

HERTFORDSHIRE COUNTY COUNCIL

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

EAST HERTS DISTRICT

Agenda Item
No.

1

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

Report of the Assistant Director of Environment

Contact: Felicity J. Hart Tel: 01992 556256

Local Member: Andrew Stevenson
Adjoining Member: Ken Crofton

1. Purpose of report

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

2. Summary

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

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

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

3. Recommendation

- 3.1 It is concluded that the proposed development should be refused planning permission for the following reasons:
 1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds and access road would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances of benefits of mineral extraction and potential avoidance of sterilisation do not clearly outweigh the harm to the Green Belt and any other harm, including harm to landscape, rights of way, noise, air quality and health. This is contrary to the NPPF and Policy GBC1 of the East Herts Local Plan 2007.
 2. The proposal would have significant detrimental impact upon landscape, in particular caused by the construction of the proposed site access together with the loss of hedgerow associated with the new access. This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
 3. The proposal has not demonstrated that the development would not have detrimental impact upon air quality/human health, and a Health Impact Assessment has not been submitted. Therefore the proposal is contrary to policy 18 of the Minerals Local Plan, paragraph 109 of the NPPF and the NPPG.
 4. The proposal would have a negative impact upon users of the existing rights of way that cross the site. The proposal would negatively impact the rights of way including the crossing of a PRoW by the haul road. This would conflict with policy 18 of the Minerals Local Plan as the proposal does not ensure that the rights of way are not adversely

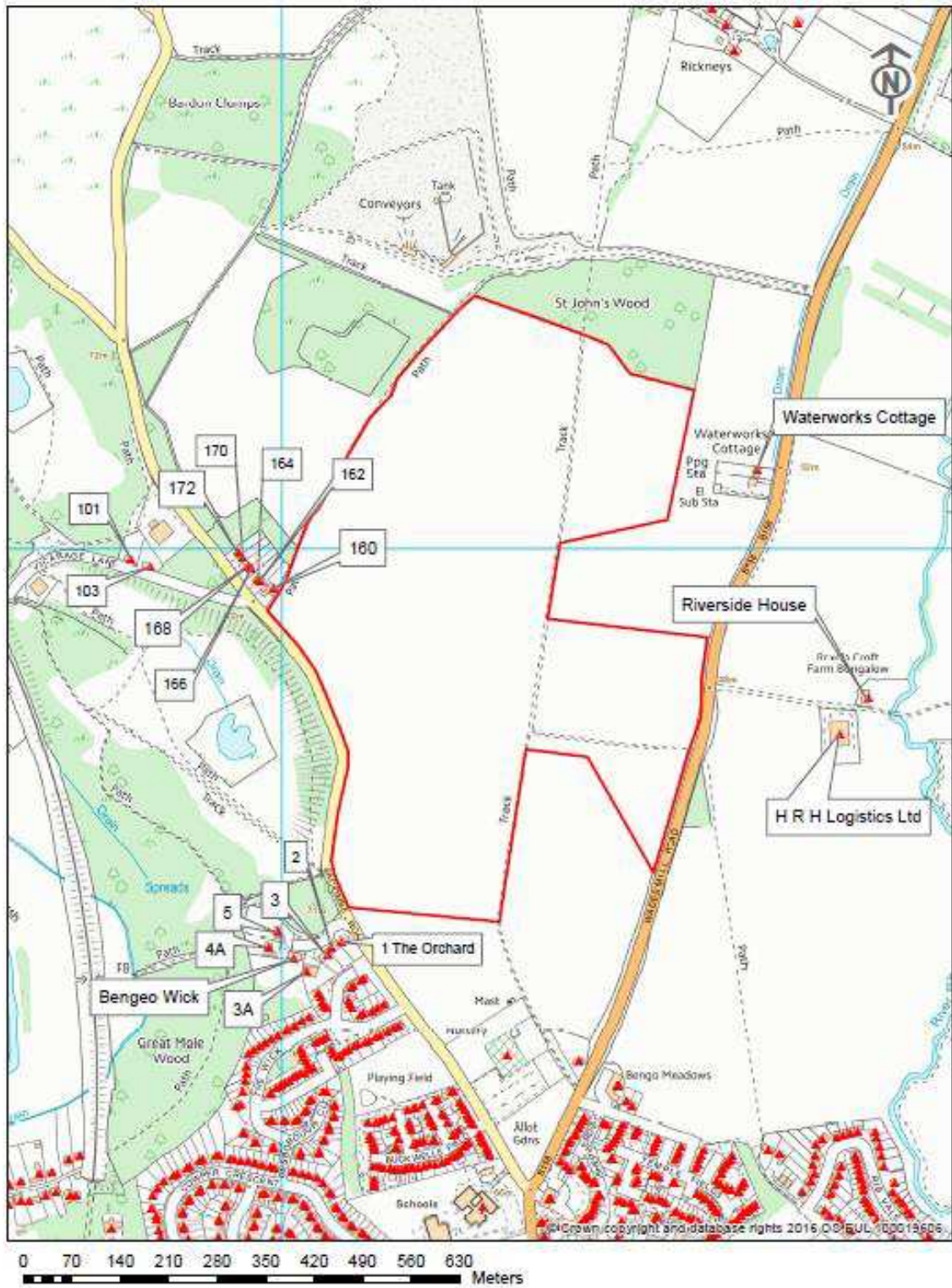
affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way has been made. This is contrary to Policy 18 and Policy 3 of the Minerals Local Plan.

