

Minutes



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

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

DEVELOPMENT CONTROL COMMITTEE

26 APRIL 2018

ATTENDANCE

MEMBERS OF THE COMMITTEE

S J Boulton, D S Drury, M A Eames Peterson (*substitution for E M Gordon*), J S Hale, J R Jones (*substitution for D J Barnard*) M D M Muir (Vice Chairman), S Quilty, I M Reay (Chairman), R H Smith (*substitution for D Andrews*)

Upon consideration of the agenda for the Development Control Committee meeting on 26 April 2018 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: There were no declarations of interest.

CHAIRMAN'S ANNOUNCEMENTS

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

PART I ('OPEN') BUSINESS

MINUTES

The minutes of the Committee meeting held on 28 March 2018 were confirmed as a correct record.

PUBLIC PETITIONS

Mark Lynch on behalf of the Stop Bengo Quarry Group, presented a petition as per Item 1 below and addressed the

ACTION

Democratic
Services

Committee on the subject of the petition which can be viewed here:

<https://cmis.hertfordshire.gov.uk/hertfordshire/Petitions/tabid/140/ID/196/Protect-our-public-rights-of-way-and-views-from-quarrying-on-Bengeo-Field-Land-at-Ware-Park.aspx>

Laura Wyer also on behalf of the Stop Bengeo Quarry Group presented a petition as per Item 1 below and addressed the Committee on the subject of the petition which can be viewed here:

<https://cmis.hertfordshire.gov.uk/hertfordshire/Petitions/tabid/140/ID/183/Hertford-is-worth-more-than-gravel-petition-against-a-NEW-quarry-proposal-in-Bengeo-Field.aspx>

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

[Officer Contact: Felicity Hart, Principal Planning Officer,
Tel: 01992 556308]

- 1.1 The Committee considered 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.
- 1.2 The Committee noted this was a revised application 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. It was noted that the applicant had appealed that decision and the case was going through the appeal process with a Public Inquiry scheduled for May 2018.
- 1.3 Members' were referred to the tabled Addendum Report which was produced to update Members on some proposed alterations to the published Committee report. It was noted that the areas of land which were proposed to be extracted were within the Preferred Area 2, the proposed haul road access was outside of the Preferred Area and formed part of the overall minerals development. The proposed access formed an integral part of the proposed development and in being outside of Preferred Area 2,

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Minerals Local Plan Policy 4 applied; therefore officers concluded this conflicted with the policy and updated reason 4 for refusal as follows:

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

1.4 The Health Impact Assessment within the Addendum was also highlighted as this had only recently been submitted as evidence for the forthcoming Public Enquiry; and added to this application at the applicant’s request. It was noted that the main health effects as a result of the proposal were environmental change due to the excavation and associated activities, e.g noise, air quality, road safety, visual impact and water quality; and social change associated with strong local reaction to the possibility of development, e.g. affecting understanding of risks, local pride, community influence and community identity. Therefore, Hertfordshire County Council Public Health withdrew their previous health grounds objection refusal from the list of reasons for refusal in the recommendation. The Committee were read the letter from the Director of Public Health.

1.5 Prior to questions and debate the Committee was addressed by David Adam, Libby Mountford, Bryan Lovell, John Howson, and Nigel Braggins, all part of the Stop Bengeo Quarry Group, opposing the application.

The applicant was unable to attend the Committee and rendered his apologies.

The Local Member, Andrew Stevenson, spoke in opposition of the application.

1.6 During questions and debate, concern was raised with regards to air pollution; the Committee therefore agreed that an informative raising concerns regarding the air quality should be included as follows:

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Note that Hertfordshire County Council's Development Control Committee has raised serious concerns regarding the potential for the health of the local population to be adversely affected by impacts in relation to particulates on air quality as a result of the development.

- 1.7 The Committee also considered that a further condition of refusal with regards to water pollution should be included, however agreed, that a further informative should be sent as follows:

Note that Hertfordshire County Council's Development Control Committee has raised serious concerns given the lack of evidence submitted 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.

RESOLVED

- 1.8 Following a show of hands, it was unanimously agreed that the Assistant Director of Environment be authorised to refuse 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, and health. This is contrary to the NPPF and Policy GBC1 of the East Herts Local Plan 2007.
2. The proposal would have significant detrimental impact upon the landscape, in particular caused by the construction of the proposed site access road together with the loss of hedgerow associated with the new access. This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
3. The proposed mineral extraction would have a negative impact upon users of the existing rights of way that cross the site. The proposal would negatively impact the rights of way including the crossing of a PRoW by the haul road. This would conflict with Policy 18 of the Hertfordshire Minerals

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Local Plan as the proposal does not ensure that the rights of way are not adversely affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way has been made. There is also concern that other factors such as loss of community pride and value as a result of the development would impact on the use of the local rights of way network and could therefore have an adverse effect on health and wellbeing. This would be contrary to Policies 3 and 18 of the Hertfordshire Minerals Local Plan and Paras. 73 and 75 of the NPPF.

4. The proposed development includes land proposed for the access road which is outside of the Preferred Area as defined in the Hertfordshire Minerals Local Plan. The development is also not proposed to be worked as an extension to Rickney's Quarry. This is contrary to Minerals Local Plan Policy 3 that requires proposals to satisfactorily fulfil the requirements of the proposals for the Preferred Area identified on the inset maps. The proposal is also contrary to Minerals Local Plan Policy 4, as part of the development proposal is outside of a Preferred Area and the landbank is not below the level required to maintain Hertfordshire County Council's appropriate contribution and no sterilisation would occur.
5. The proposal has not demonstrated that noise would not have a detrimental impact upon nearby residential property. This is contrary to Policy 18 of the Minerals Local Plan, NPPF (para.144) and National Planning Practice Guidance.

KATHRYN PETTITT
CHIEF LEGAL OFFICER

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