission is granted.

Rights of Way

- 9.95 Another aim of the Minerals Local Plan is to ensure that the quality of the environment continues to maintain and enhance quality of life for local communities as well as contributing to the wider economic development in the County. It is therefore necessary to ensure that mineral extraction takes place in a planned and orderly fashion, whilst minimising any adverse environmental effects.
- 9.96 In that regard, Minerals Local Plan Policy 18 requires that all proposals for mineral development should ensure that public rights of way are not adversely affected or, where this is not possible, that good quality, safe and convenient temporary alternative provision is made and long term reinstatement or suitable replacement rights of way is secured. The use of rights of way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of rights of way users can be adequately protected. Proposals should enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access.
- 9.97 A restricted byway and public footpath crosses the centre of the planning application site known locally as “Bengeo Field”. This route forms the eastern edge of the main areas of proposed mineral working (phases 1-3). The route links the settlements of Bengeo and Chapmore End and is well used by local people both recreationally and for health walks and links into other adjacent areas that are also well used such as Sacombe Road and Waterford Heath. The byway is “restricted” which means that it is available for use by the general public in non-motorised vehicles, in addition to those categories of use covered by a bridleway. In addition there is another public footpath (FP Hertford3) which bounds the site to the north west.

- 9.98 Hertfordshire Rights of Way Service objects to the proposed development due to the adverse impact that would occur to local rights of way from a visual and loss of convenience point of view as well as perceived lack of safety. Reference is made to the Inspector's report on the Hertfordshire Minerals Local Plan Review which stated that the restricted byway and footpath 1 was such an important route that the land under it and the land to the east of it should not be included in any minerals development. This route is outside of the Preferred Area 2, although immediately adjacent to it and is still considered very important. The important use of the route is corroborated by the large number of representations that the County Council has received from local people.
- 9.99 If the mineral extraction were to go ahead, it is considered that those continuing to use the Restricted Byway no.1 would experience a reduction in enjoyment, especially as views across the valley would be restricted. This would likely lead to considerably less use than is the case currently, whether for recreation or health. The temporary alternative route would not be very convenient and therefore in respect of rights of way the proposal is considered to be contrary to Minerals Local Plan Policy18.
- 9.100 Although a new permissive footpath is proposed alongside the B158 road for the duration of the mineral extraction this path would be removed at the end of the mineral extraction. A permanent definitive route is proposed alongside the route of the quarry access road, but it is considered that this alone would not be sufficient to compensate for the public's disturbance of their enjoyment of the current definitive route. The proposal would be contrary to the Minerals Local Plan Policy 18 as it requires development proposals to enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access. It is considered that the proposal does therefore not go far enough to be acceptable from a rights of way point of view.



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Map showing Public Rights of Ways in the vicinity of the application site

10. Conclusion

- 10.1 The land to the south of the planning application site is shown in the East Herts District Plan (pre-submission version) as a possible housing site for 150 houses. The applicant considers that as the mineral abuts the residential development it should be extracted first. This is to avoid any unacceptable impacts on future residents and therefore the mineral in this site would need to be extracted independently of Rickneys Quarry, which is sited to the north. The application describes this as a reason for the proposal being developed, and to avoid sterilisation. It is considered that limited weight should be given to this issue as the Plan has not yet been adopted and the housing site may not come to fruition.
- 10.2 This application site (predominantly Rickneys Quarry Preferred Area 2) is referred to in the Hertfordshire Minerals Local Plan as “land adjoining Rickneys Quarry”. The plan states that the “working of this site would be considered as an extension to the existing Rickneys Quarry” and that the Preferred Area boundary excluded all land to the east of the main north-south rights of way. The footpaths are also excluded from the Preferred Area. (N.B this was a modification required by the Inspector following the inquiry). Minerals Policy 3 concludes that mineral working will only be permitted when the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps. This proposal does not fulfil the requirements as it includes an area of land outside of the Preferred Area, the access road, which had been specifically excluded as part of the Preferred Area. In addition, the site is not being proposed to be worked as an extension to Rickneys Quarry. The proposed mineral development would have an adverse impact on users of the local PRoW network, resulting in adverse visual effects from both adjacent mineral working and bunds provided to protect users from noise. The proposal is therefore contrary to policy 3 of the Minerals Local Plan.
- 10.3 The planning application site has been submitted with the same red line as was submitted previously, and although this proposal has been reduced in scale with the aim of mitigating the impacts that would have occurred if extraction and stockpile area had been proposed within the area of land outside of the Preferred Area. This application still maintains however, a substantially constructed concrete access road for HGVs outside of the Preferred Area. Any development in connection with a mineral extraction proposal on the sensitive land to the east of Byway no.1 would be contrary to the Inspector’s conclusions and the modifications which led to the Preferred Area being drawn up on the area of land shown in the Hertfordshire Minerals Local Plan.
- 10.4 Hertfordshire Rights of Way raises an objection to the application as the proposal is contrary to Minerals Policy 18 as not only would public rights

of way be visually adversely affected, but it has not been demonstrated that good quality, safe and convenient temporary alternative provision would be made for the duration of the development. It is considered that the proposal does not demonstrate that the public rights of way are not adversely affected and the proposal is therefore contrary to Policy 18 in the Minerals Local Plan.

- 10.5 It is considered that the proposed minerals development of the area within the proposed boundary including land to the east of Byway 1 for the access road, would also have a significant negative impact on the health and well-being of the local community as the proposed development with its impacts on local rights of way would adversely affect the current healthy living environment which is well used by the community from the adjacent urban area. Planning guidance in the NPPG and NPPF as a core planning principle states that where possible developments should include making physical activity easy to do and create places and spaces to meet to support community engagement. This proposal would not do that and would be detrimental to the current healthy environment used by many people.
- 10.6 The site is situated within the Metropolitan Green Belt. The NPPF states that mineral extraction can be appropriate development within the Green Belt providing it preserves openness. However, the vehicular entrance and access road proposed to be used by HGVs comprises an area that would be very visible from the B158, Byway 1 and wider views across the valley and would encroach into the countryside. The scheme also proposes bunds to screen the development from adjoining areas. Whilst these bunds may have a benefit if mineral working were to take place, they would affect openness and are visible from many public view points. Therefore openness would not be preserved. The proposal is therefore inappropriate development within the green belt and inappropriate development is by definition harmful to the green belt. Very special circumstances are required that clearly outweigh the harm to the green belt and any other harm before planning permission could be granted. The very special circumstances are the benefits of mineral extraction and the stated avoidance of sterilisation. The sterilisation as discussed within the report is not given great weight due to the early stage of the East Herts plan. The NPPF says that great weight should be given to the benefits of minerals extraction however this needs to be balanced against harm to the green belt and any other harm. The impact of the development of perimeter bunds would impact upon openness and should be given significant weight. The 'any other harm' includes impact upon landscape, transport, air quality/human health and rights of way. The harm to the green belt and any other harm are given more than great weight. Therefore planning permission should be refused as the very special circumstances do not clearly outweigh the harm to the green belt or any other harm. The proposal is therefore contrary to the NPPF, paragraph 87, 88 and 90 and policy GBC1 of the East Herts Local Plan.

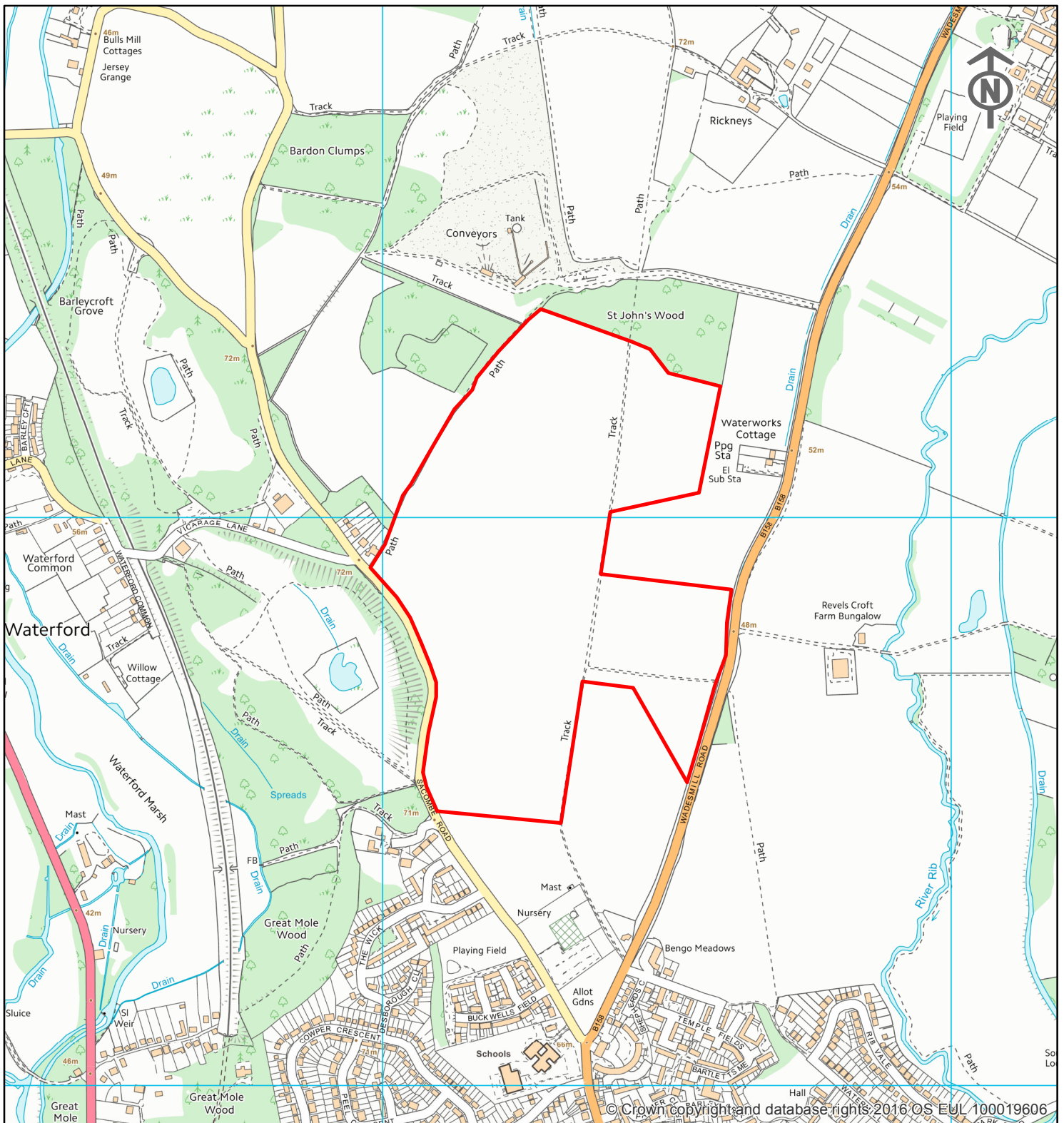
- 10.7 The proposal would have significant detrimental impact upon the landscape, in particular from the construction of the concrete access road. This would result in significant negative visual impacts. The hedgerow removal during operations and the retained access post restoration would have significant negative landscape and visual impacts. The proposal is therefore contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
- 10.8 Further details have been submitted in this planning application in relation to highways. Hertfordshire County Council as Highway Authority is now satisfied that there would be no significant adverse effect in relation to highway safety and recommends a number of conditions. Even though the proposed access would be considered acceptable from a technical point of view, it is considered that the introduction of a constructed access for HGVs in that location would be harmful to the openness of the Green Belt and landscape. The proposal would therefore be contrary to policy 16 of the Minerals Local Plan.
- 10.9 There have been many objections to both the previous and this planning application from the local community, many of whom are seriously concerned about impact on health as a result of the proposed quarrying taking place in close proximity to a school and residential area. Hertfordshire County Council Public Health Department has confirmed that although further information has been submitted by the applicant on air quality, it is not sufficient to alleviate concerns without the submission of a Health Impact Assessment. In the absence of such an assessment, it is considered that planning permission should be refused on air quality grounds. The proposal would be contrary to policy 18 of the Minerals Local Plan.
- 10.10 The proposal would contribute to the landbank, however the landbank is currently over the minimum required. The NPPF says that the landbank for sand and gravel should be at least 7 years, and this is met with the current landbank of 7.5 years. The policies of the Minerals Plan say that permission should only be forthcoming when the proposals contribute to maintaining the landbank. Whilst the proposal would help maintain the landbank they are not necessary currently to keep this above the minimum 7 years and this needs to be weighed against the impacts of the development.
- 10.11 The Noise Assessment undertaken on behalf of HCC has concluded that derived noise limits would likely be exceeded for a significant time period which it is considered could lead to an unacceptable noise situation which would be likely to occur for residents of the nearest noise sensitive premises.

