

ADDENDUM REPORT TO DCC 26 APRIL 2018**Proposed Mineral Extraction on land at Ware Park, Wadesmill Road, Hertford**

This addendum report has been produced to update and inform Members of the Development Control Committee, as well as interested persons, that some alterations are proposed to the published committee report on the agenda for today's meeting. The points mentioned below will be explained fully in a verbal presentation by the Case Officer, Felicity Hart.

1. Minerals Development outside Preferred Areas.

1.1 Policy 4 of the Hertfordshire Minerals Local Plan states the following,

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

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

The planning application site boundary includes land both within Preferred Area 2 as well as land outside of Preferred Area 2, in particular the proposed entrance haul road location which is outside of the Preferred Area 2.

Inset map No.11 (in the Hertfordshire Minerals Local Plan) shows Rickneys Quarry (Sand & Gravel) and Preferred Area No.2. The map shows areas of land within the Preferred Area to both the north and south of the existing Rickneys Quarry. Part of the application site comprises the southern area of Preferred Area 2.

In the notes attached to Inset map no.11, it states that the access to the Preferred Area, would be via the existing access from the B158 (Wadesmill Road) to/from the north. The notes also refer to the fact that the working of PA2 would be considered as an extension to the existing Rickneys Quarry. It was assumed that access to PA2 would be via the existing access road into Rickneys Quarry from the B158 Wadesmill Road. This planning application does not explain why the current access to the Preferred Area cannot be used. There is no need for a new access to be constructed to enable further mineral extraction from the PA if required.

1.2 Turning to the points referred to in Minerals Local Plan Policy 4,

i) the landbank is below the required level and there is a need for the proposal to maintain the County's appropriate contribution to local, regional and national need that cannot be met from the identified areas.

The landbank is currently at 7.5 years which is above the required level and there is no need for the proposal to maintain the County's appropriate contribution to local, regional and national need that cannot be met from the identified areas.

(ii) It has not been demonstrated that the proposals would prejudice the timely working of Preferred Areas,

It has not been demonstrated that these proposals would prejudice the timely working of other Preferred Areas.

Or, (iii) No sterilisation of resources will occur.

No sterilisation of resources would occur in this case.

1.3 With regard to this proposal, although the areas of land which are proposed to be extracted are within the Preferred Area 2, the proposed haul road access is outside of the Preferred Area and forms part of the overall minerals development. The proposed access forms an integral part of the proposed development and in being outside of Preferred Area 2, Minerals Local Plan Policy 4 applies.

Clearly, having assessed the points referred to in the policy it can be seen that as a proposal outside of the Preferred Area it does not comply with Policy 4 and therefore the proposal should be refused planning permission.

In the light of the above assessment, it is proposed to amend the wording of Reason no.5 (new 4) to the following:

5.(new no.4)

“The application site includes land proposed for the access road which is outside of the Preferred Area as defined in the Hertfordshire Minerals Local Plan. The development is also not proposed to be worked as an extension to Rickney’s Quarry. This is contrary to Minerals Local Plan Policy 3 that requires proposals to satisfactorily fulfil the requirements of the proposals for the Preferred Area identified on the inset maps. The proposal is also contrary to Minerals Local Plan Policy 4, as part of the development proposal is outside of a Preferred Area and the landbank is not below the level required to maintain Hertfordshire County Council’s appropriate contribution and no sterilisation would occur.”

2. The Health Impact Assessment

- 2.1 Last week a Health Impact Assessment was submitted as evidence for the forthcoming Public Inquiry. On 21st April, the applicant confirmed that the HIA should be added as a document to this planning application.

The HIA is a 90 page document which has been written by the appellant’s independent expert witness on health issues ready for next week’s public inquiry. It considers both scenarios, the extraction of 1.75 mt and 1.25 mt of sand and gravel from the application site and has therefore also been submitted as a document to be considered in the determination of this planning application.

