

EAST HERTS DISTRICT

PLANNING APPLICATION FOR CHALK EXTRACTION (INCLUDING CONSIDERATION OF WORKING METHODS UNDER MINERALS REVIEW) TOGETHER WITH A REVISED RESTORATION PROPOSAL BY THE INFILLING OF INERT WASTE AND A TEMPORARY INERT RECYCLING FACILITY, AT ANSTEY QUARRY, ANSTEY, HERTS.

Report of the Director of Environment

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Local Member:- J Pitman

Adjoining Member:- J M Dwerryhouse-Spears

1. Purpose of the report

To consider planning application 3/1182-00 at Anstey Quarry for a revised restoration proposal for extant chalk extraction permissions by landfilling with imported inert waste, including additional chalk extraction, and an ancillary temporary recycling facility to separate and crush concrete as a secondary aggregate.

2. Summary

- 2.1 This application relates to an 8.2 hectare site at Anstey Quarry that has a number of extant planning permissions for chalk extraction. The site has also had the benefit of a temporary permission for inert waste recycling and disposal. Consent for these latter activities expired on 4 November 2000, however the applicant has applied for consent to vary the date of completion of these activities until 4 November 2001, pending the determination of this application.
- 2.2 Based on the previous yearly average output of chalk (13,000 tonnes) there is currently around 3 years of remaining reserves that can be extracted in order that the restoration profile, agreed in March 1995, is achieved. By altering the final restoration profile to a higher level the applicant wishes to extract a further 6 years worth of chalk that would otherwise be sterilised if the March 1995 scheme were adhered to.
- 2.3 The revised restoration scheme would require the importation of 557,400 cubic metres of inert waste over a 19 year period and would provide a finished landform that blends in with the existing peripheral levels of the Quarry. The proposed afteruse is for a combination of woodland planting and agricultural grass leys. While chalk remains to be won the level of landfill would be restricted to 25,000 cubic metres a year rising to 33,000 cubic metres a year after chalk reserves are exhausted.

- 2.4 The operator proposes to separate bricks and hardcore from the imported material for recycling into secondary aggregate. On average 12,000 tonnes of materials would be recycled each year.
- 2.5 The average number of heavy goods vehicle (HGV) movements would be 182 per week (i.e. 26 in and 26 out for chalk, 50 in and 50 out for landfill and 15 in and 15 out for recycling), falling to 164 (i.e. 67 in and 67 out for landfill and 15 in and 15 out for recycling) once extraction ceases.
- 2.6 The proposed hours of working for the recycling and infill operations would be between 7 a.m and 6 p.m Monday to Friday and between 7 a.m and 1 p.m on Saturdays. It is proposed that chalk extraction would be limited to:

	June to September	October to May
Monday to Friday	6 a.m to 8 p.m	7 a.m to 6 p.m
Saturday	6 a.m to 6 p.m	7 a.m to 1 p.m
Sunday	8 a.m to 5p.m	No working

- 2.7 All plant and machinery used in the operations are mobile. Dust and mud on the road would be controlled in line with current practices. This application also seeks the retention of the ‘Nissan Hut’ building for the duration of the development.
- 2.8 The main issues arising from this application are:
 - comparison between the existing restoration scheme and the landform proposed within the context of the Landscape Conservation Area designation;
 - whether there is a need and sufficient material available in the locality for the importation and deposit of inert waste;
 - the cumulative affects of HGV traffic on the local highway network in terms of highway capacity, environmental effects and safety considerations;
 - nature conservation and geological interests;
 - rights of way interests;
 - additional chalk extraction and sterilisation;
 - the Review of Mineral Planning Permissions relating to the extant mineral consents and their relationship to this proposal;
 - whether the site is a suitable location for inert recycling and the affect of recycling on the rate of restoration.
- 2.9 In terms of adopted Development Plan Policy the site is identified in Waste Policy 21 of the Hertfordshire Waste Local Plan as an existing mineral site where the disposal of waste by landfill will be permitted, subject to the requirements of Waste Policy 2 (Need for waste management facilities). The site is identified as a Rural Area beyond the Green Belt and a Landscape Conservation Area within the East Herts Local Plan. It has also been designated as part of a Wildlife Site.
- 2.10 If the application is permitted then any conditional consent would supersede the requirement to update the working and restoration conditions required by the Environment Act 1995.

3. Conclusions

3.1 The report concludes that the Director of Environment should be authorised to grant that part of planning application ref. 3/1182-00 relating to the additional chalk extraction and restoration of Anstey Quarry by the deposit of inert waste, subject to:

- (i) the applicant and land owner entering into a legal agreement to:
 - (a) revoke all extant minerals permissions;
 - (b) secure a scheme for implementation for the kerbing and haunching to the County road between the access to the Quarry and the B1368, that is acceptable to the Highways Authority;
 - (c) provide access arrangements for the study and examination of chalk faces by members of the Hertfordshire RIGS Group.

and

- (i) planning conditions to include the following matters:
 - limitation on the number of heavy good vehicle movements in and out of the site by hour, day, week, season, and after the completion of chalk extraction;
 - hours of working and hours at which heavy goods vehicles can enter or leave the site;
 - restoration and aftercare of the site, including the provision of a layer of chalk to be placed under topsoils;
 - measures to prevent mud on the public highway;
 - measures to ensure dust suppression from operations;
 - scheme of traffic control on Anstey footpath 1 and the reinstatement of Anstey footpath 3;
 - a scheme of monitoring and reporting of vehicles entering and leaving the site, to include measures for automatic counting;
 - the provision of soakways and drainage that meet the requirements of the Environment Agency.

3.2 The report also concludes that the Director of Environment should be authorised to refuse that part of planning application ref. 3/1182-00 relating to the recycling of inert waste to produce secondary aggregate on the grounds that the facility would conflict with Minerals Local Plan Policy 26, unnecessarily delay the restoration of Anstey Quarry and would therefore extend the period by which Heavy Goods Vehicles would impact on the surrounding road network.