- 10.12 The previous application for mineral extraction at Ware Park (3-0770-16) was refused planning permission in 2017. It is considered that this current application for a revised, smaller scheme does still not overcome the issues raised and therefore is still considered unacceptable. A copy of the committee report from March 2017 can be found at Appendix 2 and the Decision Notice at Appendix 3.
- 10.13 In conclusion, weighing up all of the issues, it is recommended that the **Assistant Director of Environment should refuse planning permission as considered above and for the reasons set out below;**
1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds and access road 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, noise, 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, in particular caused by the construction of the proposed site access together with 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/human health, and a Health Impact Assessment has not been submitted. 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. The proposal would impact the rights of way including the crossing of a PRow by the haul road. 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.
 5. The proposed development includes land proposed for the access road which is outside of the Preferred Area within the Minerals Local 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.

Documents referred to preparing this report

- The planning application documents and Environmental Statement;
- The Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007
- The East Herts Local Plan
- Hertfordshire Waste Core Strategy & Development Management Policies DPD 2011-2026 Adopted November 2012
- Hertfordshire Waste Site Allocations DPD 2011 2026 Adopted July 2014
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- Town and Country Planning (Development Management Procedure) (England) Order 2015



DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th April 2018

Application for the phased extraction of 1.25 million tonnes of sand and gravel, mobile dry screening plant, weighbridge, wheel cleaning facilities, ancillary site offices, construction of a new access onto Wadesmill Road with phased restoration to landscaped farmland at a lower level at Land at Ware Park, Wadesmill Road

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**Stop Bengo Quarry
Response to Planning Application for Extracting
Sand and Gravel from Land at Ware Park
(known as Bengo Field), Hertford
Ref PL\0870\17**



**Submitted by Stop Bengo Quarry
November 2017**

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INTRODUCTION

The Stop Bengo Quarry campaign strongly opposes the proposed quarry north of Hertford.

Campaigners believe that all the objections raised in the previous consultation remain. The threat to the landscape and wildlife remains. The health concerns related to gravel extraction remain. The impact of the quarry on the water supply and highways remains a concern. If the quarry were permitted, the character of this part of Hertford will be permanently damaged.

This document addresses some of the main issues and concerns in response to the quarry application, covering: traffic and road safety, landscape and amenity, ecology, dust and health, water contamination, archaeology, noise and the strategic need.

The strength of local feeling, expressed in response to the original application, has continued to increase since the original application in April 2016. The following provide evidence of the strength of the opposition to the quarry just outside Hertford:

- **1,093 members of the Stop Bengo Quarry Facebook group** campaign actively and exchange views, findings and updates. **2,462 followers of Save the Countryside – Stop Bengo Quarry Facebook page** follow up and share the campaign updates.
- We have a **Facebook presence of well over 3,000 followers**. Some of our campaign Facebook updates have been viewed 15,000 times.
- In October 2017 we had **2,323 campaign website page views** with average session duration of 2.38mins. **61.9%** of visitors to the website were new.
- The campaign is supported by **MP Mark Prisk**, as well as the local **Green Party** and **Labour Party**, and a number of local Residents Associations including **Molewood Residents Association, Lower Bengo Residents Association, Chapmore End Association, and Watermill Estate Residents' Association**.
- The Stop Bengo Quarry's HCC e-petition against the quarry proposal has just been approved and the figures of the supportive entries will be shared with HCC within the next few weeks.

Stop Bengo Quarry would also like comment on the overall way the new application is presented to the public. We consider the new application unsatisfactory because it is incomplete, which makes the reading of the documents confusing, if not incomprehensible. Some examples of this are:

1. The Transport statement – relies on the Transport statement prepared in the original application of February 2016.
2. The Landscape section - it is unclear whether to refer to the original LVIA of Liz Lake or the LVIA of the revised application and because the new post-quarry relief map shows a significantly different final landform neither documents are actually applicable.
3. The ecology section - relies on the original assessment from February 2016.

With a matter of such great interest to the community and of such great public concern this is neither satisfactory nor acceptable. At very least the developer should have resubmitted all the documents with the appropriate addendums attached so that it was clear which documents were being referred to in each section.

It is of very great concern to us that the documents are presented in this way and we believe that unless corrected invalidates the application – since the application is clearly incomplete.

Finally, the new draft Minerals Local Plan does not recommend the Bengo Field as a preferred area. We welcome this development and hope that this will be taken account of when judging this new application.

1. Landscape and amenity concerns

The land proposed for the quarry is a much loved and visited piece of Green Belt (known locally as Bengo Field), containing two extensively used public rights of way with beautiful views across the Rib Valley towards Ware Manor.

The land is of the Stony Hills landscape character and contains two wave form ridges with distinct central dry valley. The site lies on sloping land with relief sloping to the east towards the river Rib.

The Landscape Visual Impact Assessment from Liz Lake (1571 LVA Technical Addendum) takes the form of an addendum to application 3/0770-16. However, there are some significant landscape changes in the new proposal, including:

- a new attenuation area, close to the footpath, is planned
- the slopes are steeper than originally anticipated
- the deepest point of the quarry is below the level of the current path (this point is planned to form the attenuation area).

However, within the addendum to the LVIA, views from different locations are not re-considered – as they should be.

The central public footpath, recently declared an asset of community value, is heavily used throughout the year.

It is declared that the central footpath would be undisturbed apart from movements of lorries, yet quarrying working appears to go up to the very edge of the path. It is far from clear how the lorry movements would be safely handled given the current high usage of the path. There is no real explanation as to how bunding would be managed or users of the path protected from the daily workings in the quarry.

The addendum totally fails to explain the rationale behind the new proposed (post restoration) landscape.

Several of the points made in the rejection of the previous application have not been addressed. For example, the quarry is not an extension of Rickneys quarry, and considerable truck movements across currently open land would be required.

The developer has stated (both in the East Herts District Plan - Statement of Common Ground – Gowling WLG Trust Corporation Ltd, and indirectly in the Environmental Statement for the original application) that extraction of minerals is necessary so that the land is not sterilised prior to the development of housing as a part of HERT4 to the south of the field. It is, therefore, clear that the eventual landscape will not be that envisioned in the technical addendum or as shown in the drawings because the southern part of the site will contain new houses.

To our knowledge there has never been a landscape assessment which included house building on this precious and valued part of the green belt. This makes the entire landscape assessment flawed as clearly some of the views mentioned would be affected by the new housing. The future of the landscape and the rural amenity value of our countryside is very much the business of HCC, and therefore it is important to consider the complete plan for the land – not just the part covered by the immediate application to extract minerals.

D.K. Symes Associates, Environmental Statement says:

- 1.3 *These competing land uses are recognised at both Government and County level (Hertfordshire County Council (HCC) is the mineral planning authority) and policies are in place to avoid the needless sterilisation of known mineral reserves as the deposits are finite. Therefore, **there is a real risk that the need for further houses could result in the sterilisation of the identified mineral deposit, both directly by building over the minerals and indirectly by locating new residential development adjacent to an identified mineral area** resulting in increased environmental constraints.*
- 1.4 *In order to address this conflict discussions have taken place with EHDC who are the authority responsible for delivering the additional homes that are needed.*

Statement of Common Ground states:

- 4.1 *Plan 1389 A4 01 A is an indicative concept master plan prepared by Liz Lake Associates which demonstrates how the Pre-Submission HERT4 site can be comprehensively developed to provide up to 150 dwellings. **Prior to residential development on the Trust land, minerals would be extracted from the land immediately to the north, which is within the Minerals Preferred Area.***
- 6.5 *The specific requirement in terms of the development of the Trust part of HERT4 is the need to remove minerals under, and close to, the site. [...] This was proposed to*

*be followed by phased restoration which would ensure that the southern part of the minerals area is restored to its final landform by 2020. This would allow the new planting to be created to form the new Green Belt boundary, **so that dwellings can be occupied on the Trust land from this date.***

CPRE states:

*Although the East Herts District Plan has progressed to its next draft stage since that time, **there has been little change to the status of the proposal to build housing to the south of the site**, which has yet to be tested by an Inspector at a Public Examination, and which is strongly contested by many objectors.*

Impact on the landscape and amenity

The proposed quarry would have a devastating impact on the landscape. The proposed central attenuation area (pond) would be both unsightly and potentially dangerous for users of the path and children.

The revised landscape plan still anticipates significant changes to landscape and would be visually devastating – both during the period of operation and after. The attractive rolling landscape is irreplaceable – the proposed new landform would look unnatural and unsightly. According to the technical addendum steep slopes of 1:7 and 1:8 would be introduced to the north, south and east of the site.

The quarry as before still skirts St John's Wood with potential damage to amenity, to the hydrology of the woodland as well as the flora and wildlife.

The proposal fails to take into account views during the autumn and winter when trees are not in leaf and neglects many views from many of the local public rights of way that surround the site.

The land is of significant local amenity value and hundreds of people use the field weekly for walks and enjoyment of the countryside. Our landscape survey had 417 respondents 95% of whom thought the view was either special or very special. At a public meeting of 280 residents in June evidence was gathered that almost all of these present considered protection of local green spaces as of highest priority.

Our landscape survey clearly shows that hundreds of people use the field as an amenity, for health walks, and for enjoyment of the landscape and at least 30% travel up to 15 minutes to reach the field.

We believe that the new proposal does not address the concerns of the landscape officer with regards to amenity at all.

The developer has never assessed the public use of the land or attempted to work with the local community to preserve the amenity value.

Bengo Field is the only open agricultural land available on the edge of Bengo urban area, the landscape is enjoyed by hundreds of people weekly as a part of their health regime. This in part explains why the field is so loved and valued locally. The plan would also

deprive people of a much-loved amenity for at least 10 years while the quarry is in operation and probably for considerably longer.

For all these reasons the new proposal remains entirely unacceptable to the local community.

2. Ecology concerns

There is a note at the beginning of the applicant's document Updated Ecology Survey saying "The original Ecological Survey is provided electronically only." That survey appears not to be among the application documents. For the purposes of this response we have assumed that this is actually ES vol. 2 - Ecological Assessment Extended Phase 1 Nov 2015 - originally submitted with planning application 3/0770-16. If that assumption is incorrect we would respectfully ask for an electronic copy of the correct document together with a deadline extension so that we may study and respond to it.

The document Updated Ecology Survey seems to contain 2 documents:

- A copy of the document Further Ecology Information submitted as Further Information for PA 3/0770-16 and dated November 2016. We note that this document refers to other documents that were submitted as part of PA 3/0770-16, but which do not appear to have been "carried over" to the current application.
- A Wintering Bird Survey report dated March 2017.

In our response to the revised form of PA 3/0770-16 we discussed weaknesses in both the original Ecological Survey and the Nov 2016 Ecological Advice Response (referred to below as the EAR) which was intended to address the concerns raised by Hertfordshire Ecology in their comments (dated 17 June 2016) on the relevant sections of PA 3/0770-16. We reiterate those comments here, together with some updates to reflect the applicant's latest statements.

We strongly disagree with the positions taken in the EAR. There is still no attempt to actually survey or manage important wildlife such as badgers or brown hare, nor to identify how the site itself fits into the local pattern of land usage. The Planning Statement and Updated Environmental Statement now asserts, apparently without evidence, that the removal of Phase 4 from the proposed scheme means there would be no impact on the one identified sett in St John's Wood.