Clearly there has been little time to assess the report in advance of today’s committee meeting, however I can highlight brief details from the HIA as follows:

- 2.2 The main sources for potential health effects as a result of the proposal are;
- Environmental change due to the excavation and associated activities (eg noise, air quality, road safety, visual impact and water quality); and
 - Social change associated with strong local reaction to the possibility of development (e.g affecting understanding of risks, local pride, community influence and community identity.)

2.3 The report selected local and wider population groups to study, as well as potentially vulnerable groups. The potential health effects that were scoped in were: noise, air quality, ground and/or water contamination, physical activity; and road safety. A Community Identity topic was also included which considered the relationship between the community and the environment encompassing the following: citizen power and influence; local pride; community identity; green space; and attractiveness of the area.

2.4 The following potential effects were discussed in the report:

2.4.1 Noise : With regard to noise the population sensitivity is considered high with vulnerability being linked to living close to the sources of noise; age; existing poor health, spending more time in the affected dwellings, vulnerability due to deprivation or health inequalities or having strong views or high degrees of uncertainty about the proposals which may be associated with health effects even below thresholds which are generally considered acceptable.

The noise effects would be greatest for the closest dwellings but reductions in wellbeing would be unlikely to persist beyond the period of elevated exposure. The HIA conclusion is that any changes in population health outcomes associated with noise from the development would not be significant. (Note: a full noise assessment has been commissioned by HCC, the conclusions of which are reported in the main report on the agenda).

2.4.2 Air Quality :

The key health outcomes that are relevant are cardiovascular and respiratory. A detailed air quality assessment has been submitted and this has been separately assessed by HCC Public Health. The conclusion in the HIA is that any changes in population health outcomes associated with air pollution would be not significant. It concludes that the general population effect is likely to be negligible.

2.4.3 Ground and/or water contamination :

The key health outcomes relevant to this would arise from exposure to contaminated drinking water. The magnitude of the change due to the proposal is characterised as low. In the event of a pollution incident occurring at the quarry, response measures would be in place to prevent infiltration into the aquifer; spill kits would be readily available and staff trained in their use. The report considers that ground water contamination would be at worst a rare occurrence and effects to wellbeing would be unlikely to persist once conditions return to normal. The conclusion is that any changes to the health outcomes would not be significant.

2.4.4 Physical activity

The key health outcomes relevant to this determinant are physical health (e.g. cardiovascular) and mental health (eg stress, anxiety or depression) associated with obesity and low levels of physical activity. There is also the potential for improved wellbeing through exercise. The report states that there would be a change in the tranquillity and quality of active travel routes (rights of ways) and it is recognised there would be an ongoing effect on local rights of ways until restoration activities are completed. The proposal would give rise to impacts to the users of Byway no.1 through a visual change and potential for noise and dust. The local topography is such that it will not be possible to fully screen views, but the phased nature has been designed to limit the total area disturbed at any one time. Mitigation factors such as creation of permissive paths have been taken into account however, the general population has a medium sensitivity and the site-specific population also includes some deprived areas where the number who report bad health is above average compared to national indicators.

The report states that physical activity is known to be an important factor for many health and quality of life outcomes. The sensitivity of the local population to changes in physical activity in this case has been ranked as high with some people being assessed as being less able to adapt to changes and who have limited access to alternatives (e.g. routes with a tranquil setting). The report says that these people may undertake less exercise and therefore forgo the benefits to physical and mental health.

The magnitude of the change due to the proposal is characterised as medium and it is accepted that the reduction in environmental quality of current routes would be sustained over an extended duration, the report highlights that there is an opportunity to upgrade the existing rights of way network to provide a lasting long term benefit to the community. The report considers that promoting the use of the public right of way network during the mineral extraction period would be important to avoid reducing opportunities for physical activity in the neighbouring community. A reduction in physical activity could contribute to changes in the risk of developing new health conditions or of exacerbating existing conditions. Medium to long term changes in physical activity levels could have a lasting influence on population health in the area neighbouring the application site.