1. Description of the site and proposed development

- 1.1 This application relates to an 8.2 hectare site at Anstey Chalk Quarry, which is located approximately 4.75 kilometres to the north east of Buntingford. The nearest settlement is the village of Anstey, which is 1 kilometre to the east. Access to and from the quarry is via a haul road that is shared with footpath Anstey 1, then via a 500 metre stretch of C Class road where it then joins the B1368 Puckeridge to Barley road that runs south to north.
- 1.2 There are four extant planning permissions for chalk extraction granted between 1949 and 1979. There has also been planning consent at the site for a temporary inert waste recycling and disposal facility. This latter consent was most recently extended on Appeal and expired on 4 November 2000, however the applicant has applied for consent to vary the date of completion of these activities until 4 November 2001, pending determination of this application.
- 1.3 The site is subject to a Review of Mineral Planning Permissions (RoMPP) under the provisions of the Environment Act 1995. Anstey Chalk Quarry is classified as an Active Phase II site under the relevant legislation. The date of the RoMPP submission has been formally extended to 1 February 2001. The applicant's supporting statement for this application examines a number of working practices and existing conditions that would be issues of consideration under a RoMPP submission. There are currently no operational limits in terms of hours of operation or numbers of haulage vehicles for chalk extraction.
- 1.4 The revised restoration proposal as submitted would replace the low level restoration scheme approved in 1995 for the four chalk permissions. It is proposed that the revised landform would blend into the existing peripheral levels of the Quarry in order to recreate the natural, pre-excavation landform.
- 1.5 Based on extraction levels over the last five years the level of chalk extraction is anticipated to be in the order of 13,000 cubic metres per annum. The working of the site to the approved 1995 low level restoration scheme would give a further 3 years of working if extraction continued at this level. By altering the final restoration profile the applicant wishes to extract a further 6 years worth of chalk (i.e. 9 years in total) that would otherwise be sterilised in complying with the 1995 restoration scheme.
- 1.6 The volume of inert material (soils and rubble) required to restore the site to the proposed levels, including the void that would be created by additional chalk extraction, would be 557,400 cubic metres. The importation of waste would take place during the 9 years of chalk extraction and for 10 years after chalk has been exhausted. The fill would be deposited in layers in accordance with a scheme of working that progresses with chalk extraction and would be compacted in accordance with good practice. The Environment Agency would regulate this activity through a Waste Management Licence.
- 1.7 It is proposed that hardcore (bricks and concrete) would be separated out from some of the material imported to the site for recycling into secondary aggregate. This would be undertaken at a selective and considerably reduced rate compared to that which has

taken place under the temporary planning permission and would be no more than 12,000 tonnes per year. Recycled products and also any incidental segregated waste inappropriate for landfilling, such as reinforcing iron bars would be removed from the site by HGV's. The applicant states that he would be willing to enter into a legal agreement whereby he would discontinue the waste recycling permission upon the construction and operation of any permanent local recycling facility (i.e. within 10 kilometres) other than Anstey Quarry as the basis for the proposal to recycle is one of a local, and as yet unmet need.

1.8 The rate of importation of inert fill and therefore the speed of restoration are deliberately proposed to vary. Initially, until chalk extraction has been exhausted, the annual level of fill to be imported would be around 25,000 cubic metres a year. Thereafter the level of infill would rise to 33,000 cubic metres a year.

1.9 During the first phase of the operations (years 1 to 9) the average number of heavy goods vehicles (HGV) movements would be 182 per week (i.e. 26 in and 26 out for chalk, 50 in and 50 out for landfill and 15 in and 15 out for recycling). In the second phase (years 10 to 19, or once chalk extraction has ceased) the average number of HGV movements would total 164 (i.e. 67 in and 67 out for landfill and 15 in and 15 out for recycling). The temporary planning permission for the recycling and infill consent allowed 144 HGV movements per week, whilst there is currently no limit on the number of lorries that can leave or enter the site in connection with chalk extraction. The applicant states that they would be willing to be conditioned to the following haulage limits for chalk extraction:

1.10 Maximum loads out: 60 per day
 250 per week
 1,500 per year *

(* of this number a maximum of 1,200 loads would be in the four month period July to October inclusive, and a maximum of 300 loads in the remaining eight month period November to May)

1.11 The proposed hours of working for the recycling and infill operations would be between 7 a.m and 6. p.m Monday to Friday and between 7 a.m and 1 p.m on Saturdays. There are currently no restrictions on the hours of working for chalk, however the operator states that he would be willing to be limited by condition to the following hours:

	June to September	October to May
Monday to Friday	6 a.m to 8 p.m	7 a.m to 6 p.m
Saturday	6 a.m to 6 p.m	7 a.m to 1 p.m
Sunday	8 a.m to 5p.m	No working

1.12 All plant and machinery used in the operations would be mobile. Dust and mud on the road would be controlled in line with current practices adopted at the site. This application also seeks the retention of the 'Nissan Hut' building for the duration of the development.

1.13 The application includes a Restoration and Aftercare Report. The proposed afteruse is for a combination of woodland planting and agricultural grass leys. The top 1.0 metre depth of soil would consist of 0.8m depth of selected imported soils that would be screened. Indigenous stockpiled or stripped topsoil would make up the final 0.2m depth.

2. Consultations and representations

2.1 Preamble: - It should be noted that text below constitutes a summary of the information supplied to the County Council from the particular consultee or representation(s) that have been made.

2.2 East Herts District Council – Do not raise a strong objection to the continuation of use although there is concerns raised to the ongoing activities associated with the site. In particular the continuation of impact upon the amenities of the local residents, who by living in a rural area, would reasonably expect not to be regularly disturbed at unsociable hours by HGV movements. If the County Council is minded to recommend approval it is requested that a condition be considered to restrict HGV's using the B1368 before 07.00. It is also requested that the woodland planting should be extended to a larger size and the additional hedgerow should be planted with a mixture of species.

2.3 Anstey Parish Council – Supports the application as the Quarry provides local employment and supplies hardcore and chalk to the benefit of people in the village. The revised restoration scheme is an improvement on the current low level programme that would look out of place in the surrounding countryside. The Council have received no concerns or complaints within the village.

2.4 Hormead Parish Council – Wish to lodge their objection. Major concern is regarding the generation of HGV traffic and the damage, disturbance, nuisance and danger caused. State that the applicant has breached existing planning conditions to create a situation whereby they require importing significant amounts of infill to correct the position. This need for infill is then the only justification for the crushing plant for which they should have found an alternative location.

2.5 Barley Parish Council - Wish to reiterate their previous objections made in respect of recycling. Concerns regarding the detrimental effect that lorries serving the Quarry would have upon the safety and fabric of properties on the local rural roads.

2.6 The County Council as Highways Authority – Recommends that if planning permission is granted that it should be subject to the following conditions:-

- a scheme for providing kerbing and haunching to the edge of the carriageway of the local road between the Quarry access and the B1368;
- a scheme of monitoring and reporting of vehicles entering and leaving the site, to include measures for automatic counting;
- measures to control the speed of vehicles using the Quarry access road;
- in respect of limits for HGV flows the following levels:

(A) Whilst chalk extraction is taking place:

August and September 208 loads (416 movements) per week
Maximum 58 loads (116 movements) per day
25 loads (50 movements) Saturday

January to July & October to December 102 loads (204 movements) per week
Maximum 50 loads (100 movements) per day
25 loads (50 movements) Saturday

(B) After chalk extraction has ceased
All year 82 loads (164 movements) per week
45 loads (90 movements) per day
(45 movements) Saturday