The dangers to St John's Wood itself, highlighted by the Woodland Trust and others in responses to the initial application, are simply brushed aside with little supporting evidence.

The suggested hedgerow planting may be desirable, but cannot be supported without concrete information on how the hedgerows will be managed in the longer term.

We note that throughout the original application and the EAR there is barely any detailed description of how the ecology will be managed during and after restoration. Such management is all deferred to an as-yet-unwritten Landscape and Nature Conservation Management Plan (LNCMP) which, if we understand correctly, the applicant will produce

after permission has been granted. It seems to us that such plans provide important information that is required when attempting to judge whether (for instance) hedgerow planting is desirable and that the application is therefore incomplete.

We would also observe that the history of gravel extraction in this area shows that operators often allow the lifetime of quarries to extend well beyond the time span initially envisaged. Many of the applicant's assertions regarding the ecological consequences of this proposal and their mitigation are meaningful only if the envisaged timescale is adhered to. It seems crucial, therefore, that the LNCMP should be agreed before permission can be granted and that realistic measures are put in place to enforce its implementation.

We do not believe that the EAR actually improves the wildlife situation at all and that the Ecology Officer's original objections to PA 3/0770-16 still stand. We, therefore, object to the proposed extraction on the grounds of unsatisfactory provision for wildlife management.

The site and the locality

Generally, in the UK the local landscape is made up of a mosaic of different land uses - woodland, arable, heath etc. This is what gives the countryside in the UK and our county of Hertfordshire its unique rural appearance. This mosaic is also of use to wildlife because species that live in woodland often forage on more open ground, and autumn ploughing and cultivation turns up insects and earthworms, consumed by local creatures etc.

In the North Bengo area there is extensive local woodland but relatively little open agricultural land in the area close to housing. So Bengo Field is not just useful as a resource in its own right but is also a corridor between areas of woodland and surrounding countryside. Any ecological comments must use this context to be fair and balanced.

In among many other open fields Bengo Field would not be a particularly unique ecological resource, but nested as it is alongside woodland to the north (St John's Wood) and housing to the south, it plays a key role in maintaining the balance between woodland, housing and open field. It provides a natural buffer zone.

The overwhelming impression from reading the EAR is that the "*phased, short-term nature of the proposals*" (e.g. page 2, first paragraph) means that disturbance to wildlife such as brown hare or skylarks can essentially be ignored. We strongly disagree:

- Extraction is planned to take place in phases, but there would be significant disturbance from noise and other activity on the site throughout the entire period of operation.
- Restoration of any part of the site to farmland would not realistically happen until the entire operation is complete. Indeed, it is probable that re-establishment of actual farming could take decades from that point. As HCC officers are no doubt aware, long-term storage of soil in bunds dramatically reduces its quality and fertility.
- We already have evidence that skylarks may not return. Long-term local residents are well aware that skylarks used to be present on the fields that became the Rickneys quarry site. They disappeared during active extraction and, even though much of that site was restored about 10 years ago, the skylarks have not returned.
- Depending on the "*phased, short-term nature of the proposals*" is simply not a plan for wildlife at all - saying that the species are migratory is a failure to take responsibility for them. As mentioned above the buffer function of the field between road, houses and woodland actually means that there would be no easy places for

species to go to. Generally, hare and badgers are shy and would not remain in areas used for quarrying without special care being taken and the active involvement of naturalists etc to monitor populations and take remedial action.

St John's Wood

The EAR states that there is no danger to St John's Wood, either from changes to the hydrology or from dust. They assert firstly that since the trees are well above the groundwater level the wood depends only on moisture retained from rainfall and, since quarrying would (presumably) not affect rainfall, the woodland is safe.

We would counter that:

- Digging an 8-metre-deep hole next to a raised area, is likely to change the retention of water in the soil under the raised area. Please note that St John's Wood already slopes (naturally) down on the northern and western sides, so this proposal almost isolates the wood on top of a low hill.
- Again, anecdotal evidence of what has happened at Rickneys quarry shows that trees in exactly this kind of situation do suffer from increased stress. That quarry skirts (and slopes away from) the southern and eastern boundaries of Bardon Clumps (a small wood) and a significant number of trees along those boundaries have died or died back in the last 10-20 years.

The EAR also uses the presence of soil moisture as a justification for saying that there would simply be no dust. We question whether this is really an ecologist's area of competency, but will respond simply by saying that, again, experience shows that quarrying in this area generates very significant dust. Any long-term resident of Sacombe Road, Chapmore End or Crouchfields will remember that when Rickneys was active, very significant amounts of dust were generated. It is impossible to say what damage has already been done to areas such as St John's Wood (or indeed to public health in general), but it is clear that further quarrying would generate more dust and would do more damage.

Hedgerows

From an amenity and landscape perspective, the beauty of this particular field is largely due to its open nature and rolling landscape. The proposed hedgerows, therefore, could be seen as an undesirable change. It can be argued that from an ecological perspective a hedgerow could enhance the field's ecological diversity by providing nesting cover for birds and homes for reptiles etc.

However, when discussing hedgerows we should recognise that we do not need a quarry in order to plant them - there are generous agricultural grants available for this. The case for planting hedgerows (or not) should come from the land itself and a judgement as to whether such a planting has agricultural and ecological benefits. If it does have such benefits then this planting can happen without a quarry.

A hedge takes up to 30 years to establish and during the first 10-15 years will require active management. As with all the other ecological topics, however, there is no detailed plan for such management presented - it is deferred to the LNCMP. We are, therefore, left in the position of trying to assess the merits of a proposal without knowing exactly what it is.

The absence of the LNCMP, or any similar information, forces us to conclude that the applicants may not be seriously committed to the long-term ecological management of the site and that there is not a sustainable plan for hedgerows or for hedgerow management. Since a failed hedgerow would add no ecological value and may simply become an eyesore, we contend that there is not a credible rationale for planting hedgerows.

3. Water supply concerns

In Bengo Field, sand and gravel lie on top of chalk. The chalk is the aquifer that supplies the local grid operated by Affinity Water. Hertford takes its water from this grid.

Six million litres of water are drawn each day from boreholes at the Wadesmill Road pumping station. Those boreholes lie within the field that is proposed to quarry. Fractures in the chalk mean that any pollution can reach those boreholes rapidly: a point recognised by all parties involved with this resubmitted proposal to quarry Bengo Field.

The threat to the water supply is enough in itself to rule out a quarry in this field. The applicant's own consultants, Hafren Water, have identified clearly the nature of the risks that would arise by quarrying in a field that contains key water-supply boreholes. Any pollution entering the aquifer would spread rapidly through fractures in the chalk. Pollution entering the main body of the chalk via these fractures would be slow to clear. Earlier **reports by hydrogeologist KJ Edworthy for McMullen & Sons (1992)**, and by **Lee Valley Water Company (1990)**, demonstrate the serious possibility of causing damage to the chalk aquifer by quarrying north of Hertford.

Permission to quarry cannot reasonably even be considered at this stage. We do not yet have a sufficiently accurate survey of the geology of the field to be able to assess adequately the risks to the water supply posed by the proposed quarrying. Granting permission for operations without obtaining and considering such a survey would be a failure of due process, and would leave the various parties who are responsible open to legal challenge in the event of any subsequent interference by quarrying operations with the water supply.

Assessment of the chance of successful prevention of pollution requires a detailed map of the buried chalk surface, and a survey of the size and orientation of fractures within the chalk aquifer itself. Such information has not been presented by the applicant. Yet the measures proposed by the applicant to protect the aquifer only work if the top-chalk surface is smooth. We do not know whether the surface of top-chalk is smooth in Bengo Field: the limited evidence we do have suggests that the surface is not smooth.

Hafren Water (for the applicant) interpolate sub-parallel contours between borehole determinations of depth from surface to top-chalk, thereby giving the appearance of a smooth surface at top-chalk. Evidence collected nearby during **geological research by Dr Bryan Lovell of the University of Cambridge** suggests that a detailed survey in Bengo Field will prove that the top-chalk surface is not as smooth as sketched by Hafren Water.

The Environment Agency (EA) stated on 20 September 2017 (e-mail from Simon Hawkins to Lovell) that uncertainty about the nature of the top-chalk surface is a "*valid concern*". The

EA says that coping with this valid concern is the role of Hertfordshire County Council rather than a matter for the EA. In any event, a survey of top-chalk is a prerequisite for adequate appraisal of risk of quarrying.

Dr George Tuckwell of RSK Hemel Hempstead, advises (email to Lovell of 6 July, 2017) that mapping the top of the chalk aquifer is feasible, but fractures within the chalk are harder to image in detail. The difficulty of mapping the fractures within the chalk is confirmed by **Dr Adrian Butler of Imperial College London, Chairman of the Hydrogeological Group of the Geological Society of London** (email to Lovell of 26 September 2017). Dr Butler suggests that this difficulty in mapping fractures means that it is best to take a “precautionary principle approach” in assessing the risks to water-supply wells.

The data required to make a rational decision about the safety or otherwise of quarrying in Bengo Field have not been presented by the applicant and are not otherwise available. In these circumstances no party involved can make a rational and hence defensible decision. On these grounds alone, the re-application to quarry should be refused.

It is probable that the geology of Bengo Field precludes safe extraction of sand and gravel from above the chalk aquifer. Fortunately, the relatively small quantities of sand and gravel it is proposed to quarry are not essential for the local or national community. What is essential is that we protect the chalk aquifer.

4. Air quality and health concerns

The National Planning Policy Framework states that planners must “*ensure in granting planning permission for mineral development there are **no unacceptable adverse impacts on... human health***” (our emphasis).

In its response to the developer’s original proposal to build this quarry within a few hundred metres of a primary school, Natural Health England said the developers must show there will be no “*additional emissions including dust or particulate matter which could adversely affect the local community*”.

Neither of these conditions is met by the new proposal from the developers, as shown by the air quality assessment they submit.

At first glance, the air quality report appears to give the development a clean bill of health and states the risks posed by fugitive dust emissions are negligible. This is misleading. The report and its conclusions are based on what the report authors claim are “*robust assumptions*”. It is for the Planning Officer and Committee to decide whether those assumptions are sufficient to make a decision of this scale and impact. We argue they are not, for the following reasons.

The air quality assessment concludes the risk to the health of children at the school (and local residents) is negligible based on guidance issued by the Institute of Air Quality Management (IAQM). This guidance, it should be noted, comes with an important caveat. It reads: “*The IAQM does not expect practitioners to follow the suggested approach in all*

circumstances. Other approaches may also be valid, provided they are based on sound scientific principles.”

As detailed in our original submission that expressed concern about the possible impact of the quarry on health, there are significant scientific studies that warn about the risks carried by exposure to particulate matter.

The approach taken in the submitted air quality assessment report to address this risk relies on estimates of mean annual exposure, and states that the (estimated) process contribution to the (estimated) background particulate matter level is unlikely to push the (estimated) total annual mean exposure over the statutory limit.

This, as the IAQM makes clear, is one approach. But, in our view, it is inadequate. We note that an earlier response from HCC also points out its severe limitations – not least that no baseline conditions are available. We agree with the HCC suggestion that, as a minimum, no permission can be granted for the development to proceed without this information.

A better approach, and one based on the sound scientific principles the IAQM recommends, is to consider the possible daily exposure to particulate matter for children at Bengeo Primary School. As the IAQM guidance points out, “*dust impacts will occur mainly **within 400m** of the operation*”. The **school is 350m** from the proposed site boundary. It is important to note that school pupils and staff will not be exposed to an annual average amount of harmful dust. The timing of the school day (8am-6pm, Monday to Friday) maps almost exactly onto the proposed quarry’s hours of operation. And when the weather is fine and dry, children are more likely to be outside during the precise conditions when more dust will be created.