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

4. Site and surroundings

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

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



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Plan showing application site in relation to nearest residential properties.

5. Proposed development

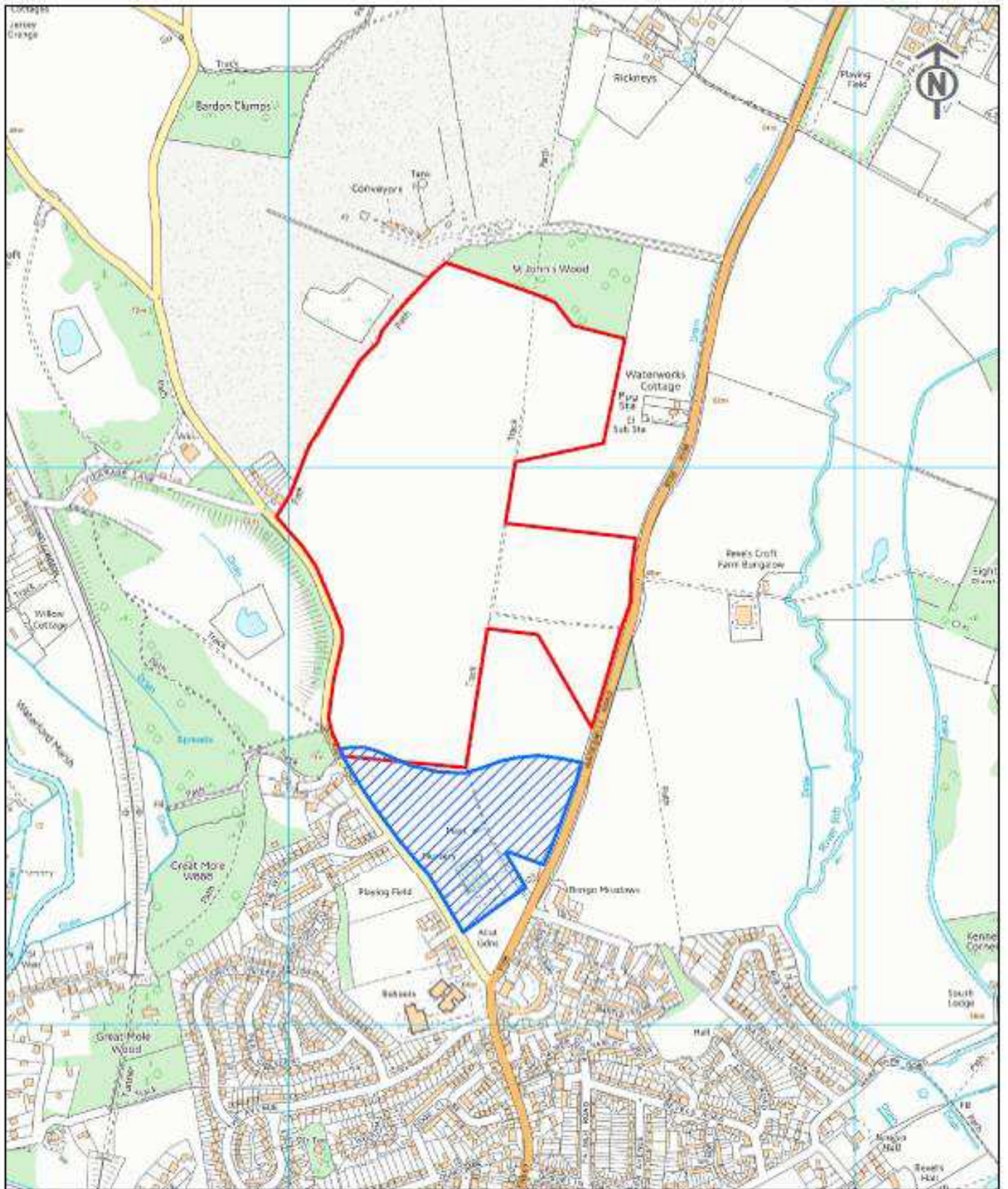
- 5.1 This application proposes that mineral extraction would be carried out in three consecutive phases to the west of Restricted Byway no.1. The extraction would start in the south and would complete in the north. The soils would be stripped from each phase in sequence and the soils would then be used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