- 2.7 Farming and Rural Conservation Agency – Does not wish to object to the application as submitted.
- 2.8 Environment Agency – Has no objection in principle to the proposed development subject to condition relating to soakaways and drainage being imposed on any planning permission granted.
- 2.9 English Nature – The site is identified as a County Wildlife Site and also displays features of geological interest. If possible proposals should be modified to allow part of the existing quarry faces to be conserved *in situ*. Chalk sub soil should be used to finish restoration in order to create new chalk grassland habitat and any tree or hedge planting should utilise those species that are already present in the area.
- 2.10 Hertfordshire Biological Records Centre - Acknowledge the landscape benefits associated with the application but are not entirely happy with the loss of the exposed chalk faces that would be visible under the current restoration proposal. Given the geological importance of the site one face at the northern end of the Quarry should be retained and fenced off buffer should be left to a distance of approximately 50 metres of this face. A lyncet bank (chalk bund) of some 1.5 metres should be retained as part of any restoration for wildlife value. Chalk should be used in the final restoration of the site to reflect the sub soil and therefore the ecology of the surrounding area.
- 2.11 Hertfordshire RIGS Group – Wish to register formal opposition to the plan to fill the quarry to the existing land surface. Although the quarry has never been formally notified as a RIGS site, it is of sufficient geological interest to be considered for notification. It is also one of the few chalk quarries of any size remaining in Hertfordshire. The chalk exposures at Anstey are also exposed at Codicote Quarry and if both quarries were backfilled an essential part of the chalk geology of Hertfordshire would be permanently lost. The chalk geology of the quarry is also of considerable interest in relation to the hydrology of the area
- 2.12 Herts. Rights of Way Association – Express concern that the access to the site is still to be along footpath Anstey Number 1. Motor vehicles on a footpath are a danger and a nuisance and they add to the confusion faced by pedestrians since no footpath can be seen where one should be. Opportunity should be taken when dealing with this application to remedy the problem at Anstey.

- 2.13 HCC Rights of Way Section – There is a potential conflict between walkers and lorries travelling to the site as they share footpath Anstey Number 1. Members of the public have reported no complaints to the County Council. One solution to the potential conflict would be widening the access road in order to allow segregation of pedestrian and vehicle use. If this is not possible other physical measures should be considered such as warning signs for drivers and road humps to ensure that lorries are driven at an appropriately low speed.
- 2.14 HCC Landscape Officer – Strongly supports the application on landscape grounds. Below the topsoil layer chalk should be re-spread to a depth of 0.5 metres in the rooting zone so that the long term ecology of the site is similar to the surrounding area.
- 2.15 Braughing Society – There is no justification for allowing the activity in a rural area which is contrary to Policy RA3 of the East Herts Local Plan. There are adverse environmental impacts and strains along the B1368 and the site is not an appropriate location for waste recycling.
- 2.16 Local representations – A total of 104 individual households were consulted on the basis that they had made representations to previous planning applications at Anstey Quarry. A total of 30 responses were received from those consulted and a further 2 responses were received from persons who were not directly consulted. The main concerns expressed can be summarised below:
- the B1368 and B1038 roads are not appropriate in size or type for heavy good vehicles and will result in damage to the road fabric;
 - some of the footpaths along the villages are narrow and the lorries sometimes have to mount the pavement when passing other traffic such that there is a risk in safety;
 - the road is not wide enough and has various hazardous bends which is made worse by speeding lorries;
 - dust, dirt, air, noise and vibration pollution arising from passing lorries;
 - structural damage to buildings (many of which are listed) caused by passing lorries;
 - the use of the site is not appropriate for a rural area and should be undertaken at a more suitable location;
 - the recycling and infill operations will occur all year round whilst the chalk extraction is seasonal;
 - the operator has breached the sites existing conditions and the proposed hours of operation are unacceptable;
 - the hole in the ground is remote and invisible and should be left that way
- 2.17 There has been 1 letter of support from a local resident, this states that the B1368 is not a country lane and is used by lorries other than the Quarry. It also states that local industry should be supported and encouraged. A letter of support has also been received on behalf of the Trustees who own the freehold of the site.
- 2.18 67 letters of support for the application have also been received that have come from hauliers and customers of Anstey Quarry. The reasons for supporting the application can be summarised as follows:

- similar facilities in this particular locality are scarce and there is a strong need which is only likely to increase;
- there is expectancy to continue to use Anstey Quarry for disposal and the supply of recycled crushed and graded products;
- without such a facility in the locality it would require transporting materials over greater distances;
- the present operation is visually unobtrusive;
- if the facility were to cease it may result in an increase in fly tipping in the area.

3. Planning Considerations

The Development Plan

- 3.1 The development plan for the area comprises the Hertfordshire Structure Plan Review 1991-2011 (April 1998), the Hertfordshire Minerals Local Plan 1991-2006 (July 1998) the Hertfordshire Waste Local Plan 1995-2005 (January 1999) and the East Hertfordshire Local Plan – Adopted Alterations (December 1999)
- 3.2 The site is identified in Waste Policy 21 of the Hertfordshire Waste Local Plan as an existing mineral site where the disposal of waste by landfill will be permitted, subject to the requirements of Waste Policy 2 (Need for waste management facilities). The site is identified as a Rural Area beyond the Green Belt and a Landscape Conservation Area within the East Herts Local Plan. It has also been designated as part of a Wildlife Site.
- 3.3 The most relevant plan policies are 29, 53, and 55 of the Structure Plan, 2, 13, 21, 33, and 46 of the Waste Local Plan, 3, 18, 26, 27, and 29 of the Minerals Local Plan and Policy RA3 and RA11 of the East Herts Local Plan. The definition of these policy numbers is shown at the end of the report.
- 3.4 The material considerations raised by this application are:
- comparison between the existing restoration scheme and the landform proposed within the context of the Landscape Conservation Area designation;
 - whether there is a need and sufficient material available in the locality for the importation and deposit of inert waste;
 - the cumulative affects of HGV traffic on the local highway network in terms of highway capacity, environmental effects and safety considerations;
 - nature conservation and geological interests;
 - rights of way interests;
 - additional chalk extraction and sterilisation;
 - the Review of Mineral Planning Permissions relating to the extant mineral consents and their relationship to this proposal;
 - whether the site is a suitable location for inert recycling and the affect of recycling on the rate of restoration.
- 3.5 Comparison between the existing restoration scheme and the landform proposed within the context of the Landscape Conservation Area designation

The site is identified as being within a Landscape Conservation Area. This designation seeks to ensure that the landscape within these areas is protected and enhanced. Relevant policies are Policy 43 of the Structure Plan, Policy 8 of the Minerals Local Plan, Policy 33 of the Waste Local Plan and Policy RA11 of the East Herts Local Plan.