For PM10 concentrations, the legal limit is 50 micrograms/cubic metre, which must not be exceeded over a 24 hour period more than 35 times a year. The IAQM guidance notes that this threshold could be exceeded for “*several days per year*” without having a significant impact on annual mean concentrations. The (estimated) annual mean figure used to dismiss the risk to health of the quarry, in other words, provides no guarantee that children at the school will not be exposed to greater than this daily limit on repeated occasions.

In fact, the developer’s own air quality assessment suggests that the wind will blow directly from the quarry site to the school 12.5% of the time. That is 46 days a year. Therefore there is a possibility that PM10 exposure levels at the school will be illegally high. And, of course, there is robust, peer-reviewed, research published in recent years that the risk to health could be significant at much lower levels.

What is the risk to the children? Could the development be in breach of the law? Could children at Bengeo School be exposed to illegal levels of pollution and therefore place the school (and HCC) in breach? We do not know. You do not know. Most importantly, the developers do not know – they have not provided a single real measurement of dust released from their proposed site. Given the uncertainty, and the risk to the health of vulnerable children, the proposal cannot be permitted to proceed without this information.

At the very least, the committee must make clear to the developers – as the HCC’s own health officials suggest – that no operations will be allowed until stringent and reliable PM10 monitoring equipment is installed at the school, and run for long enough to get reliable

baseline data. And there must also be strict conditions imposed on the response when the pollution levels are too high.

5. Traffic and road safety

We have serious concerns about the unacceptable impacts that the proposed quarry would have in highway and movement terms. The applicant's analysis in the documents submitted in support of the planning application has not allayed residents' well-founded fears and is demonstrably inadequate to allow County Councillors on the County Council's Development Control Committee to fully assess its impact.

Our primary areas of concern are:

- Information submitted with this application does not adequately describe the highway and movement impacts of the proposed scheme. It makes no reference to the concerns set out in our formal responses sent to HCC on 2nd May 2016 and in February 2017. Nor does it respond to concerns expressed by many other local residents and their representatives. It simply answers questions raised by HCC Highways' in their first formal response submitted on 10th May 2016. Worryingly the report ignores the highway authority's second response made in December 2016.
- The Response to HCC's Highways Comments seems largely aimed at making the case that the scheme would not have a significant impact on congestion and safety on the wider surrounding road network in the long term. It takes no account of peaks in traffic associated with the site nor the operation of the site entrance at those busiest times. In policy terms all the attention has been focused on the final bullet point of paragraph 32 in the NPPF (in which permission should not be withheld unless residual impacts are severe) but paid insufficient attention to the point before that which requires that "*safe and suitable access to the site can be achieved for all people*".
- Our primary concern is in the area of road safety. We continue to question the ability of the B158 to cope with the predicted daily average of 80 additional extra heavy lorries. Under the amended scheme the overall quantity of gravel to be dug from the pit would be reduced by about a third. While this might result in reduced landscape damage it would do nothing for traffic congestion or road safety since the rate of extraction would be unchanged.

We continue to have major concerns about the unacceptable safety hazard that would be created by the construction of the new site access junction. This is an area where none of our earlier points have been addressed. Just because it "*accords to relevant design guidance*" does not mean that it could operate safely or without an unacceptable effect on congestion, especially at peak hours.

Information supplied

Highways impacts are described in detail in the 170-page document called Response to HCC's Highways Comments and in a more general way in the 21-page Updated Non-Technical Summary and the 78-page Planning Statement & Updated Environment Statement. All three documents refer to the Transport Statement (wrongly called Transport Assessment in the Summary) submitted with the earlier (March 2016) application. A copy of this key document has not been submitted with the new application. Analysis of the application by third parties, particularly these new to the scheme, is hampered by this

omission.

The detailed highway and transport document Response to HCC's Highways Comments is dated 14/11/2016. That was 4 months before the earlier application was determined. The document was in fact submitted as part of a late amendment to the earlier application in which the size of the proposed gravel pit was reduced. It seems odd, therefore, that this document is labelled Updated Response to HCC Highways Comments on the HCC website when nothing about it is new. At the very least the report should have been updated to make reference to the last formal consultation response by HCC Highways (dated 30/12/2016) in which their Mr Sehmi recommended that permission be refused because of the unsafe location and layout of the proposed site access. This remains a significant concern for the community as well as for the highway authority.

Highway aspects of the proposed development

The highway and movement aspects of the proposed quarry were described in the original (February 2016) Transport Statement (TS). Additional information was provided in section 4.5 Traffic of the original (March 2016) Environmental Statement (ES). Further information is provided in the subsequent Response to HCC's Highways Comments (14th November 2016).

According to para 3.2 in the TS the gravel pit would operate between 7am and 6pm on weekdays and 7am and 1pm on Saturdays. This is then qualified (in para 3.3) to state that the quarry would only operate in daylight and therefore that during "*the winter period*" it would close at 4:30 pm. HGV traffic generated by the site is described as "*80 per day on average*" in the Updated Non-Technical Summary.

The site would be accessed by vehicle from a new access junction in a dip in the B158 Wadesmill Road opposite the footpath from Watermill Lane, Bengo. This would be designed in accordance with the appropriate highway standards.

Traffic volume

The coverage of highway and movement aspects of the proposed quarry in the original Transport Statement is woefully short of information and analysis relating specifically to the quarrying industry. Residents know only too well how busy the B158 is, particularly in the morning rush hour. In both morning and evening peaks the A602 between the B158 junction and the A10 is congested in both directions. The presence of additional gravel lorries, made worse if Rickneys were to reopen before its December 2017 deadline, would only compound this problem as well as worsening air quality in the area.

The TS appears to have been based on a template for a more standard development, not for one involving the extraction and transport of minerals by road. A more intense examination would hopefully have given more information about lorry movements than the rather vague (and suspiciously round) figure of 50 vehicles a day with more detail on likely movements during the busiest morning peak hour.

We note that the A602 features in figure 2.45.2 of the County Council's Traffic and Transport Data Report for 2017 as one of Hertfordshire's most heavily trafficked roads. The degree of seriousness with which HCC regards the problem of congestion on the A602 is highlighted by the fact that it has begun to build an online improvement scheme to improve the route's capacity. That is an indication of how busy it is and how poorly it would cope with any more

HGVs. And yet the impact of the gravel lorries heading south to the site and then away to the north once loaded has not been assessed with any degree of rigour in the TS. Nor has traffic growth and development pressure on roads in the area over the 8-year duration of the proposed scheme been considered at all

The suspicion that HGV traffic generated by the quarry is likely to be greater in the morning than the evening peak hour is strengthened by the figures from the more detailed Transport Assessment for Rickneys quoted in table 5.2 of the TS. This predicts 29 trips in the morning compared with 10 in the evening. In other words, the neighbouring pit would generate nearly three times as much traffic in the morning rush as it would in the evening. We contend that a similar ratio should be applied to the Ware Park pit proposal and that if it were followed through TS paragraph 5.12 might be predicting that development traffic in the morning peak would be near if not over the critical 5% threshold usually applied when assessing the severity of the impact of additional traffic.

We also question that implicit assumption that development traffic patterns would be the same all year round. Given that there is acknowledgement that winter operations would be over a shorter day than in the summer, we would have expected this to be reflected into the trip generation and traffic modelling. No such subtlety of thinking has troubled this crude assessment.

Paragraphs 18-44 in new report are headed Traffic Impact. They state (in para 19) that *“there would be approximately six vehicles an hour or 12 two-way trips generated by the development proposal”* with no more substantiation and still no recognition of the likely higher numbers in the morning rush hour. It is recognised (in paragraph 21) that the total additional HGV traffic likely to be generated by this pit and the reopening of Rickneys would represent 4.2% of all traffic. Bearing in mind that these would be 8-wheeled tipper lorries and that we believe the numbers associated with the Ware Park proposal to be significantly underestimated, it is our contention that this would be a significant proportion of morning rush hour traffic and one on which the highway authority should have identified as leading to a severe negative impact on the free and safe flow of traffic on the B158.

The highway authority only chose to draw this conclusion about the roundabout at the junction of the B158 with Anchor Lane and the A602. In order to assess this the applicant's transport consultant had traffic counts taken on 19th October 2016. We would point out that private schools in the area were on half term holiday so the data so derived are not entirely representative. The description of the modelling done to predict future flows is not easy to follow since there is confusion as to whether the future or base year is 2015, 2017 or 2021.

The predicted flows were then 'plugged' into a computer model using TRL Arcady software. It is not clear but presumably the geometry used to set up the model was of the existing layout. We note that predicted RFC (Ratio of Flow to Capacity) values are unacceptably high on the Anchor Lane approach in the morning peak and on the Wadesmill Road approach in the evening. We would ask that the highway authority presses this point with the applicant and discusses it in its report to the DC committee.

Given that HCC now has planning permission to improve the A602, including making physical changes to this roundabout, we would regard this as committed development and would request that the future geometry as well as the resultant predicted increased traffic

flows on the A602 are also tested to fully understand the impact of the proposed development.

The furthest into the future that predictions about traffic patterns in the area have been made appears to be 2017. Given the 8-year lifespan of the proposed gravel pit and the planned levels of housing and other growth in the area we would ask that the highway authority and/or Development Control committee members demand that the situation later on in the life of the development is assessed.

We are disappointed that these points have not been picked up by the County Council's highway development management engineers and ask that this matter is put directly to them and their view made known in writing to the Development Control committee.

Traffic safety

In our view the B158 is not safe enough to cope with an average of an extra 80 HGV movements a day. TS para 3.11 records that 85th percentile speeds on the B158 were 59.6mph in the northbound direction and 60.8 heading south. These are so near the speed limit that they imply that a significant number of vehicles being driven along this stretch of road at well in excess of the safe speed. The collision record for the road is discussed in TS paragraphs 2.6 to 2.13. This backs up the feeling of Crouchfields residents that this is an unsafe stretch of road. The map of collision locations given in TA Appendix A shows that the 13 collisions that have led to injury have all taken place in the 1.3km stretch between the Rickneys junction and the A602 roundabout – the stretch that would be used by the gravel lorries from this pit and from the Rickneys extension which has a pending permission awaiting completion of its S106 agreement.

The figure of 80 lorry movements day is a crudely estimated average derived from the calculation given in paragraph 4.5.2 in the Planning Statement and Updated Environmental Statement. Were the DC committee minded to grant this should be assessed with HCC experts and a maximum set by planning condition so that it could be monitored and enforced.

Additional collision data is provided in the 'new' transport report in response to a request from the highway authority. It relates to the A602 between the B158/ Anchor Lane and A10 roundabouts. No map is given (as it was in the original TS) to show where the individual at events took place. We are disappointed that this has not been picked up by the County Council's highway development management engineers and ask that this matter is put directly to them and their view made known in writing to the Development Control Committee.

In our view the B158 is not safe enough to cope with the proposed new junction. Further study of the collision map shows that the collisions which have led to casualties and one death in the last 5 years are all clustered around the junctions. It would seem negligent, therefore, to introduce a new junction, let alone one in a dip in the road with curving horizontal alignment to the north.

Furthermore, there is a 7.5 T lorry ban in place to the right (south) on exit from the existing Rickneys site access road. This valuable safety and environmental protection would be compromised by the opening of a new heavy lorry access further south. No mention is

made as to the need to alter this to allow the proposed Ware Park pit to operate and then how the applicant would monitor and enforce this vital movement restriction.

This choice of location of the road access point is especially hard to understand given that the HCC specification for Preferred Area 2 in its Minerals Local Plan requires that the whole area is accessed via the existing Rickneys pit access road. Given that this road could itself be used again by gravel lorries at some point in the future it would appear reckless of the DC committee to permit a new collision cluster to be created. As well as being in a dip in the road the right turn lane for the new site access junction would be nearly opposite the access to Revels Croft Farm. We understand that the HCC Highways development management engineer has recently recommended refusal of permission because of this inter-relationship and ask that the Development Management officer team and Development Control committee take heed of this advice.

