

**EAST HERTFORDSHIRE DISTRICT
APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION 3/1266-94
(EXTENSION OF TIME FOR CESSATION OF INERT RECYCLING AND
DISPOSAL OPERATIONS UNTIL 4 NOVEMBER 2001) AT ANSTEY CHALK
QUARRY, ANSTEY, NR BUNTINGFORD, HERTS**

Report of the Director of Environment

Author: Tim Williams, Tel: 01992 556254

Local Member: J Pitman

1. Purpose of the report

To consider planning application number 3/1753-00 to extend the time period (Condition 1) for a temporary inert waste recycling facility at Ansteys Quarry, granted under planning permission 3/1266-94, until 4 November 2001.

2. Summary

- 2.1 Planning Permission 3/1266-94 for temporary inert waste recycling and disposal of rejects was permitted on 13 February 1995. A further extension to this permission for 2 years was sought in 1998 under application 3/1034-98. This application was refused by the County Council, however, following an appeal and consideration of the issues by written representations, a planning inspector granted an extension of 15 months to become effective from the date of his decision (4 August 1999) until 4 November 2000. The application under consideration seeks to vary condition 1 until 4 November 2001.
- 2.2 There is currently a planning application (ref. 3/1182-00) for a comprehensive scheme involving chalk extraction and restoration of the site by inert landfilling together with a temporary facility for inert recycling that was presented to the November 2000 Development Control Committee. The Committee's resolution was to grant permission for the chalk and infilling elements of the proposal but to reject inert recycling on the grounds that it would delay the rate of restoration of the Quarry and would therefore extend the duration of the adverse impact of lorry movements on the local environment. Permission has yet to be issued as a Section 106 agreement primarily related to the operator paying for highways works has yet to be concluded.

- 2.3 Anstey Chalk Quarry is located to the North-east of Buntingford, one mile to the West of Anstey village. The 9 hectare quarry has been progressively worked for chalk since 1949 supplying agricultural lime. This application relates to the use of 1.5 hectare for inert waste recycling and disposal of reject materials. The amendment to Condition 1 is to enable the continuation of operations of sorting, processing and storage of inert waste. This material is imported to the site from construction and demolition sites with the intention of recycling reclaimable materials.
- 2.4 Materials imported to the site are to be sorted and non-inert waste is stored pending removal from the site. Inert reject materials arising from processing are disposed of in the southern part of the site. Operating hours would remain the same as at present: 7am – 6pm Mondays to Fridays and 7am – 1pm on Saturdays. Plant already used for these operations are all mobile, and include a crusher, a soil screen, conveyors, a loading shovel and an excavator.
- 2.5 At present up to 40 lorry movements (20 in and 20 out) in one day, and 144 (72 in and 72 out) in one 6-day week take material to, and collect from, the operation, and these levels are intended to be maintained. There are also currently unlimited vehicle movements to and from the site in connection with permitted chalk extraction activities.
- 2.6 The main issue regarding this application is whether the proposal conforms to the policies of the development plan, in particular if the site is an appropriate location for inert recycling. Consideration is also given to a conditional grant of permission until such time as the comprehensive planning application for the site is issued and implemented. This discusses whether the impact of the number of lorry movements that would be allowed in this application compare to those lorry movements that would be allowed when consent for the comprehensive planning application is implemented.

3. Conclusions

- 3.1 The report concludes that the Director of Environment should be authorised to refuse planning application ref. 3/1753-00 for the variation of condition 1 of planning permission 3/1266/94 until 4 November 2001 at Anstey Quarry for the following reasons:
- that the proposal is not in a Preferred Area for inert recycling as detailed in Waste Local Plan Policy12;
 - that the proposal does not comply with Waste Plan Policy 17 (Temporary inert waste and skip waste recycling facilities at landfill sites) as there is no consent for landfilling and neither is the facility required to separate inert waste from non-inert waste and recover recyclable materials;
 - that the proposal does not meet the criteria laid down in Waste Plan Policy 13 due to the impact of heavy goods vehicles on the amenity of local residents living along the B1368.
- 3.2 The report also concludes that appropriate enforcement action should be taken as necessary to ensure that operations cease within three months of a refusal decision and

all stockpiles of materials and associated plant and machinery be removed from the site.