- 3.6 The approved restoration scheme relating to the four mineral planning permissions would result in a low level restoration ‘bowl’ profile with exposed quarry face’s on the east and north side. These features are visible from the west. Appendix 1 shows cross-sections through the existing restoration scheme and that proposed in this application. The progressive restoration scheme (Appendix 2) submitted under this application would result in a landform that was probably similar to that before extraction ever took place at Anstey. In comparison of the two profiles it is clear that in landscape terms this application complies with the requirements of Minerals Policy 29 (echoed in Waste Policy 46) which states:

“The final landform resulting from the restoration of mineral working should be one apparently created naturally and set harmoniously within the surrounding landscape, whether restoration is to take place at a low level or involves landfill. The creating of acceptable landscape compatible with the surrounding area and individual landscape features integrating the site with its surroundings will be essential”

- 3.7 Waste Policy 33 goes onto state:

“Within Landscape Conservation Areas, planning applications and associated landscaping and restoration schemes will be expected to include proposals which will result in a landscape which at least matches the existing quality of the area and preferably offers clear benefits to it.”

- 3.8 The proposals are also in keeping with national planning guidance as contained in paragraph A9(ii) of Minerals Planning Guidance Note 7 (The Reclamation of Mineral Workings). Paragraph A9(ii) states that final landforms should be the best available compromise between forms which are: *“generally compatible in nature and scale with the natural landform of the area”*.
- 3.9 Views into the site from the west would be minimised during the operations by retaining the existing soil bund on the western side until the final phase of filling, and by restoring the western side of the site in the first phases of landfilling.
- 3.10 Overall it is considered that restoration back to original levels accords with policy and is to be supported as providing a more appropriate landform and long term visual enhancement. However, these benefits need to be balanced against the effects of the infilling and the other policy considerations as set out in the development plan.

- 3.11 Whether there is a need and sufficient material available in the locality for the importation and deposit of inert waste

The site is identified in Waste Policy 21 of the Hertfordshire Waste Local Plan as a site where the disposal of waste by landfill will be permitted if it is in accordance with a scheme of working and restoration at an existing mineral working site, subject to the

requirements of Waste Policy 2 (Need for waste management facilities). Therefore, subject to the requirements of Waste Policy 2, the proposed infilling of the land conforms in principle with the Development Plan.

- 3.12 Waste Policy 2 states that waste management facilities will be supported provided that there is a need for Hertfordshires's own arisings, and there is a clearly established need for additional capacity that outweighs any material interest affected by the proposal. Applications that do not meet the other material considerations and would not meet the environmental and planning standards contained in other policies of the Plan will not be permitted. These latter considerations are assessed later in this report.
- 3.13 In addition to being an identified site in the Waste Local Plan there is generally a shortage of landfill in the county. Although this is less so for inert wastes than commercial industrial or household wastes, letters in support of the proposal have demonstrated that the site could potentially fulfil a local need.
- 3.14 As the infilling of the Quarry is restoration led Waste Policy 46 needs to be considered. This states (inter alia) that the County Council will only permit applications for waste disposal if:

“II) The proposed overall scheme is considered to be an acceptable solution for the site and restoration and afteruse would not involve detrimental environmental impact, including impact on the highway network;”

The environmental and highway impact of the proposal will be assessed further in this report.

- 3.15 Minerals Policy 26 (Landfill) requires applicants to demonstrate that there is sufficient total quantity of fill likely to be available to ensure restoration at the required rate. The applicant has provided details on waste previously received at the site during the operation of the temporary consent, and this shows that only during one of the last four years has sufficient waste (based on phase 1 of the proposed landfill) been attracted to the site. However, these figures need to be read with caution. Firstly, the site is currently concentrating on recycling secondary aggregate and soils, with the only landfill being the rejects from the recycling rather than marketing itself as an inert landfill site. Secondly, there has been the impact over the relevant period of the landfill tax on inert wastes and the proximity of nearby landfill tax exempt sites. Sources of waste are likely to arise from the general locality and developments planned for Royston and Bishops Stortford.
- 3.16 The applicant has obtained information from the Environment Agency that shows licensed landfill sites with remaining void capacity within a 20 kilometre radius of Anstey Quarry. Of the eight sites none are within a 15 kilometre radius of Anstey in which the operator states that nearly 70% of their waste is derived. For various reasons specified only three of the eight sites within a 20 kilometre radius of Anstey are commercially viable. Only two of the sites (Westmill Quarry and Ware Quarry) are in Hertfordshire.

- 3.17 The Hertfordshire Waste Local Plan identifies a further two sites within a twenty kilometre radius that could potentially serve the locality for landfill (Waste Policy 21). However, one of the sites (Plashes Farm) has now been filled and restored, whilst the other (Side Hilly) would appear to have a restricted void capacity and no longer has any active consent.
- 3.18 Minerals Policy 26 (Landfill) also states that any infilling of pits will be required to be achieved rapidly. Whilst the proposed timetable for infilling of Anstey includes a full 10 years after chalk extraction has ceased it takes into account that a faster restoration period would mean a greater intensity of HGV movements over a shorter period. The benefits of the improved landform have therefore been balanced against the rate of restoration and consequential effects. Restoration could also be completed sooner if all materials entering the site were land filled and this particular aspect is discussed later in this report.
- 3.19 The cumulative affects of HGV traffic on the local highway network in terms of highway capacity, environmental effects and safety considerations
The submitted application includes a Traffic Impact Assessment (T.I.A). An independent traffic consultant has been employed to assess the applicant's submitted T.I.A report and the wider environmental effects of the proposed HGV movements on the settlements in the locality. To assist in this analysis a working day traffic count was undertaken on behalf of the County Council on 30 August 2000 at the junction of the B1368 and the local road to the Quarry. It is apparent from the responses received from local residents that they consider the use of local roads by HGV traffic associated with Anstey Quarry as having a detrimental environmental effect on them and their property.
- 3.20 In terms of the suitability of the highway network and highway capacity the relevant Local Plan policies are Policy 29 of the Structure Plan, Policy 18 of the Minerals Local Plan and Policy 43 of the Waste Local Plan. The first element of these Policies relates to HGV transportation on different road classifications as identified in the County Council's current Local Transport Plan. The B1368 is classified as a Secondary Distributor road, whilst the road connecting the site to the B1368 is a local road.
- 3.21 Structure Plan Policy 18 states that minerals and waste developments will be located "*such as to discourage that traffic from using roads other than the primary network wherever possible*". However, both the Minerals and Waste Policies acknowledge that HGV's are normally acceptable, in principle, on primary and distributor roads such as the B1368, although analysis of the suitability of each primary or distributor road needs to be done on a case by case basis that looks at other factors. These factors include safety and the adverse effect on the rural character of the road or the residential properties along it.
- 3.22 In terms of the width, alignment and structural condition of the B1368 the County Council as Highway Authority does not consider that the road is unsuitable in these respects or that the proposed development would have a detrimental impact upon condition of the B1368.
- 3.23 In relation to the local road between the site and the B1368, there is a general presumption against the use of significant lengths of such roads to gain access to the site

from the major road network. Although the length of this road (500 metres) is not significant the Highway Authority's response indicates that as the road is narrow there is damage and erosion to the roadside verges that has occurred as a result of previous and existing HGV traffic to and from the site. In this instance Minerals Policy 18 and Waste Policy 43 states that the use of such roads will only be acceptable if any "*adverse impacts can be ameliorated by environmentally acceptable highway/and or other improvements to the satisfaction of the County Council*". The Highways Authority as part of their consultation response has stipulated that in order to ameliorate the impact on the local road a scheme providing for the kerbing and haunching to the edges of the carriageway is carried out by the applicant.