We note that the traffic information submitted by the applicant in December included a Stage 1 Safety Audit of the site access carried out for the applicant by GM traffic Consultants. It is included in Appendix I of the latest submission on traffic. Disappointingly the only issue it highlighted was the risk of overtaking collision associated with the introduction of a new access at this point. Whilst we recognise this point and welcome it being identified we are concerned that this was all that was spotted and, in particular, that no comment was made about the potential for conflict with traffic entering/leaving Revels Croft Farm. For that reason, we call into question the quality of the audit and would like to know whether HCC Highways will be signing it off by completing Appendix C - Local Highway Authority Response of the audit report.

Given these safety concerns we were surprised to see no mention in any of the material on traffic aspects of the development to a possible speed limit reduction on the B158.

Site management

Our concern is that drivers keen to win loads for their clients/ employers would arrive at or before 7am (or whatever the opening time is at that time of year) and have nowhere safe to wait. This aspect is a serious deficiency of the application. Rather than provide useful information about how the developer would manage the arrival of trucks prior to and immediately after site opening, the TS describes cycle routes and bus services in the vicinity. No reference is made to how they will be managed on a day-to-day basis other than the presence of a banksman at the main gate in paragraph 49.

We are pleased to note that "*all vehicle movements will be routed north along Wadesmill Road*" (para 35) as this would remove the negative impact of development traffic on Bengo Street. However, we are highly sceptical as to how this could be enforced, particularly in the case of staff and deliveries, and would ask that committee members seek to understand this on the behalf of residents.

Internal site operational issues are covered unconvincingly in paragraph 56 of the new report with the throwaway comment "*The applicant will ensure that the internal layout will be designed to ensure that there is no impact on the adopted public highway and it will be designed to ensure that there are no operational issues*". The applicant's transport consultant then sought to suggest that it was no business of HCC Highways how the site is managed yet has done nothing to address the questions and concerns of the Stop Bengo Quarry campaign and others on this critical aspect. We trust that officers and

elected members representing HCC as Planning Authority will take a keen interest in this area and seek answers to all our concerns.

Mud on road surface

An inevitable feature of all minerals extraction operations is mud on roads leading to/from the site entrance. The quality of the submission made in support of this application and the size of the site set-up proposed do not convince us that this significant environmental and safety hazard would be managed effectively. Committee members need not travel too far from Hertford to see examples of sites where this is an ongoing problem. Sites that spring to mind are those along the Lower Hatfield Road towards Essendon and Cole Green Lane on the way into Welwyn Garden City.

Damage to road surface and resultant safety hazard

It is our contention that in the longer term, with all these heavy lorries turning in and out of the site access, the road surface of the B158 would become dangerously rutted for cyclists and motorcyclists travelling along it. Highway degradation is addressed in paragraphs 67 and 68 of latest report.

However, there is no mention of cyclists other than (in paragraph 66) the derisory "*The proposed use will not generate a significant number of transport movements, including cyclists*". This demonstrates their lack of attention to concerns of local residents and of knowledge of the number of cyclists who use the B158 Wadesmill Road at weekends.

Rights of way

The other safety hazard that would be created were this scheme to be implemented involves conflicts between heavy plant and users of the Rights of Way around the site. These are addressed in the original application documents with glib words about appropriate fencing and signage. Given that this is an application for full, not outline permission, this is unacceptable.

Footpath HERTFORD 013 links the northern end of Watermill Lane with the eastern verge of the B158 opposite where the new site entrance would be built. Anyone emerging from the path and wanting to continue west would have to cross into the new site entrance and its steady flow of incoming and exiting heavy lorries. The road at that point would have been widened to create a right turn lane so pedestrians would be crossing 3 lanes with no safe designated crossing point. If the scheme were to proceed the design of the junction should be subject to a full safety audit and serious consideration would need to be given to providing a signal-controlled crossing point. This is not addressed in the new report.

One of the defining features of the site is the Right of Way that runs north-south through it. This starts at the B158 by Glenholm as Restricted Byway HERTFORD 001 and then turns into Footpath HERTFORD 001 as it rises uphill for the last 200m to St John's Wood. It has recently been given the status of Asset of Community Value. Comparison with the work phase areas shown on application drawing 12176/CO/1 shows that Byway 001 would cross the site haul road along which all heavy plant would pass throughout the 15-20 life span of the pit. This interaction would be created, of course, an unauthorised alteration to the description of Preferred Area 2 as envisaged by HCC. No evidence is given as to how this can be made to operate safely for that length of time or how site security and therefore public safety would be maintained during operating hours. This point is addressed weakly in new report paragraph 63.

Following the rather token public consultation exercise carried out by the applicant's planning consultant in November 2015 the scheme was amended to include a new 'permissive' path from Byway 001 at Glenholm, along the eastern edge of the site as far as the Rickneys Farm access for the duration of the project. While this may be of benefit to pedestrians we question the safety of crossing the site entrance which would be approximately 10m wide at that point and used by a steady stream of lorries entering and leaving the site. We note the complete absence of information in the application as to how this would be achieved and maintained.

In the additional information supplied the applicant's transport consultant suggests that it is no business of HCC Highways how the site is managed yet has done nothing to address the questions and concerns of the Stop Bengeo Quarry campaign and others on this critical aspect. We trust that officers in the HCC Rights of Way team and elected members representing HCC as Planning Authority will take a keen interest in this area and seek answers to all our concerns.

Other observation

In paragraph 1.1.1 of the Road Safety Audit report provided in appendix H of the Response to HCC's Highways Comments the auditor describes the proposed development as "*an extension of the existing quarry off Wadesmill Road*". This, of course, is what the HCC Minerals Plan envisaged and is a significant policy objection to the scheme which will be covered in more detail elsewhere.

6. Noise concerns

The decision notice for the previous planning application for this site (3/0770-16) noted 6 grounds for refusing permission. The sixth of these concerned noise:

"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."

We are therefore very surprised that:

- There does not appear to be an updated Noise Assessment in the submitted documents (the new document entitled Noise Report appears to be identical to ES vol 2 - Noise Assessment from 3/0770-16 and has the same date - Dec 2013). We note also that the document predates the current version of Minerals Planning Guidance which was published in Oct 2014.
- There is no substantive change to section 6.8 "Noise" of the document Planning Statement and Updated Environmental Assessment vis-a-vis section 6.8 of the original Volume 1 Environmental Statement from 3/0770-16, other than a note that the removal of Phase 4 will reduce noise impacts at Waterworks Cottage.

We submit that this alone should be a sufficient reason to refuse the current application, but we would also make the following specific observations.

The Orchard

In section 6.8 “Noise” of the Planning Statement and Updated Environmental Assessment, the applicants state that excess noise levels will be experienced at The Orchard. The applicants then speculate that the noise level “*breach*” should only last for “*around 3 months*” and they dismiss this issue on the basis that predicted noise levels are within accepted criteria for the rest of the time.

We note a new feature on the Operations Plan - Phase 1 consisting of a 100m standoff between BUND 1 and residences on The Orchard. This seems to have been added in response to dust mitigation recommendations in section 5.1.3 of Updated Air Quality. We are concerned that the applicants may speculate that this standoff will also improve noise mitigation. However, the applicants cannot demonstrate that any such incidental noise mitigation is sufficient without an updated noise assessment.

Sacombe Road

One of the major changes between (3/0770-16) and the current application is the removal of the stockpile area and the transfer of all the operations in that area (other than the stockpile itself) to a Load Out Area located within Phase 2. The centre of the original stockpile area would have been approximately 550m from the properties on Sacombe Road, whereas the centre of the load out area would be less than 300m. Without expert guidance it is impossible to know whether this change in proximity will lead to significantly higher noise levels being experienced by the Sacombe Road properties. However, the applicants’ noise assessment already predicts that those properties are expected to experience average noise levels very close to the maxima given in the NPPF guidance - we therefore submit that *any* extra noise could easily lead to a “*breach*”, as at The Orchard, and that an updated noise assessment is therefore an absolute requirement.

Restricted Public Byway Hert 1

Local residents have made it abundantly clear that this byway has very high amenity value to much of the Bengo community and EHDC recently recognised the byway as a Community Asset. This author frequently uses it and other footpaths around the application site and can state that, apart from some background noise from the B158 and the occasional aeroplane, it is normally very tranquil with birdsong (often skylarks) being the only other obvious sound.

The noise assessment presented with the application makes no attempt to estimate the noise levels that would be experienced by users of the byway and in the absence of an expert assessment we can only speculate how severely the amenity value of the byway would be impacted. We note, however, that whereas nearby dwellings will be most severely affected when extraction is occurring at its closest point, the byway runs along the length of the site and, therefore, for much of the life of the quarry anyone walking the byway would experience:

- significant noise along its entire length
- relatively high noise levels wherever the path is close to the active extraction zone.

The failure to address the impact of noise on the amenity value of this Community Asset again underscores the fact that the applicants have still not satisfactorily addressed a key environmental concern that was a reason for rejecting 3/0770-16.

7. Archaeological considerations

The archaeology of the site

The archaeological desk-based assessment undertaken in July 2014 on behalf of Ware Park Estate Trustees ('Ware Park') and RJD Limited ('RJD') by Archaeological Solution Limited ('AS') describes the site at Ware Park ('the site') as "*an area of considerable archaeological potential*". Several considerable multi-phase features dating from the late Bronze Age to the Roman period are identified on the site, including:

- cropmarks indicative of a late Bronze Age rectilinear enclosure, situated to the south-west of St John's Wood ('the wood') and towards the site's north-western boundary (Historic Environment Record ('HER') 7609)
- cropmark indicative of a sub-circular enclosure of the same period, situated to the south of the wood, in the central northern section of the site and to the west of the public footpath (HER 7610)
- cropmark of a double square enclosure in the site's central eastern section, opposite the drive to Ware Park Farm, which is thought to be a Roman temple (HER 7996).

The concentration and high potential of these particular features led to the northern section of the site being accorded 'alert area' status on the HER. Records of multiple medieval finds at the site – two shield shaped mounts dating to the late 13th or early 14th centuries (HER 21527 and 21921) and a purse bar dating to the mid - 15th to mid - 16th centuries – as well as the presence of further undated cropmarks of rectilinear enclosures (HER 18424) are cited as further evidence of the archaeological richness of the site in the assessment.

In July and August 2015, AS conducted a trial trench evaluation of the archaeological features identified in the aforementioned assessment. This confirmed the presence and dating of the features, turning up significant quantities of Bronze Age and Roman 1st century pottery.

The evaluation also uncovered a level of late Iron Age activity which was completely unexpected from previous knowledge and records of the site. The evaluation report states that this activity is "*of higher than average status*" due to the presence of imported continental pottery which was unearthed in the course of the trial trenching. It further states that "*this particularly interesting pottery assemblage might contribute to regional artefact studies; a research subject identified as being of particular importance for the eastern region (of the UK).*"¹ The report goes on to suggest that the nature of the pottery assemblage might be indicative of funerary activity and that further investigation of the site could be of significant importance in coming to understand the transitional period from the Iron Age to the Roman period, an area in which there has been increasing academic interest in recent decades.²

In summary the considerable archaeological potential of the site, in terms of both physical features and material culture uncovered so far, is clearly established in both the desk-based and trial trench assessments commissioned by the applicants, the latter of which goes even further in suggesting that further investigation of the site might be of significant benefit to the academic community.