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

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

6. Development plan and planning policies

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



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



6.4 The Development Plan for the area comprises

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

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

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

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

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

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

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

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

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

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

6.11 East Herts Local Plan 2007 policies

Policy SD1 Making Development More Sustainable

Policy GBC1 Appropriate Development in the Green Belt

Policy TR1 Traffic Reduction in New Developments

Policy TR2 Access to New Developments

Policy TR20 Development Generating Traffic on Rural Roads

Policy ENV1 Design and Environmental Quality

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

The National Planning Policy Framework 2012

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

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

National Planning Policy Guidance

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

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

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

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

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

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

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

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

7. Consultation Responses

7.1 East Herts District Council

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

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

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

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

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

of the existing area.

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

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

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

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

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

- 7.15 Hertfordshire County Council as Highway Authority

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

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

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

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

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

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

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

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

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

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

Response to issues raised by residents:

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

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

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

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

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

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

7.16 Hertfordshire Ecology makes the following points;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed new woodland and hedgerow planting is fully supported.

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

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

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

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

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

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

7.18 Hertfordshire County Council Rights of Way

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

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

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

7.19 Hertfordshire County Council Archaeology

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

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

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

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

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

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

These may include:

- The appropriate archaeological excavation of archaeological remains

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.22 Council for the Protection of Rural England (CPRE)

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

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

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

8. Third Party comments

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

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

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

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

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

Consultation Responses

8.5 Mark Prisk MP commented as follows:

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

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

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

8.6 Oliver Heald MP

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

Comments from members of the public & interest groups

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

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

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

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

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

8.9 Molewood Residents Association comments as follows:

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

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

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

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

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

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

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

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

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

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

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

8.10 Chapmore End Association

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

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

8.11 Watermill Estate Resident's Association

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

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

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

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

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

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

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

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

the school and has 48 children aged from 2 upwards.

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

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

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

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

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

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

9. Planning Issues

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

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

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

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

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

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

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

Landbank

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

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

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

Preferred Areas

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

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

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

Need for mineral working

- 9.17 It is acknowledged in the NPPF that minerals are essential to support sustainable economic growth and quality of life and therefore it is important to ensure there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The Government requires mineral planning authorities to give great weight to the benefits of the mineral extraction when determining planning applications.
- 9.18 However, the current landbank is 10.46 million tonnes, equivalent to 7.5 years and the minimum requirement set out in the NPPF is 7 years. The recent planning permission resolved to be granted on land at former British Aerospace will extend the landbank into the medium and longer term ensuring that a supply of 250,000 tonnes per annum is extracted taking an expected 30 years to complete. As the mineral extraction of the land at former BAE would be a new quarry, the quantity of mineral available for the supply of sand and gravel in Hertfordshire would be extended significantly in future years, giving less importance to the relatively smaller quantity available from land at Ware Park.
- 9.19 The principle of mineral working at this site is therefore not considered essential due to the existing quantity of permitted reserves in Hertfordshire.
- 9.20 In addition, the Minerals Local Plan intends that all new workings during the Plan period will take place within the specific sites and preferred areas identified in Minerals Policy 3, because allowing other sites for aggregate extraction could undermine the strategic objectives of the plan. It is considered that there are no exceptional circumstances that have been demonstrated as to why any further development (ie the access) outside of the Preferred Area is required as part of this proposed minerals development and therefore that aspect is considered contrary to MLP Policy