- 3.24 In terms of the proposed HGV levels there is no restriction on vehicle numbers under any of the extant mineral planning permissions at the site or the time by which lorries transporting chalk can leave or enter the Quarry. Such controls would be of consideration in the determination of a RoMPP submission. There is however statistical evidence that has been supplied by the applicant detailing the level and pattern of lorry movements connected with chalk extraction over the last six years. This shows that in any year the number of loads of chalk can exceed 1,400, however, this figure is not evenly spread throughout the year due to the highly seasonal nature of chalk demand that is tied into the farming calendar. Therefore, in the summer months of July, August and September there is a surge of activity to exploit this time window and suitable weather conditions. The result is that these months represent, on average, 77% of annual sales.
- 3.25 Since 1996 the site has had the benefit of a temporary permission for recycling and landfill of inert waste. The consent allowed for a maximum of 144 vehicle movements per week (i.e. 72 in and 72 out) with a maximum of 40 movements (20 in and 20 out) in any day. This consent expired on 4 November, although the applicant has applied for permission to vary the date by which operations must cease until 4 November 2001.
- 3.26 Despite the previous consents for landfill and inert recycling, any assessment of the impact of HGV traffic needs to be judged in relation to the additional 6 year duration of chalk production, and the 19 years of inert landfill and recycling operations proposed in this application. Additionally comparison needs to be made with the extant consents and the expectations that these would cease in around 3 year's time at the current level of chalk output. The assessment of the HGV impact upon the immediate locality needs to look at whether the HGV's generated by the proposal would give rise to a significant change in the amount or type of traffic using rural roads, and are of such a level that it would have an identifiable adverse impact on the area.
- 3.27 This application proposes HGV movements that are similar to those generated over the last 5 years in respect of the first phase of the development, that is, whilst chalk extraction is taking place in conjunction with landfilling and recycling. In the second phase of the proposed development the level of landfill generated HGV traffic would increase, although there would be an overall decrease in the level of HGV traffic and no seasonal increases during August and September as chalk extraction would have been completed. The proposal would generate on average 182 HGV movements per week to and from the Quarry during the first phase of the development and 164 HGV movements in the second phase of the development. Assuming a 5.25 day working

week and 10 working hours in a day there would be on average 3.5 HGV movements generated per hour by the Quarry during the first phase of the development and 3 movements per hour during second phase. The average weekly HGV figures proposed have been viewed as acceptable to the Highway Authority in respect of the capacity of the local roads to accommodate such levels of traffic. Further consideration of the proposed HGV figures is required due to the seasonal impact of chalk extraction and the level of traffic over a typical working day.

- 3.28 Currently the maximum number of lorries associated with the chalk extraction and the inert landfill and recycling facility occurs during the summer months. A traffic count was undertaken on Wednesday 30 August when chalk was being delivered from the site and indicated the direction split of the Quarry traffic, that is, going or coming from north to south along the B1368. The count also enabled the level of Quarry traffic to be assessed in relation to other traffic travelling along the B1368. By undertaking the count on an hour by hour basis this enables analysis of the increase in noise perception created by certain levels of HGV traffic generated by the Quarry.
- 3.29 The survey data confirmed the applicant's own analysis that the split of Quarry related traffic along the B1368 is 30% to the north in the direction of Barkway and 70% to the south towards Hare Street. The stretch of the B1368 that encounters the highest level of Quarry related HGV's is a section of Hare Street village that is to the north of the junction with the B1038 and within the 30mph limit. It is this particular stretch of the road that has been analysed in the greatest detail by the independent traffic consultant when considering the environmental effects.

3.30 Environmental Effects of HGV traffic – Noise and Vibration

Appendix 3 of this report provides a fuller description of the environmental effects of noise whilst the findings are summarised in this section of the report. The traffic count that was undertaken in August shows that during the period of most intense chalk extraction that a maximum of 8 to 9 Quarry related movements pass through the northern end of Hare Street in any one hour. This level of lorry traffic is just perceptible in certain hours, these being between 07.00 and 08.00 hours, 12.00 to 14.00 hours, and 16.00 to 17.00 hours. At a level of 7 HGV movements in any one hour along this section of Hare Street there should be little or no perceived increase in noise. This would equate to 10 movements per hour at the Quarry entrance given the 30/70% vehicle split that occurs between Barkway to the north and Hare Street to the south.

- 3.31 It is therefore the view of the Highway Authority and the independent traffic consultant that the B1368 is capable of accommodating the traffic generation to and from the Quarry outside of the peak chalk production and can be controlled by a maximum hourly level of HGV movements that should not materially worsen the noise environment. The ability of the County Council to control lorry movements would only be enforceable in terms of movements at the entrance to the Quarry. This could in the worst instance result in a maximum of 10 lorry movements in any one hour along the relevant stretch of Hare Street that would increase the noise level by some 1.5 decibels. Although perceptible, this increase would only result in a marginal impact on local residents and would be unlikely to result in a significant level of complaint (which is generally found to occur when increases are above 5 decibels).

- 3.32 In respect of the noise impact during the peak production period of August and September this would not be acceptable if it caused traffic levels to rise above that presently occurring at the site, unless the change is not perceptible. During the months of August and September the traffic generated by the seasonal increase in chalk production may have some limited impact on the relevant section of Hare Street village in certain hours of the busiest days.
- 3.33 This application seeks to extend the level of chalk reserves equivalent to a further 6 years of extraction, the traffic impact during August and September would therefore be extended for this additional period. This impact would be no more than that historically generated by chalk extraction activities during these months albeit for a longer period of time. This needs to be balanced against the other considerations set out in the report with respect to the need for the chalk.
- 3.34 In light of the foregoing analysis a condition could be imposed on vehicle movements at the Quarry entrance, this condition is produced in Appendix 3.
- 3.35 Both the Highways Authority and the independent traffic consultant have highlighted that the hours at which vehicles should enter and leave the site should be reduced from those requested by the applicant. In particular no HGV's should enter or leave the site before 7 a.m. and after 6 p.m., nor on Saturday after 1p.m. and none on Sundays or Bank Holidays. These hours are consistent with modern restrictions that are attached to mineral and landfill consents.
- 3.36 The independent traffic consultant states that vibration from lorries takes two known forms, being by ground and air. Extensive international research by Dr. G R Watts and others is reported in the Institute of Acoustics 1994 and The British Standards Institute and has shown that ground vibration is very unlikely to result in any structural damage to buildings. The only known incident in the United Kingdom of cracking plaster arose due to a combination of a badly maintained speed hump and alluvial sub soil geology.
- 3.37 Airborne vibration is mainly a result of vehicle exhausts. This can result in the worst instances of vibrating windows and the rattling of windowsill ornaments but it does not result in any physical damage to properties. Whilst residents will experience inconvenience from this type of vibration Government Guidance states that "*Vibration from traffic is not considered likely to give rise to significant effects, except in the most extreme conditions....Noise from traffic will always be of greater concern to people than vibration*". [para 86 of The Environmental Effects of Traffic Associated with Mineral Workings – DETR]
- 3.38 Other impacts arising from HGV movements include accidents, fear and trepidation, and severance. The County Council has records of accidents that have occurred for the full length of the B1368. Over the last 7 years there was a total of 84 Personal Injury Accidents (PIA's) of these 2 were fatal, 25 as serious, and 57 slight injuries. Only two out of the total of the 84 PIAs involved large vehicles, the applicant states that since they have been operating the Quarry that no accident involving quarry traffic has been