¹ 'Land North of Hertford, Hertfordshire: An Archaeological Trial Trench Evaluation' (2015), Archaeological Solutions Ltd, pg 49

² Archaeological Solutions (2015), pg 50 and pg 63

The proposed development

In its current state, the archaeology of the site is well preserved, despite past and present agricultural cultivation, and would merit further investigation, as set out in the reports discussed above.³ If the proposed development were to go ahead the physical archaeological features would inevitably be destroyed and the material culture, including the “*interesting pottery assemblage*” identified during the trial trenching, would be displaced from its context. In the former case, the nature of the mineral extraction process means that it would be impossible to preserve the archaeological features currently identified on the site, in particular the Bronze Age features in HER “*alert area*”, which located in phases 3 and 4 of RJD’s development plan.⁴

In the latter case, while the artefacts themselves - or at least as many as could be excavated before the commencement of the development - would be saved, the destruction of the context in which they were found would significantly reduce their value for academic study which, in the modern age, is increasingly focused on complex stratigraphical assessment and rigorous scientific testing of the surrounding physical context.⁵

In accordance with current planning policy and precedent, Ware Park and RJD would be obligated to conduct an excavation of the site before commencing extraction, as a condition of planning permission being granted. RJD’s proposal for any pre-extraction excavation of the site has not yet been made known. However, evidence from previous development linked excavations has shown that such archaeological projects - conducted under extreme time and financial pressures - invariably yield poor results which do not in any way compensate for the permanent loss of the archaeological features themselves.

Furthermore, the size of the roughly 40-hectare site would inevitably lead to a selective excavation process which would be incapable of properly uncovering, assessing and recording its full archaeological record. Given the considerable potential of the site, in particular the unusual Iron Age pottery assemblages, the loss of a chance to conduct a proper excavation in line with acknowledged best archaeological practice would be a significant for both the local and the academic community.

The best option

The archaeology of the site represents a finite, non-renewable resource for the community, both local and academic, and should be preserved as important evidence of the history of human settlement and cultural development in the area. This position is clearly reflected in the government’s stated objective that “...*the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations*”.⁶

The current presumption among archaeologists is that sites such as this should be left undisturbed in order to conserve them for excavation by future generations, whose techniques and technology will enable them to learn more from the historic environment than we could in the modern age. This approach means that even sites of considerable potential

³ ‘Land North of Hertford, Hertfordshire: An Archaeological Trial Trench Evaluation’ (2014), Archaeological Solutions Ltd, pg 16

⁴ Archaeological Solutions (2014), pg 5 and pg 17

⁵ For an example of the use of such methods, see pg 62, Archaeological Solutions (2015)

⁶ ‘Planning Policy Statement 5: Planning for the Historic Environment’ (2010), pg 5

in terms of advancing our understanding of the past may well be left 'dormant' in the coming years.

However, the fact that passive conservation rather than active excavation is the current order of the day should not be used as a basis for disregarding the importance of this site. Both its archaeological potential and the presumption that conservation of such sites is the best option to allow for their full future exploitation should be taken into consideration by the Council as significant operative factors in the making the decision whether or not to allow the applicants to proceed with the proposed development. The best option for the local community of Hertford and the national academic community, both now and in the future, is to refuse permission, thereby preserving the archaeology of the site for the benefit of both and ensuring its long-term future in the years to come.⁷

8. Planning need

Minerals Policy 2 of the MLP requires the County Council when determining planning applications to take into account a number of factors including the existing quantity of permitted reserves of the relevant material.

The National Policy Planning Framework requires minerals planning authorities to maintain a minimum 7-year landbank of permitted reserves.

The 2016 Local Aggregates Assessment states that based on the county's East of England Aggregates Working Party apportionment of 1.39 million tons, the county had a 9.5-year landbank of permitted reserves. In addition, Brett Aggregates' proposed new quarry on the Hatfield Aerodrome site (application 5/0394) has been granted permission, adding approximately 8 million tons to the landbank.

While it is acknowledged that the fact that the landbank is above the minimum level would not in itself justify the County Council in refusing planning permission, it is necessary for the applicant to demonstrate that there is a need for minerals to be extracted from this site that outweighs the negative impacts of development.

The applicant's arguments and SBQ's grounds for objection

The applicant's case in relation to need can be summarised as follows:

- **Local supply** - Having acknowledged that the current permitted reserves are well in excess of the minimum, the applicant goes on to suggest that there is a need for a spatial division of supply. The inference is that other sites are too distant to supply 'Ware/Hertford East', but no evidence is offered in support of this contention. It is noted that the existing quarries at Panshanger and Tyttenhanger and the permitted site at Hatfield are within a radius of 11 miles of Ware.
- **Possible development of HERT4** - The applicant argues that the granting of permission is necessary to prevent sterilisation of minerals in the event that housing is built on the area to the south of the site identified as HERT4 in the EHDC draft Minerals Local Plan.

⁷ 'Planning Policy Statement 5' (2010), pg 13

Obviously, this argument is based on a presumption that the Local Plan when adopted will approve the development of HERT4 and that development will proceed. Assuming that is the case, however, it still does not follow that a significant quantity of materials will be sterilised.

Firstly, it is noted that HERT4 is *adjacent* to the area of the application. There is no overlap so reserves will not be built upon. The applicant may be referring to minerals actually beneath HERT4 which could, theoretically, be extracted prior to housing development. We would argue that nothing in the current proposals in any way enables the recovery of such mineral deposits and, moreover, since no details are supplied regarding the scale or feasibility of such extraction the question of whether or not significant quantities of mineral might be involved is entirely hypothetical.

Secondly, any extraction carried out post development could be conducted in a manner that keeps the impact on HERT4 residents within acceptable limits. If the applicant's position is that this would be impossible, the applicant is in effect admitting that its application cannot be carried out without unacceptable impact on current residents.

Finally, it is noted that the applicant states at paragraph 3.1.8 that currently active reserves are operated by two companies. The alleged significance of this observation is not explained and it is denied that this is a material consideration, but it will clearly no longer be the case once Brett Aggregates' Hatfield Aerodrome quarry becomes operational.

9. Emerging Minerals Local Plan

Under the current MLP, 'Preferred Area 2' is made up of land around Rickneys including Bengo Field. The current MLP site selection process involves a 'sieve' of potential sites for quarries.

Hanson (who operated Rickneys and who controlled a lot of the land to the north of the plant) did not put any of their land in the current Preferred Area 2 forward. This may be because they have decided that it would not be economically viable for them to reopen their plant. As a result, the officers preparing the draft plan recommended that the land to the north of Rickneys should no longer be a Preferred Area because there could be no confidence that it would be dug.

Bengo Field is owned by a trust on behalf of Ware Park; Hanson does not have any connection with it. The field's owners did put it forward as a potential site, but it was removed from the draft plan – partly because the County Council rejected the recent planning application and partly because Rickneys is inactive and the MLP has always considered that Preferred Area 2 should be worked via Rickneys.

The emerging Minerals Local Plan's recommendations were agreed at Hertfordshire County Council's Employment, Planning and Transport Panel on the 7th September and by the HCC Cabinet on 1st November 2017.

Although the draft plan is still at an early stage, the facts which informed the choice of options are very relevant to the current application. It is clear from the HCC Cabinet Report dated 25 September 2017 that the application was excluded because the land at Ware Park was regarded as having potential for high impacts against six Sieve 3 assessment criteria: ancient woodland, groundwater vulnerability, recreation, sensitive land uses, sustainable transport and transport related pollution. To be more detail, the land at Ware Park:

- falls within a water Source Protection Zone 1 and scored high for Groundwater Vulnerability (para 7.6 of the report)
- performed badly on the criterion for sustainable transport and pollution to the environment - dust, air, water (para 9.7).

The concerns on groundwater, on sustainable transport and pollution, should therefore be considered valid current concerns of the Council. Also it can no longer be assumed that the reserves north of Bengo are bound to be worked at some time.



Appendix 1 - Results of landscape survey

Please find below responses to question 10 ("Please make any other comments with regards to the view and landscape of Bengo Field") grouped into analytical themes.

Further analysis of responses to the Bengo Field Landscape Survey has been shared with HCC Spatial Planning .

1. Views and landscape

- It is a beautiful view & a feeling of countryside so near to Hertford Town.
- Our heritage. AONB for Hertford. Iconic view painted, photographed, recognised, loved.
- It is a fantastic view whatever season. A lovely unspoilt open space.
- The landscape is very beautiful and peaceful place to go to on the weekends
- It's beautiful, unique and essential to the health of local people.
- It's always different. Sometimes very green, sometimes dusty but always beautiful
- It's a beautiful space enjoyed by many throughout the year. It would be a terrible shame to lose it to a destructive process such as a quarry.
- The view is perfect as it is - a quarry would ruin not only the landscape but it would alter our community forever.

- We do not need a gravel pit in Bengo spoiling what is a beautiful unspoilt landscape
- It's a lovely area open to all, wouldn't really want anything built there
- The view of the field is very distinctive. The lone oak is as much an indicator that you are entering Hertford as is the road sign on the B158, and it has been there much longer. I also value the view from the field. As I walk or run across it the view constantly evolves.
- The population (and housing) in Hertford and Bengo has grown significantly over the years and we desperately need to keep the beautiful Bengo Fields as a green space for public use.
- beautiful land that me and my family love to go to our happy place
- My children attended a school in Bengo for many years, for all those years I drove past these fields every day, sometimes up to 4 times a day! The view and the sense of openness to the countryside is unexplainable, it draws you in, makes you happy. So close to the town yet so much freedom to enjoy the country too. I have hundreds (almost!) of friends who live in very close proximity to this field in and around Bengo, I feel very strongly about helping them to protect it. It would be a terrible disaster to each and every one of them if they were to lose this beautiful field to a dirty, noisy, polluting gravel pit. I want to fight for them to protect their health, their homes and their future lives in Bengo- the place they chose to live, put down roots all those years ago and to bring up their families.
- In my opinion a view and landscape such as this should be preserved for all those in the surrounding area. Quarrying of the site would be detrimental to the environment, have adverse health implications and severely reduce leisure opportunities. A view such as this is calming, and forms part of a traditional landscape, supporting a diversity of wildlife and plant life which should be preserved.
- It never ceases to take my breath away. It is stunning whatever the season. It would be utter madness to destroy this little gem, especially as so much other surrounding countryside is under threat from new house building on a massive scale.
- Bengo Field is a local example of the type of superb view and irreplaceable ancient landscape that make Britain great.
- I grew up with this as my landscape. Whenever I return with my family to visit my parents we always walk across the field from Bengo to Chapmore End. I cannot imagine this not being something that happens for generations to come.
- It is a beautiful, quiet place right on my doorstep. I can go for a walk there and completely destress. The views are outstanding and it is so peaceful in comparison to other public space. I would miss it greatly if it was to disappear.
- Please don't allow anyone be destroy this beautiful countryside.
- Bengo Field is a beautiful landscape and it would be completely upsetting if we lost the open space for any type of building etc.
We sincerely hope we win this battle and keep our beautiful scenery & fields!!!!
- Beautiful in all seasons.
- It would be a travesty to dig up such a beautiful landscape.
- The proposed gravel quarry would result in a tragic and irreversible loss to the distinctive natural environment of the area.
- It is a very beautiful and special area full of nature and birds. Very well used by the members of the public of all ages and not just by the local Bengo population but by all of Hertford. To dig this special place up would cause chaos in the nature of the area and cause great environmental damage not only for us but for future generations, which if this goes through future generations will not forgive us for.
- I often walk my dog across and around Bengo Field. I always admire the vista at different times of the year as it offers so many different views depending on the climate. It is a beautiful field with varied wildlife and has much to offer to all ages.
- This is a great place to go with my family. I think the views are unparalleled in Hertfordshire, you can just drink in the views across to Three Lakes.
- Bengo field is very beautiful and lovely to explore with our children on a sunny day. We would definitely miss this if it was destroyed.
- It is beautiful landscape that is used by many people for recreational purposes and must not be lost.
- We chose to move to Bengo because we could have the best of both worlds; a short walk into town but far enough out to get away from the hustle and bustle and secondly to be

near the vast stretch of countryside offered along the B158. The views from the top of the field are breath taking and each season offering a different view. I've spent many hours running around and up this field and would hate to be forced to take a less scenic route i.e Sacombe Road which with its sharp bends is pretty unsafe as a pedestrian.

