

**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:

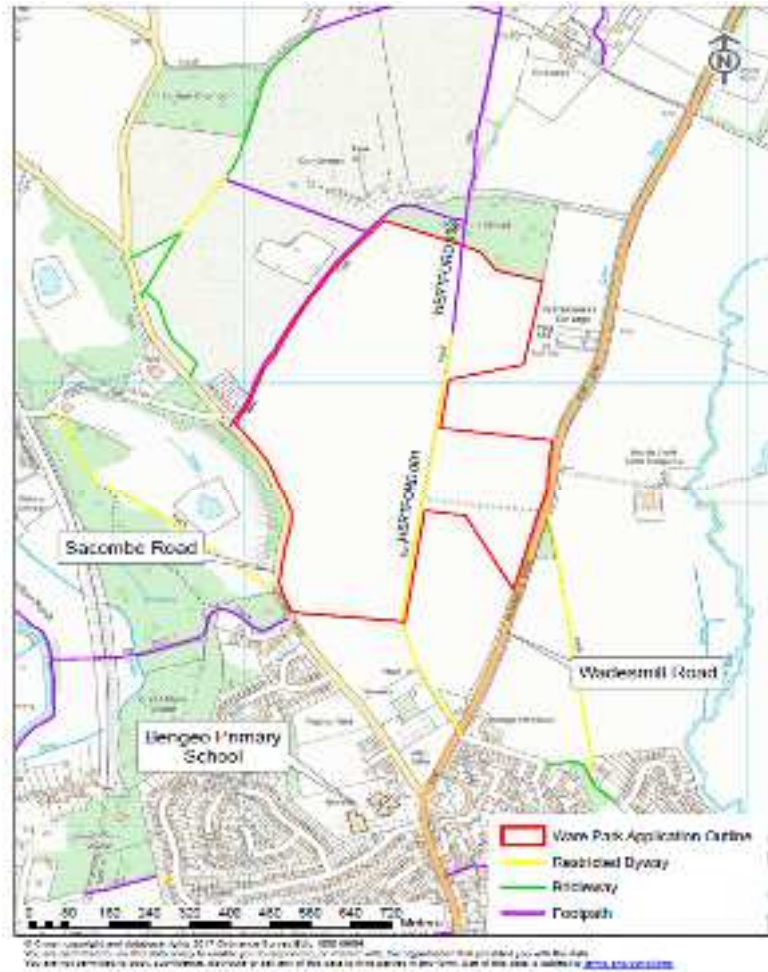
1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds, stockpiling area and plant including associated activity would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances 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

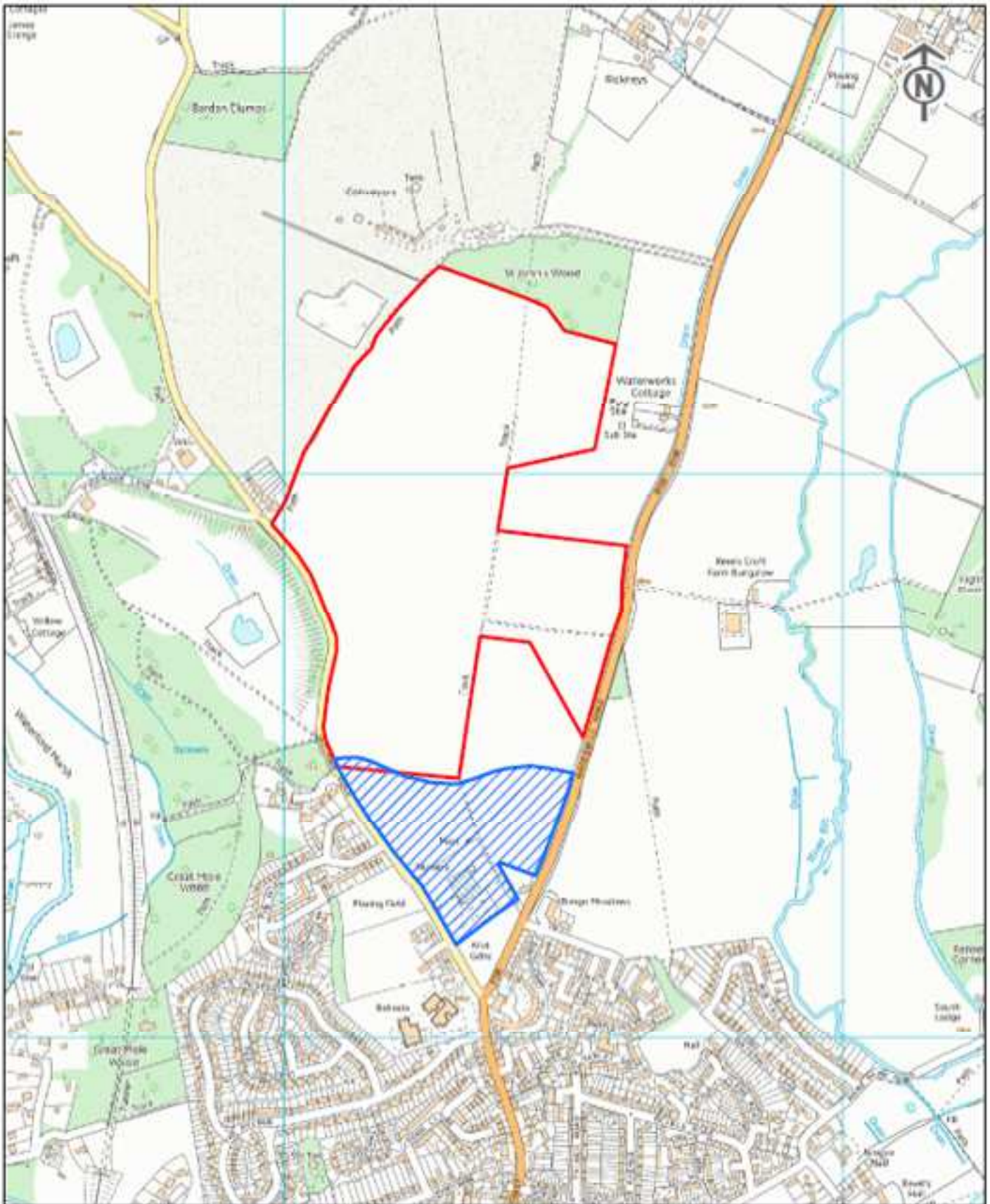


## 5. Proposed development

- 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**



© Crown copyright and database rights 2017 Ordnance Survey EUL 100019606  
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.  
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form. Use of this data is subject to [terms and conditions](#)

## **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 8<sup>th</sup> 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 19<sup>th</sup> 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 area<sup>1</sup> 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 1<sup>st</sup> 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 7<sup>th</sup> 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 Bengoe 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 85<sup>th</sup> 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/m<sup>3</sup> 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 1<sup>st</sup> 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.