reported to them. Both accidents occurred on the open road outside of any settlements, and arose because a car overtook a large vehicle and collided with a car approaching in the opposite direction. It is most likely that the behaviour of the overtaking driver, and not the lorry, was responsible for both accidents although an element of driver frustration may have arisen.

3.39 In respect of fear and trepidation, in particular for pedestrians, this is major concern that has been expressed by local residents in response to this application. There is however no knowledge or data on the existing levels of this impact although there is currently a maximum flow in August and September of around one lorry from the Quarry every seven minutes. The proposed hourly limit of 10 movements to and from the Quarry in any one hour could result in 7 movements per hour along Hare Street, this is equivalent to 1 vehicle movement every 8.5 minutes. This level of quarry traffic should not cause severance of the road for pedestrians, any severance would be more to be a result of other vehicles, most notably cars.

3.40 The final consideration in respect of highways is that there should be no soiling of the public highway. Notwithstanding that this has not been a concern in the past a suitable planning condition could be imposed to ensure that this could be controlled.

3.41 Nature and other conservation interests

The application site, plus a dell hole outside the application area, has been designated as a Wildlife Site due to the important flora on the banks and spoil heaps. There is also geological interest in the exposed chalk faces and the Herts. Biological Records Centre (HBRC) and English Nature have highlighted its importance, both of who wish to see the retention of the northern and eastern vertical chalk face in situ. The HBRC wish to see at the northern face a fenced off pit to be left to a distance of approximately 50 metres from the face. These faces have only become exposed due to the chalk extraction that has taken place at Anstey and under the approved restoration scheme the amount of chalk exposures are reduced to those that can be viewed at present.

3.42 In respect of the wildlife interest within the quarry the areas of interest are the banks and spoil heaps in which the flora supports calcareous grassland plants, including scarce species. However, the banks and spoils are of a transient nature as the quarry is worked and restored in accordance with the existing mineral permissions. The status of the quarry as a Wildlife Site does not place any operational constraints upon working and restoration of the site. The restoration of the site proposed under this application proposes an afteruse of agricultural grass leys and woodland planting incorporating a range of indigenous plants and wild flora mix. In order that indigenous plants would establish successfully and prosper this would best be achieved by at least 0.5 metres of chalk between the final level of filling and the topsoil. This would reflect the sub-soil and therefore the ecology of the surrounding area.

3.43 It is apparent that there is geological interest within the site, however, the site has not been classified as Regionally Important Geological Site (RIGS) although it has been suggested that the site may be a candidate for such a classification. The retention of such faces could result in deep scars in the landscape and possibly result in long term landscape that would be unnatural and be detrimental to the Landscape Conservation Area status. Longer term safety issues could also arise, especially where one of the chalk

faces of interest runs parallel with Anstey Footpath Number 1. If the faces were retained it could not be guaranteed in any event that access to view the exposed faces would be available.

- 3.44 Whilst this application does not plan to retain any of the exposed chalk faces, the operator has expressed a willingness to allow access to the chalk faces for recording and educational purposes which should provide some mitigation against the loss of the exposures. One of the faces that has been identified as having the most interest is within the last Phase of restoration and would therefore be accessible for at least 15 years.
- 3.45 Rights of Way interests - There are two definitive public footpaths within and adjacent to the site. Anstey Footpath No 1 runs along the private farm/quarry haul road and then run adjacent to the northern boundary of the Quarry. The footpath is then separated from the Quarry by fences or a soil bund. There is potential for a conflict of interest between footpath walkers and quarry related traffic. Minerals Policy 12 states that the use of rights of way to obtain vehicle access to a site will not normally be permitted whilst the corresponding Waste Policy 39 states that such use will not be permitted.
- 3.46 The potential for conflict has been highlighted in consultation responses. It would not be possible to widen the access road in order to allow segregation of pedestrian and vehicle use as the applicant has no land interest either side of the access road in order to achieve this. Given that this is an existing as opposed to a new access, other measures of reducing the conflict could be investigated. These could include warning signs for pedestrian and drivers alike, and the imposition of a speed limit.
- 3.47 Anstey Footpath No 3 is aligned parallel to and within the southern site boundary. On the ground though a parallel alignment is used immediately outside the southern site boundary. Following negotiation with the County's Rights Of Way Department the applicant proposes to reinstate the footpath along its definitive path during the next 18 months. On the quarry side of the path it is proposed to erect a one metre high post and wire fence and a metre high soil bund would be constructed alongside this as additional protection to footpath walkers. The reinstatement of this footpath is in accordance with the requirements of Minerals Policy 14 and Waste Policy 39.
- 3.48 Additional chalk extraction and sterilisation
In order to achieve the restoration profiles of the approved 1995 scheme it would be necessary to move chalk around from various parts of the Quarry. Condition 11(b) of planning permission 3/1007-79 requires the retention of chalk batters of 1:5 along the western boundary of the Quarry. However, part of this permission area has been worked in the past leaving a vertical face and thus chalk from other areas is required to make up the approved restoration profile as there is no permission to import material to these parts of the site. In order to achieve the 1995 scheme and work within the depth restrictions laid down in the various permissions, there are approximately 3 years of chalk reserves remaining, assuming extraction on the level of previous years. Under the revised restoration proposals submitted in this application it is not necessary to move quantities of chalk within the Quarry to achieve restoration profiles, as this would be achieved by inert landfill. Working the remaining reserves to 1:5 batters and to the stipulated depth limit without the need to move chalk within the Quarry would provide around a further 6 years of chalk reserve, based on previous output levels. Policy 53 of

the Structure Plan supports the extraction of chalk at appropriate locations subject to environmental and other effects.

3.49 If no further consent for chalk extraction is permitted then 6 years of available chalk production would effectively be sterilised by retaining it within the site. Minerals Policy 3 (Minerals Sterilisation and the Working of Preferred Areas) states that mineral extraction will be encouraged prior to other development (i.e. in this instance inert landfill) taking place where the mineral would otherwise be sterilised. The working of the chalk would thus release a finite resource that would otherwise be lost. However, the benefits of enabling the additional resource to be worked have to be balanced against the impacts of the proposal.