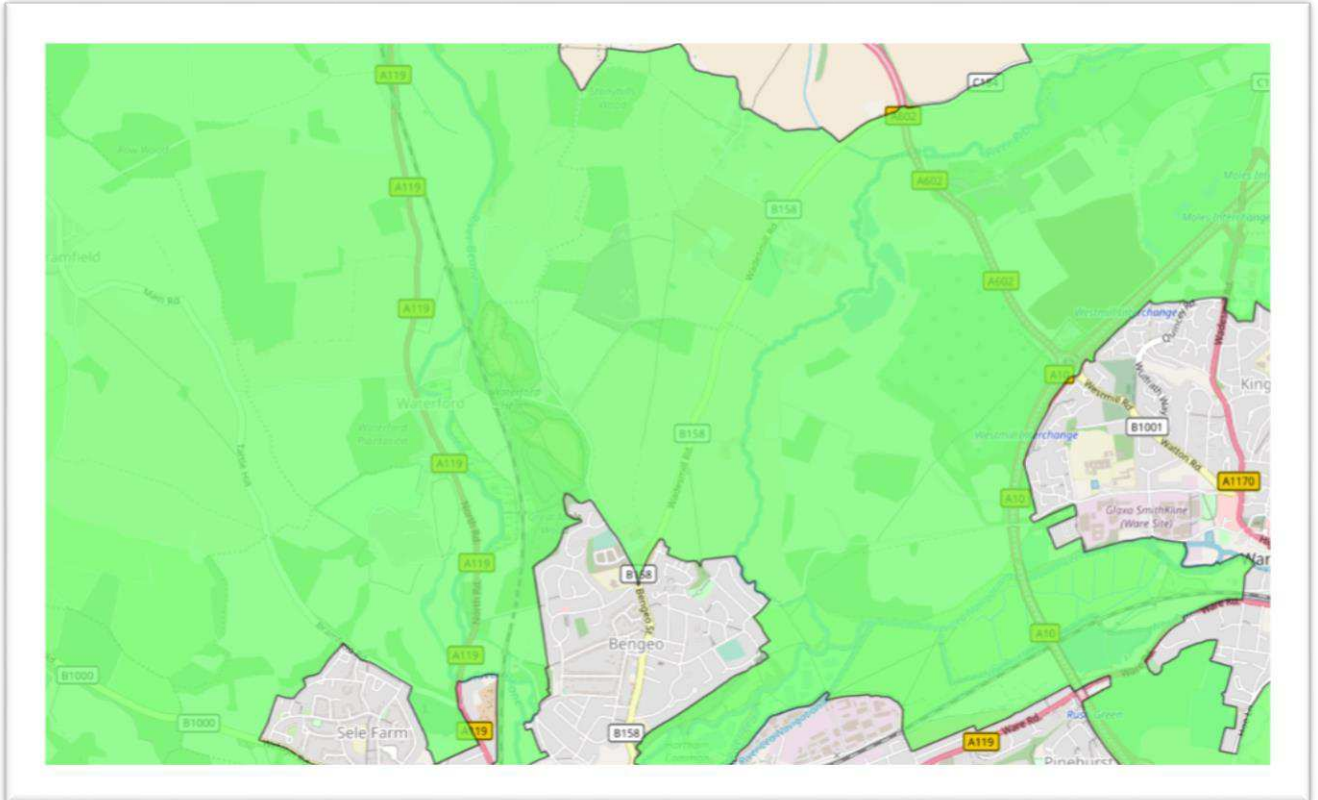
Green Belt

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

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

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

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



Map showing Green Belt around Hertford.