- This view is amazing i hope these views are never compromised. The Fields and views are iconic to Bengo. i honestly think that Bengo would be a completely different place without these.
- It really is a beautiful site and a nice space that is usable. I would like to see spaces like this on the edge of communities be preserved where possible otherwise it changes the landscape and quality of life for those that choose to live near them.
- Don't turn this land into a quarry. It is beautiful, has been left in its natural state for generations, and is too close to houses and especially Bengo Primary School. The area is heavily used by local residents and people from the other side of town for family recreation, exercise and dog walking. Also, the infrastructure is not set up to cope with the amount of traffic which a quarry will generate. Further traffic causes further problems of pollution, wear and tear on the roads, and danger to pedestrians.
- It is a breathtaking view which must be retained for future generations. It is rare to have an interesting landscape of open expanse being so close to a County town. It is an area that should be treasured.
- In a part of the country which tends to be fairly flat the undulating landscape of the field rising up above the Rib Valley and giving commanding views into the distance is worth protecting. It also provides the type of entrance an Historic County Town such as Hertford deserves.
- It's a wonderful piece of landscape that helps define the attraction of living in and around Hertford as a whole. The more industrial and commercial the surrounding areas become the less value Hertford holds to those, like myself, seeking an attractive area to live.
- It has a peacefulness about it that I particularly value even though so many people use it
- The views of the surrounding fields from our home in Crouchfields are simply stunning and we would be utterly heartbroken to have these views ruined by the proposed quarry or future housing developments.
- Bengo Field has the most distinctive views for miles around. A beauty to behold and keep forever!
- I've always longed to live in Bengo because of the beauty of the countryside. 4 years ago I got my wish and I've never been happier! When I leave my home I have the beautiful view over Ware Park; as I drive to and from work in WGC (via Sacombe Road) to visit family (via Wadesmill Road) it always lifts my spirits. It would be criminal madness to destroy all this.
- It's such a beautiful place, very peaceful and serene and such a gorgeous landscape
- This landscape is unique and much loved and visited by people. It should not be taken away!

2. Loss of amenity

- It would be a great loss to local amenities to lose this field for 20-30 years with no guarantee of the restoration to a nice landscape. Many skylarks use this field.
- It would be devastating to the local community if we lost this beautiful place
- Please stop the quarry and keep this natural resource for Bengo and Hertford. Quality of life for all residents will be reduced for everyone if this is not stopped
- Please save our field.
- Please save our field and the country side
- The beauty and history of Hertford is being destroyed by development. Taking away Hertford's green space will impact local people in terms of their lifestyles and leisure activities and amenities that is so important to family life. Surely a county town should have green space to be proud of and enjoy?! Instead they want to turn it into an ugly looking quarry, totally absurd to destroy this beautiful landscape that brings and has brought pleasure to Hertford residents and visitors.
- It would be disastrous to lose this lovely amenity.
- We as a family use the field to walk our dogs, to cycle across & as a nice walk. Taking this field away will not only be detrimental to the local community but to the health of

the locals, the school children who would be exposed to the ill effects more than most. The quarry will also have a negative effect on house prices & have a massive impact on the road network.

If there are going to be any protests against the quarry at Hertfordshire County council's County Hall then I will be there to show my support & voice my opinion in opposition to the quarry.

- It would be a very sad thing to rip away such beauty and fill it with noise pollution and all that comes with a quarry
- It would be a shame for us to lose this bit of countryside
- There are fewer and fewer spaces like this left for families to walk safely and children to enjoy what countryside should look like.
- An irreplaceable tract of countryside - they don't make land any more.

3. Love the field

- I just love the field and couldn't do without it. Love to walk there in the peace and quiet of such lovely views.
- My family have enjoyed this area with the dog for many years. The field is beautiful, listening and watching the skylarks on both sides of the path on a warm summers day is magical
- It is the BEST thing about Bengo, I walk there every day if I can and love it! If this was taken away I'd consider moving.
- The Bengo Field view is just amazing. There are always people and animals walking there. Please let us enjoy this place - there are no comparable alternatives to it!
- I love the way it changes with seasons, yet hasn't changed for centuries.
- Love walking with grandchildren and their dog across Bengo Field. My grandsons also attend Bengo school
- Grew up in Bengo, always loved walking across the field dog walking when I was younger and now my 2 children enjoying the fields and woods there when walking their grandparents dog. It's a lovely field in a lovely area and that should not change. It is enjoyed by so many for so many different reasons, young and old.
- Don't ruin it it's a lovely place to go.
- I was born and bred in Bengo and would like it to remain as it is. It's a lovely walk to the river and all the wildlife there is beautiful.
- Bengo Field provides me with invaluable opportunities to admire its aesthetics and biodiversity as well as numerous recreational activities to enjoy with my children.
- We love using Bengo field. The kids love walking out. It's a regular thing for us as a family!
- We love walking here with the children and there are always interesting birds to be seen.
- It's such a lovely walk to Chapmore End from Bengo.

4. Edge of countryside

- I have live in Bengo of over 22 years and what has always made it special is its 'on the edge of the beautiful countryside position. This quarry proposal would destroy that and turn it into an industrial landscape with all the noise and pollution that goes with it.
- I live in Bengo Mews and one of the things I love about living there is the beautiful countryside on my door step which I do not want to see ruined.
- there is a surprising lack of country walks near Bengo - particularly those that can be accessed without first getting in a car. To be able to get straight out to open fields and walk over to Chapmore end is a special part of the local ambience. We have an 18 month old daughter and see this as an important part of introducing her to a healthy life and the great outdoors.
- It can be hard to find a route out of Hertford that isn't scarred by quarries/landfill. And the field links lots of other footpaths together.
- I have lived in Bengo for many years in my life so far until recently. I still drive into Bengo every day to take my children to Bengo School and use the B158. It's nice to see all the fields around, especially in the Summer. It looks lovely.

- I feel very lucky to live where I do as I am on the edge of a lovely town but also on the edge of beautiful countryside. I hope that my son will be able to enjoy the countryside as I do in his childhood and beyond.
- It defines the boundary from town to country. Crucial to the whole setting on the area north of Hertford.
- It is one of the greatest things about living in Bengo that you have this oasis of countryside on your doorstep in my case literally a 3 minute stroll away. To not only lose this but for it to be replaced with what is essentially a strip mine is beyond belief and I am always amazed that it is even being debated let alone considered
- The view from our house would be completely spoilt. I love looking across the fields
- We can appreciate the view from the top floor of our house, we would be very disappointed to look out onto a gravel pit!

5. Land must be preserved

- The land must be preserved for my children and grandchildren, the noise and air pollution would affect all the children at Bengo school
- I think this beautiful place should be preserved and should never be turned into anything e.g. Housing estates, quarry etc
- My kids love it!! Even my 6 year old said it would be a shame to destroy it. I want them to be able to enjoy it for years to come!
- In an area already blighted by previous gravel extraction and land fill sites it is one of the few open green spaces left to be used and experienced in this locale. It is used and needs to be preserved.
- This unique landscape must be preserved at all costs: it is one of the most significant features of Hertfordshire and to destroy it would be vandalism. It is an ancient site that enables people to reconnect with the natural environment and to appreciate a stunning and irreplaceable landscape.

6. Footpath from Crouchfields

- The path through the field is the safest route to Bengo from where we live (Crouchfields). It is a lovely field but if they create a quarry there it would be important for us that a path was created along the busy B road so that we can get to Hertford.
- The field is my only access to chapmore end. Please save our field
- We have lived here for 50 years & have always enjoyed walking our dogs there all the way to Chapmore End. lovely as you have not got to use your car to enjoy the countryside & pollute the environment.

7. Quarry close to residential

- I find it unbelievable that this is even being considered by a council that we pay for. I have never seen a quarry so near to a residential area (nor have they from speaking to planning) and for an area of Hertford that attracts people to Hertford due to its natural beauty. The fact this has progressed so far considering all of the factors is dubious.
- Still can't believe they are seriously planning to do this. Hate the thought of my girls growing up and being educated next to a massive quarry.
- I live at waterworks cottage so would be surrounded by the quarry both effecting y quality of life and my house price.
- I am shocked and appalled at the never-ending attempts to industrialise our countryside, as a prior resident of Crouchfields, the prospect of losing the beautiful view that I still visit and drive through is heart-breaking.
- There are enough quarries around Hertford and it's vicinities so another one is NOT necessary and mainly welcome.
- To think a quarry can go ahead so close to so many homes and right next to a school is beyond believe.
- My children go to Bengo school and to think what damages they will have latter on in life is unbelievable!!

- To think my 2 & 4 year old will be exposed to this on daily basis is heartbreaking!

8. Environmental and custodians

- We are custodians of this land for future generations. Together with the fact that the quarrying would be harmful to the environment and particularly to people living in the area and a school, it seems beyond belief that it is seriously being considered as an industrial site. Profits are not just financial - this whole area and its people profit from this land.
- we have responsibility to save our nature for us and the future generation.
- Bengo Field is beautiful. We need countryside for the next generations
- This was featured in the original Doomsday book. There is an old tree near Bengo Hall that featured in the Doomsday book. There may be trees etc on Bengo fields that feature.
- It is not necessary to destroy such beauty, so close to human habitation, simply for the sake of sand and gravel, which is readily available from many other sources in far less intrusive locations.
- This ancient landscape has been walked by generations for hundreds of years along a path in a natural line that runs not just to Chapmore End but Tonwell. To destroy the cultural heritage for short term gain reduces, our quality of life, and our sense of place our health and wellbeing.
- It's a place my children love to play and hopefully my grandchildren get to enjoy it just as much
- I was born and raised in Bengo and attended Bengo Primary School. I now live on Bengo Street, with family on Westfield Road. This is my home and my environment and the field has been part of that for around 30 years. I hope it will be for the next 30.
- Please let's preserve this beautiful space for our enjoyment now & for the future.
- When I was younger I walked to collect chestnuts from the woods (St Johns) it's a beautiful walk in the summer and I want my kids then their kids to be able to do the same
- The loss of this landscape would represent a terrible loss for people who live in the area and for future generations who live in this area.
- My husband has enjoyed this countryside for 45 years, I have enjoyed it for 20. Our wish is for our children to be able to enjoy it safely too as they grow up.
- These fields are fresh air natural for all the family and friends to enjoy to keep fit for my grandchildren to understand how nature live so close to us educational is very important to us I'm a nanny who loves teaching my children and grandchildren about different landscape and what a beautiful world we live in

9. Not in category

- Absolutely disgraceful if they ruin this part of land
- The proposal to ruin this beautiful field by churning it up for a quarry when there is a housing estate and school close by beggar's belief.
- Please keep up the hard work and let people know how they can best support the campaign
- It's my homeplace where I live and have grown up and my idea of the perfect place to live that I want to keep this way and feel strongly against changes to the fields tall oak and other beautiful things in my area just leave it alone i really don't want the dust and pollution and ruin it will cause so near to my home and feel strongly against destroying it!!
- I am truly stunned that this planning application is actually being considered. Bengo is a beautiful leafy area & a great place to bring children up. Why on earth would anyone want to allow dirty great big lorries to ferry up & down a beautiful country lane all day past a school. It's a disgrace!
- Its already been spoilt once, please let's not have this happen again and so close to the school...
- Leave it how it is
- Life is not all about money, just leave the place alone
- Please stop the quarry

- No!! Bengo so lovely walks in the country for children!! Please don't spoil it for the children!!
Such a lovely countryside

10. Health

- It is absolutely beautiful area and would really be a shame if it were to be destroyed. It frustrates me how the government say we are the fattest nation in the world and invite us to take part in physical activity, yet they want to take away more of our beautiful country side and make there less chances to start increase physical fitness/ overall health.
- I live pretty much next to it in Temple Fields, big part of my childhood and to this day still a big part for going on walks and runs.
- So peaceful when walking.
- A sense of well-being when walking.
- It gives me and my children space to breathe and just be.
- We would like to save this beautiful field and our health.

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

EAST HERTS DISTRICT

Agenda Item

No.