3.50 In respect of the need for the additional mineral, although there are no relevant policies in the Mineral Local Plan relating to the provision of chalk, it is clear from the output figures that there is a local demand for chalk which the additional 6 years of reserves would meet.

3.51 The Review of Mineral Planning Permissions relating to the extant mineral consents and their relationship to this proposal

There are currently four separate chalk extraction permissions that cover the site. Together these have been classified as an Active Phase II site under the Review of Mineral Planning Permissions (RoMPP) requirements. This requires the operator to submit for determination, by the County Council, a new scheme of working and restoration conditions for the chalk extraction by a certain date. This date has currently been extended to the 1 February 2001.

3.52 Should this planning application be approved it is suggested that it should be subject to conditions covering all aspects of the development, including chalk extraction. This would then obviate the need to update the existing working and restoration conditions and would provide an opportunity to impose more onerous conditions than might be possible through the RoMPP process.

3.53 The proposed hours of working and lorry movements are:

	June to September	October to May
Monday to Friday	6 a.m to 8 p.m	7 a.m to 6 p.m
Saturday	6 a.m to 6 p.m	7 a.m to 1 p.m
Sunday	8 a.m to 5p.m	No working

Maximum loads out: 60 per day; 250 per week; 1,500 per year *

(* of this number a maximum of 1,200 loads would be in the four month period July to October inclusive, and a maximum of 300 loads in the remaining eight month period November to May)

3.54 The production of agricultural lime is extremely seasonal both in terms of when the chalk can be worked and in terms of demand. This is reflected in a concentration of activities at a similar time every year (July to October) and this is reflected in the proposed hours of working and lorry movements.

- 3.55 Chalk extraction proposed in this application is being assessed on the above figures and judgement made as to whether these would be acceptable or should be altered. Any grant of permission would need to include revocation of the existing chalk permissions by legal agreement to ensure that there would not be a subsequent RoMPP application that could prejudice the conditions attached to any permission granted under a comprehensive scheme.
- 3.56 In respect of the hours of operation that are proposed by the applicant, these reflect the current hours of operation and are considered acceptable. The remoteness of the site to any residential properties means that there are unlikely to be adverse environmental effects from the operation.
- 3.57 To ensure that any adverse effects further away from the site are minimised, the hours by which traffic could enter or leave the site should be conditioned differently to those proposed by the applicant. It is suggested that lorries should only enter or leave the site between 7a.m. and 6p.m. weekdays and between 7a.m. and 1p.m. on Saturdays. No lorries should enter or leave the site on Sundays or Public Bank Holidays.
- 3.58 Whether the site is a suitable location for inert recycling and the affect of recycling on the rate of restoration.
The recycling of inert waste to form secondary aggregate is both sustainable and represents a waste management process that is higher up the waste hierarchy than landfill. The recycling proposal is compatible with Structure Plan Policy 53 (Mineral extraction) and is encouraged in Structure Plan Policy 55 (Waste Management). However, proposals for recycling can have negative environmental effects on a locality and therefore these effects need to be assessed. The other concern can be that by recycling incoming waste at a landfill site the rate of restoration, and hence the completion of the landfill, is unduly delayed to the detriment of a locality. Unlike mineral extraction and restoration the recycling of inert waste is viewed as inappropriate development in the rural area beyond the Green Belt (Policy RA3 of East Herts Local Plan).
- 3.59 Waste Policy 13 provides a criteria based assessment for recycling proposals that are outside the preferred Areas of Search identified in the Plan. Facilities such as the one proposed will be permitted subject to the requirements of Waste Policy 2 and other criteria. The proposal meets these requirements whilst Waste Policy 2 gives support to such facilities where they accommodate Hertfordshire's own waste arisings, there is clearly established need for extra capacity and facilities of the kind proposed, and the proposal satisfies the other Policies of the Plan.
- 3.60 Responses from existing customers of the site indicate that there is a scarcity of such facilities in the locality of the kind that is provided by Anstey Quarry. There is an allocated site identified in the Waste Local Plan for such development (Sunnyside, Buntingford). However, no planning application for this type of development has been submitted to date and it is unclear at present whether the site would ever be developed as a recycling facility. It therefore appears that a recycling facility would supply a local demand for secondary aggregate that is not currently catered for.

- 3.61 There is no doubt that suitable quantity of waste is generated in the locality as the level of secondary aggregate proposed (12,000 tonnes) has been produced during the last three years of such activities taking place at Anstey.
- 3.62 In terms of the environmental and other planning considerations the actual recycling operations have not caused any problems in terms of noise and dust over the last four years, and this is due to the location of the machinery at the bottom of the quarry. The traffic generated by the recycling has been assessed in context of the overall vehicle numbers generated by the proposed development.
- 3.63 The applicant has also offered to revoke the recycling operation if a permanent facility were to become operational within 10 kilometres of the site. It is therefore recognised by the applicant that the site is not appropriate as a permanent location for inert waste recycling. However, they argue that in the absence of a permanent local facility that Anstey Quarry would fulfil such a role until a permanent facility is operational.
- 3.64 An alternative facility might come about by three means. The first and most obvious would be if the Area of Search at Sunnyside, Buntingford were to be developed for inert recycling. Secondly, by further identifying and developing Areas of Search in the Review of the Waste Local Plan, or thirdly by a site that is brought forward by industry which complies with the criteria based analysis laid down in Waste Policy 13. It is not guaranteed that any of these three scenarios would happen over the proposed 19 year life of operations at Anstey, but if they did this would result in the swifter restoration of Anstey Quarry as all incoming inert materials would be sent direct to landfill.
- 3.65 When recycling operations are co-located with landfill sites there is the need to assess how the level of recycling extends the duration of the landfill, as some of the waste stream is diverted as a recycled product. The applicant has stated that around 12,000 tonnes per annum of waste would be recycled as use as a secondary aggregate. This figure is equivalent to around 6,000 cubic metres of fill. Over a 19 year period this would equal some 114,000 cubic metres of fill. At the higher level of importation of 33,000 cubic metres (where any reduction of the timescale for completion of infilling would take place) the period of time which the rate of recycling delays restoration is approximately 3.5 years. Therefore without any recycling element the site would be restored to the proposed levels in approximately 15.5 years.
- 3.66 The prompt restoration of mineral sites is desirable, and encouraged by Mineral Plan Policies 26 and 27. The infilling of the Quarry has been submitted as a restoration led proposal that would result in the landscape benefits described earlier in this report. This would increase the duration of activity at the Quarry, including the associated HGV movements, for a further 12 years longer than is expected under the extant chalk consents. It is therefore a reasonable expectation of the residents in nearby villages who experience HGV traffic from the Quarry that the restoration of the site is completed in the earliest possible timescale. This timescale needs to be balanced against a level of HGV movements that should not cause detriment to their amenity. To increase the duration of activities by a further 3.5 years for an ancillary recycling element would be unreasonable. On balance, it is considered that the benefits of recycling at the scale proposed would be outweighed by the additional time it would take to restore the site

and the consequential additional length of time over which the environmental impacts would be experienced.