Transport/Traffic

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

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

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

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

Noise and amenity

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

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

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

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

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

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

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

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

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

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

Air Quality/Health Impacts

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

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

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

Landscape

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

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

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

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

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

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

Water and Flood Risk

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

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

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

Ecology

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

Archaeology

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

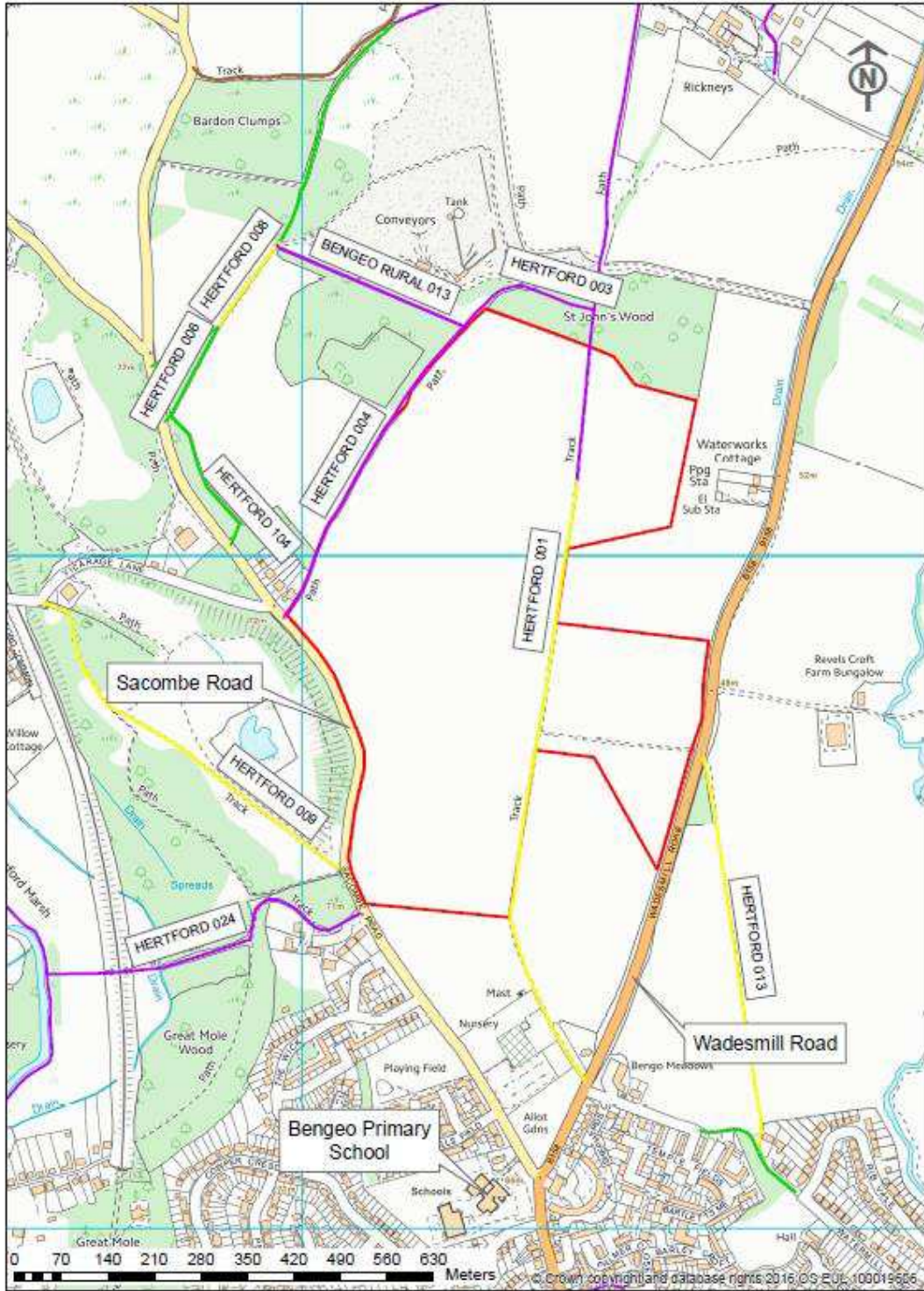
Mesolithic/early Neolithic activity. The finds from the former suggest high status occupation. The geophysical survey and trial trenching have therefore demonstrated that significant archaeological remains are present on site which would be likely to require a programme of open area excavation.

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

Rights of Way

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

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



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

10. Conclusion

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

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

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

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

- 10.12 The previous application for mineral extraction at Ware Park (3-0770-16) was refused planning permission in 2017. It is considered that this current application for a revised, smaller scheme does still not overcome the issues raised and therefore is still considered unacceptable. A copy of the committee report from March 2017 can be found at Appendix 2 and the Decision Notice at Appendix 3.
- 10.13 In conclusion, weighing up all of the issues, it is recommended that the **Assistant Director of Environment should refuse planning permission as considered above and for the reasons set out below;**
1. The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds and access road would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances of benefits of mineral extraction and potential avoidance of sterilisation do not clearly outweigh the harm to the Green Belt and any other harm, including harm to landscape, rights of way, noise, air quality and health. This is contrary to the NPPF and Policy GBC1 of the East Herts Local Plan 2007.
 2. The proposal would have significant detrimental impact upon landscape, in particular caused by the construction of the proposed site access together with the loss of hedgerow associated with the new access. This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
 3. The proposal has not demonstrated that the development would not have detrimental impact upon air quality/human health, and a Health Impact Assessment has not been submitted. Therefore the proposal is contrary to policy 18 of the Minerals Local Plan and paragraph 109 of the NPPF.
 4. The proposal would have a negative impact upon the existing rights of way and users of these rights of way that cross the site. The proposal would impact the rights of way including the crossing of a PRow by the haul road. This would conflict with policy 18 of the Minerals Local Plan as the proposal does not ensure that the rights of way are not adversely affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way is made. This is contrary to Policy 18 and Policy 3 of the Minerals Local Plan.
 5. The proposed development includes land proposed for the access road which is outside of the Preferred Area within the Minerals Local Plan. The development is also not proposed to be worked as an extension to Rickneys Quarry. This is contrary to Policy 3 of the Mineral Local Plan that requires proposals to satisfactorily fulfil the requirement of the proposals for the preferred area identified on the inset maps.

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

Documents referred to preparing this report

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