1

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

Report of the Chief Executive & Director of Environment

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

Local Member: Andrew Stevenson
Adjoining Member: Ken Crofton

1. Purpose of report

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

2. Summary

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

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

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

3. Recommendation

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

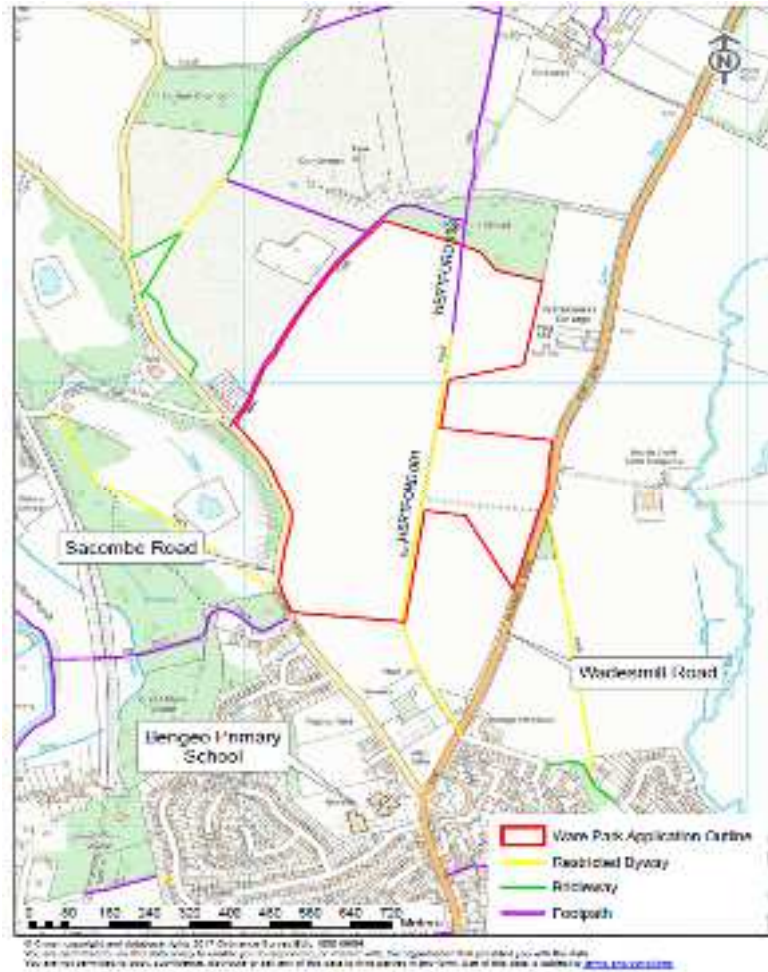
1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds, stockpiling area and plant including associated activity would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances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

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

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

4. Site and surroundings

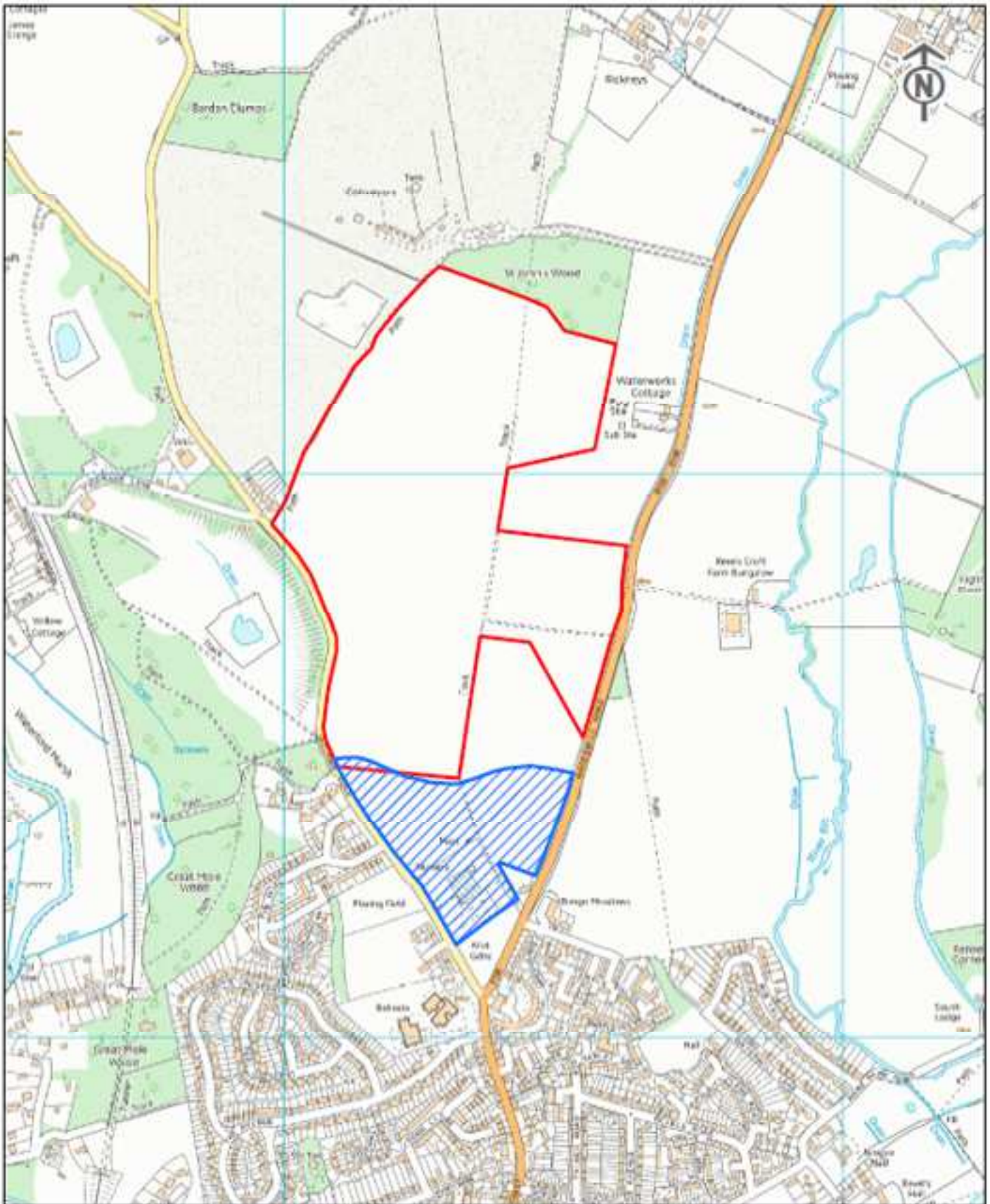
- 4.1 The application site comprises open rural land located to the west of Wadesmill Road and to the east of Sacombe Road, to the north of the built up area of Hertford. The site is currently used for arable farming and consists of open fields with a Restricted Byway and public footpath running through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



5. Proposed development

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

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



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



6. Development plan and planning policies

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

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

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

6.4 The Development Plan for the area comprises –

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

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

Hertfordshire Minerals Local Plan Review 2002-2016 adopted November 2007

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

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

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

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

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

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

The National Planning Policy Framework 2012

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

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

National Planning Policy Guidance

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

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

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

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

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

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

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

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

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

7. Consultation

7.1 The response from East Herts District Council comments –

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

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

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

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

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

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

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

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

7.5 Public Health England

- A considerable body of evidence exists linking airborne particles (particulates) with a range of adverse health effects. Epidemiological studies have demonstrated associations between effects on health and particles from a wide range of sources. It is accepted that particulate air pollution increases the risk of acute and chronic respiratory disease as well as cardiovascular disease. Different groups of individuals are affected by air pollution in different ways, with more vulnerable populations such as children, the elderly or those with pre-existing conditions more likely to suffer the adverse effects from exposure to air pollution. It is acknowledged that those with pre-existing respiratory conditions such as cystic fibrosis or asthma are considered a sensitive population if exposed to airborne pollutants such as particulate matter.
- The Committee on the Medical Effects of Air Pollution (COMEAP) has produced a statement on the effects of air pollution on children's health, which notes that exposure to air pollution is associated with deleterious effects on the development of the lung after birth and this leads to attainment of a lower level of adult lung function as measured using standard lung function tests.
- It is clear that air pollution, from a range of sources (and not solely the proposed quarry) is a potential threat to the health of the concerned family and wider community.
- In terms of the proposed quarry, this will be subject to scrutiny to ensure that it does not create significant additional air pollution. The local planning authority will be required to consider the potential impact of the quarry development on the local community. The National Planning Policy Framework highlights a number of considerations for local planning authorities when determining planning applications, such as:
 - ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; and
 - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- The developer of the proposed quarry will also be required to satisfy the local planning authority, relevant regulators and the community that the operation of the quarry will not result in additional emissions including dust or particulate matter which could adversely affect the local community. The operator dependent on the size and location of the development will be expected to carry out a dust assessment study, as detailed in the planning guidance.

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

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

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

Further advice from the Environment Agency received 6.3.17

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

Condition

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

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

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

7.7 Lead Local Flood Authority raises no objections and comments:

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

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

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

7.8 Hertfordshire Ecology makes the following points;

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

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

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

7.9 Herts & Middlesex Wildlife Trust comments as follows:

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

implemented with sufficient information to enable the decision-makers to monitor the net effects of development on biodiversity;

- The Trust supports the analysis of Hertfordshire Ecology that the principles of BS 42020 have not yet been fulfilled, and that more information is required to demonstrate that the development is compliant with the aims of NPPF.

7.10 The County Landscape Officer comments

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

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

Preferred Area 2

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

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

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

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

Minerals Policy 12 (Landscape) states -

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

Development proposals will be expected to:

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

The Hertfordshire Landscape Strategy - East Herts District Landscape Character Assessment

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

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

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

Landscape Character

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

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

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

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

Summary

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

Phase 1 – 3

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

Phase 4

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

Site access/facilities/stockpile area

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

Conclusion

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

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

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

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

7.12 The County Archaeologist confirms that

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

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

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

which will require mitigation via a detailed programme of archaeological work

I recommend provisions be made for:

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

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

7.13 HCC Public Health

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

Conclusions

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

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

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

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

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

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

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

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

7.16 Affinity Water

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

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

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

8. Third Party comments

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

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

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

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

Consultation Responses

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

Comments from members of the public & interest groups

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

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

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

8.7 Molewood Residents Association objects on the following grounds:

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

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

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

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

Cumulative effect of simultaneous and/or successive working

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

Traffic impact

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

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

Air pollution

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

Natural environment

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

Cultural environment

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

Conclusion

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

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

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

8.8 Watermill Estate Resident's Association

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

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

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

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

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

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

8.9 Bengeo Primary School

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

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

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

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

9. **Planning Issues**

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

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

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

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

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

Landbank

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

Preferred Areas

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

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

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

Need for mineral working

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

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

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

2.Green Belt

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

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

3. Transport/Traffic

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

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

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

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

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

4. Noise and amenity

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

5. Air Quality

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

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

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

6.Landscape

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

Restoration and Afteruse

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

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

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

7. Water and Flood Risk

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

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

Flooding

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

8. Ecology

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

- 9.72 The NPPF also requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications, by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged
- 9.73 The Woodland Trust has raised concern about the proximity of the proposed mineral development, Phase 4 and part of Phase 3 being too close to St. John's Wood. However the County Ecologist considers that an appropriate buffer could be achieved. This could be via a condition if permission were to be granted.
- 9.74 Hertfordshire County Council Ecology did originally raise concerns. However after consideration of the further information submitted is of the opinion that the principle concerns have now been met.

9. Archaeology

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

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

10. Rights of Way

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

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

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

10. Conclusion

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

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

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

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

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

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

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

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

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

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

Documents referred to preparing this report

The planning application documents and Environmental Statement;

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

The East Herts Local Plan

Hertfordshire Waste Core Strategy & Development Management Policies DP

2011-2026 Adopted November 2012

Hertfordshire Waste Site Allocations DPD 2011 2026 Adopted July 2014

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

The Hertfordshire Green Infrastructure Plan 2011.



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

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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.

Dated: 24 day of March 2017 Signed:

TEAM LEADER, DEVELOPMENT MANAGEMENT

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: 
TEAM LEADER, DEVELOPMENT MANAGEMENT