The conclusion of the HIA with regard to physical activity is that any changes in population health associated with disruption of, or reduced environmental quality (noise, dust, air quality and views) along, public rights of way near the application site would not be significant. However, the report highlights the opportunity for the proposal to create a new circular public bridleway (or restricted byway) suitable for a range of ages and levels of mobility which

would have the potential to improve population health outcomes. The recommendation is considered proportionate given the proximity of residential areas, the lack of other benefits from the proposal to the neighbouring community and that increasing physical activity is a local public health priority.

2.4.5 Relationship between the community and the environment

The proposal would bring visual change to the area. The key health outcomes relevant are physical health (e.g headaches or blood pressure) and mental health (e.g anxiety or depression). The scope for these effects is medium to long term

The effects could occur from an early stage, including prior to determination of the application. The phased nature is relevant. Phase 1 is likely to have the most impact and influence on wellbeing. Visual and auditory cues are expected to be important triggers which may in turn lead to changes in wellbeing. The conclusion of the HIA is that any changes in population health outcomes associated with actual change due to disturbance (eg noise and views) for the local population would not be significant.

However, other factors such as community pride and value placed on those who have made a sustained contribution to the project through consultation, community judgments and beliefs around anticipated changes to the landscape and a community understanding of the risks associated with the project could all have an effect on the population health that has been assessed as **significant**. This could involve physical effects eg blood pressure and mental health conditions eg anxiety or depression. If permission is granted the report emphasises that the future quality of dialogue with the community, clarity of information provided and the level of trust established between the community and the operator would be important factors which would influence the degree of any health effects.

2.4.6 Road Safety

The key health outcomes relevant is the severity or incidence of road accidents. Highway alterations in relation to the proposed new access were assessed. The general population is considered to be of low sensitivity however the report states that some people would be more sensitive to changes in road safety and for that population sensitivity is considered to be high, but the magnitude of the change to be low. The risks to the public rights of way crossings are considered to be low, subject to appropriate crossing mitigation. The conclusion of the HIA is that any changes in health outcomes associated with a change in road safety would not be significant, although for vulnerable groups it could be minor adverse. For these groups, effort would need to be made to ensure that crossing point signage and fences and gates are provided appropriate for them.

2.5 Overall Recommendations of the HIA

- 2.5.1 Noise: Where there is the potential for inter-project cumulative effects to be approaching WHO threshold for day-time annoyance at dwellings on Sacombe Road, consideration should be given to monitoring during this period and if appropriate increasing mitigation measures.
- 2.5.2 Air Quality: The 2016 scheme (1.75mt) should revise its Phase 1 boundary extents to ensure a 100m buffer between the closest residential property and the earth bund and maximise the use of EU Stage V and IV non-road mobile machinery emission standards to reduce NO₂ emissions to as low as reasonably practicable. The use of diesel plant and vehicles should be reduced and vehicle idling should be restricted including those waiting off-site to arrive at their scheduled time. Air quality monitoring plans should have regard to short-term changes.
- 2.5.3 Ground and/or water contamination: the water need of the proposal should be met without introducing a new pathway whereby pollution could enter the aquifer. Where existing or future boreholes on site are located these provide potential pathways for more rapid transmission of pollutants. Working over these boreholes should ensure that they are appropriately sealed or avoided. The management of water for wheel washing would need to be clarified and need to be appropriate containment and disposal to ensure it doesn't pose a risk to ground water quality. Chemicals would also need careful management.
- 2.5.4 Physical activity: It is recommended that the proposed permissive paths and section of existing public footpaths be upgraded to form circular public bridleway routes around the site. The routes should be suitable for walkers, cyclists and those with restricted mobility. These routes should be implemented early on and retained during and following restoration. The circular routes would offer the potential for long-term health benefits to the local community. A financial contribution could be made for the improvement of the children's play park in Bengoe as well.
- 2.5.5 Relationship between the community and the environment : Certainty should be provided on the duration of Phase 1. The potential for adverse impacts would be predominantly related to this phase due to its proximity to residential areas. A commitment to close and restore Phase 1 to a specific schedule would reduce community uncertainty and therefore adverse effects on their health and wellbeing. The prospect of a medium to long term dormant unrestored quarry (as at Rickneys) should be avoided for all phases of the proposal. Certainty on the worst case duration of the project should be provided to the community. Planting used as screening should have regard to the potential for greater visual impact during winter months, and use of suitable native evergreen species should therefore be considered.