3 4. Conclusions

- 4.1 The site is identified in Waste Policy 21 of the Hertfordshire Waste Local Plan as a site where the disposal of waste by landfill will be permitted if it is in accordance with a scheme of working and restoration at an existing mineral working site, subject to the requirements of Waste Policy 2 (Need for waste management facilities). There is a demonstrated need for landfill in the County including this particular part of the County. Only a few sites in the locality are commercially viable for inert waste disposal for various reasons. Other suitable sites within the Hertfordshire Local Plan are either complete or have minimal void space. Local users of the Quarry have expressed the view that there is a shortage of inert landfill/recycling facilities in the locality and that without the continued use of the facility they would have to travel further distances in order to access such facilities.
- 4.2 The restoration of the site by inert landfill to the original pre extraction levels is more in keeping with the area's Landscape Conservation Area designation than the current restoration 'bowl' approved in 1995. Under the 1995 scheme exposed chalk faces would be visible from the west. Whilst infilling is in progress an existing topsoil bund would minimise views into the site.
- 4.3 There is broad policy consensus that encourages the establishment of inert recycling facilities and there would appear to be a need for such a facility in this particular locality. In this particular instance the location of the site could be seen as appropriate and would be undertaken at a level by which its contribution to HGV traffic generated by the overall proposal should not be of detriment to the local amenity of residents living along the B1368. However, the level of inert recycling would divert a further 3.5 years worth of infill that could otherwise be used in restoring the site. As the restoration of the site would add a further 12 years life in itself, it would be inappropriate to extend this period for an ancillary recycling activity, given that the infilling of the Quarry is to achieve a final landform that complements the Landscape Conservation Area status. Despite the applicant's willingness to discontinue recycling should an alternative facility within 10 kilometres of the Quarry become operational, there is no guarantee that this would occur, indeed such a facility may be deterred by allowing recycling at Anstey.
- 4.4 The use of the B1368 is, in principle, an acceptable means of accessing the site. In order to protect the roadside verge of the local road between the B1368 and the Quarry highway improvements would be required. Naturally additional traffic associated with any proposal would have an effect on the local highway network. Assessment of these effects by external independent traffic consultant has shown that, outside of the peak chalk extraction period, there is a level at which a maximum hour by hour HGV movement limits can be imposed that should not result in a perceived impact upon the residential properties of the most affected stretch of the public highway. This section is between the Quarry and the junction of the B1368 and B1038 in Hare Street.
- 4.5 During the months of August and September the traffic generated by the seasonal increase in chalk production may have some limited impact on the relevant section of

Hare Street village in certain hours of the busiest days. The extant mineral permissions allow around a further 3 years' worth of chalk production. This application seeks to extend the level of chalk reserves that is equivalent to a further 6 years of extraction, the traffic impact during August and September would therefore be extended for this additional period. Notwithstanding that this impact would be no more than has historically generated by chalk extraction activities during these months there is a need for the mineral to serve the local farming economy and it is also a consideration against the fact that minerals can only be worked where they occur naturally. These reasons are viewed as sufficient to justify the environmental disbenefit during parts of these two months.

- 4.6 The proposal would avoid sterilisation of chalk by inert landfilling and would provide additional 6 years worth of reserves. Based on previous demand this chalk would be required to supply the local agricultural industry with lime.
- 4.7 There is geological interest in some of the exposed chalk faces as a result of quarrying activities, however the site is not classified as a Regionally Important Geological Site. The operator has indicated a willingness to allow access to the site for recording from and educational purposes that should provide some mitigation against the loss of the exposures. One of the faces that has been identified as having the most interest is within the last Phase of restoration and would therefore be accessible for at least 15 years.
- 4.8 Although the access to the Quarry is shared with a public footpath there has been no record of any accidents between Quarry related vehicles and footpath users. Measures of reducing the conflict would be required to be implemented and these could include warning signs for pedestrian and drivers alike, and the imposition of a speed limit.
- 4.9 In respect of the working and winning of chalk at the site there is, in the determination of this application, an opportunity to impose more onerous conditions than might be possible through the RoMPP process.
- 4.10 It is therefore concluded that, on balance, planning permission should be granted for that part of the application relating to chalk extraction and infilling subject to an appropriate legal agreement and conditions to control the operations, but refused for that part of the application relating to recycling, for the reasons set out in the report.

5. Financial Implications

- 5.1 Planning applications should be determined on the basis of material planning considerations, and not on the basis of their financial implications for the County Council. However, it is a requirement of the County Council to advise all Committees and Sub-Committees of the financial implications that may arise from a decision of the Committee.
- 5.2 If a planning application is refused or is not determined within a specific period, the applicant has a right of appeal. Any appeal would result in additional costs, which in part can be met from existing budget provisions. However, a major public inquiry may give rise to significant costs for which there is no specific budget provision. If the County Council refuses an application without reasonable planning grounds on which to

base its decision, it may be liable to pay the costs of the applicant in contesting the appeal.

Background information referred to by the author whilst compiling the report

Planning Application ref. 3/1182-00

Consultation responses and representation received in response to Planning Application ref. 3/1182-00

Hertfordshire Structure Plan Review 1991 - 2011 (April 1998)

Hertfordshire Minerals Local Plan 1991 - 2006 (July 1998)

Hertfordshire Waste Local Plan 1995 – 2005 (January 1999)

East Hertfordshire Local Plan – Adopted Alterations (December 1999)

Minerals Planning Guidance 14 (September 1995)

Minerals Planning Guidance 7 (November 1996)

Independent Traffic Consultant

Reports prepared by Traffic Impact

“Critique on supporting Statement for Anstey Chalk Quarry, Anstey, Herts”, August 2000

“Anstey Chalk Quarry Environmental Impact” – October, 2000

Development Plan Policies referred to in this report:- Structure Plan Policy 29 (Traffic and Safety Implications of Development Proposals), 53 (Mineral Extraction), and 55 (Waste Management). Waste Local Plan Policy 2 (Need for waste management facilities), 13 (Criteria for facilities for re-use, recovery, recycling and transfer of waste outside areas of search), 21 (Disposal of waste by landfill), 33 (Landscape intrusion), and 46 (Restoration, aftercare and afteruse). Mineral Local Plan Policy 3 (Mineral sterilisation and the working of Preferred Areas) 18 (Transport to and from Workings), 26 (Landfill), 27 (restoration Scheme), and 29 (Form of Restoration). East Herts Local Plan Policy RA3 (Rural Area beyond the Green Belt) and RA11 (Landscape Conservation Areas).