2.5.6 Road Safety : Should avoid increasing road traffic during travel to and from school times and mitigation safety measures should be applied to the permissive path crossing the access road and the crossing of the haul road with byway no.1.

2.6 HCC Comments on the HIA

- 2.6.1 In the light of the submitted Health Impact Assessment, HCC Public Health has now withdrawn its previous objection, and the reason for refusal on health grounds has been removed from the list of reasons for refusal in the recommendation. See attached Appendix 1 Letter from HCC Public Health. However It is still considered that the case remains, as recognised within the HIA itself, that this development (should it go ahead) will result in some level of community impact particularly with regard to those who use the Rights of Way network currently.
- 2.6.2 The HIA does raise concern with regard to the relationship between the community and the environment and how this inter-links to physical activity and the health impacts on the local community that could result from this development. The HIA report recommends significant rights of way improvements to take place in the local area, if the development were to go ahead, and it is agreed that these would be beneficial into the medium and long term. The rights of way recommendations go beyond that put forward in the application currently. The HCC view remains that there would be a negative impact on the local community as users of the rights of way network would be adversely affected by this proposal. This includes local residents who are the population referred to in the HIA. The HIA indicates that visual change in the area would have an impact on the local community in the medium to long term with factors such as their community pride and value being affected as well, potentially leading to health impacts. The HIA concludes that the local community needs a good understanding of what the proposal involves and what the risks are associated with the project. It suggests that mitigation of these issues can be dealt with by way of creating a Community Liaison Group to increase dialogue, clarity and trust between the site operators and the local population.
- 2.6.3 HCC Public Health recommend that in the event planning permission is granted that conditions would be required in relation to dust management, air quality monitoring and the establishment of a Community Liaison Group. Although noise is referred to in the HIA, it has been considered separately in detail in the evaluation of this application, via an independent expert Acoustic Assessment and the detail on noise conclusions remains that in the main committee report. HCC

agrees with the HIA report that if planning permission were granted then significant upgrading of the local rights of way network to definitive bridleways would be expected together with playground improvements in the local area.

UPDATED REASONS FOR REFUSAL

1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds and access road would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances of benefits of mineral extraction and potential avoidance of sterilisation do not clearly outweigh the harm to the Green Belt and any other harm, including harm to landscape, rights of way, noise, 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 the landscape, in particular caused by the construction of the proposed site access road together with the loss of hedgerow associated with the new access. This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
3. The proposed mineral extraction would have a negative impact upon users of the existing rights of way that cross the site. The proposal would negatively impact the rights of way including the crossing of a PRoW by the haul road. This would conflict with Policy 18 of the Hertfordshire Minerals Local Plan as the proposal does not ensure that the rights of way are not adversely affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way has been made. There is also concern that other factors such as loss of community pride and value as a result of the development would impact on the use of the local rights of way network and could therefore have an adverse effect on health and wellbeing. This would be contrary to Policies 3 and 18 of the Hertfordshire Minerals Local Plan and Paras. 73 and 75 of the NPPF.
4. The proposed development includes land proposed for the access road which is outside of the Preferred Area as defined in the Hertfordshire Minerals Local Plan. The development is also not proposed to be worked as an extension to Rickney's Quarry. This is contrary to Minerals Local Plan Policy 3 that requires proposals to satisfactorily fulfil the requirements of the proposals for the Preferred Area identified on the

inset maps. The proposal is also contrary to Minerals Local Plan Policy 4, as part of the development proposal is outside of a Preferred Area and the landbank is not below the level required to maintain Hertfordshire County Council's appropriate contribution and no sterilisation would occur.

5. The proposal has not demonstrated that noise would not have a detrimental impact upon nearby residential property. This is contrary to Policy 18 of the Minerals Local Plan, NPPF (para.144) and National Planning Practice Guidance.