1. Description of the site and proposed development

- 1.1 Anstey Chalk Quarry is located to the North-east of Buntingford, one mile to the West of Anstey village. The 9 hectare quarry has been progressively worked for chalk since 1949, supplying agricultural lime. Access to the site is via a local road that connects to the B1368. Planning Permission 3/1266-94 for inert waste recycling and disposal was permitted on 13 February 1995 to assess the suitability of the site for this use. An extension to this permission for 2 years was sought in 1998 under application 3/1034-98. This application was refused by the County Council, however following an appeal and consideration of the issues by written representations, the inspector granted an extension of 15 months to become effective from the date of his decision (4 August 1999) until 4 November 2000.
- 1.2 The application under consideration seeks to amend the wording of Condition 1 to enable the continuation of operations for sorting, processing and storage of inert waste until 4 November 2001. Material is imported to the site from construction and demolition sites with the intention of recycling reclaimable materials. The application area relates to the use of 1.5 hectare as indicated on the enclosed plan.
- 1.3 Materials imported to the site are sorted and non-inert waste is stored pending removal from the site. Inert reject materials arising from processing are disposed of in the southern part of the site. The sorting and storage areas for mixed waste, of which the non-inert materials are to be taken away from the site, are entirely within an existing building.
- 1.4 Recyclable materials such as brick, concrete, and soil are crushed or screened, then stockpiled ready for export. Operating hours would remain the same as at present: 7am – 6pm Mondays to Fridays and 7am – 1pm on Saturdays. Plant already used for these operations are all mobile, and include a crusher, a soil screen, conveyors, a loading shovel and an excavator.
- 1.5 At present up to 40 lorry movements (20 in and 20 out) in one day, and 144 (72 in and 72 out) in one 6-day week take material to, and collect from, the operation, and these levels are intended to be maintained.
- 1.6 Access to and egress from the site would continue to be via the existing road and site entrance. Car parking provision for 4 vehicles would be adjacent to the entrance. A public footpath shares the access road, and another runs along the southern boundary of the quarry.
- 1.7 The remainder of the chalk pit would continue to be used for the winning and processing of chalk and for agricultural use. Suitable measures would be taken to prevent mud and debris being carried on to the highway and dust would be suppressed by spraying with water as necessary.
- 1.8 There is currently a planning application (ref. 3/1182-00) for a comprehensive scheme involving chalk extraction, and restoration of the site by inert landfilling together with a temporary facility for inert recycling that was presented to the November 2000 Development Control Committee. The Committee's resolution was to grant

permission for the chalk and infilling elements of the proposal but to reject inert recycling on the grounds that it would delay the rate of restoration of the Quarry and would therefore extend the duration of the adverse impacts of lorry movements on the local environment. Permission has yet to be issued as a Section 106 agreement primarily related to the operator paying for highways works has yet to be concluded.

2. Consultations and representations

- 2.1 East Herts District Council (Planning) – The main issue of concern to the authority is the continuation of impact along with the associated vehicle movements from the recycling operation upon the amenities of the local residents. These residents by virtue of living in a rural area would reasonably expect not to be regularly disturbed at unsociable hours by HGV movements.
- 2.2 East Herts District Council (Environmental Health) – No objection to the variation.
- 2.3 Environment Agency – Have no comments on the application.
- 2.4 The County Council as Highways Authority – No objection, however state that if planning permission is granted it should be subject to securing a planning obligation to provide a financial contribution to the extra highway maintenance on the public highway between the site and the B1368.
- 2.5 Wyddial Parish Council – The village generally accepts that rural employment issues are important, but it is felt that the proposal cannot be supported due to the significant numbers of heavy lorry movements on narrow country lanes.
- 2.6 Braughing Parish Council – The Council is not opposed to the quarrying operations or the recycling of reclaimable materials. However the Council has strong concerns on the matter of vehicle movements on the B1368 and there should be a cap on all lorry movements from the site.
- 2.7 Barley Parish Council – Object to the above application because of their fears and concern of the impact the movement of heavy good vehicles would have on the rural roads and villages in the area.
- 2.8 The Braughing Society - Feel that the application should be refused as it is inappropriate in a rural location and is contrary to Policy RA3 of the East Herts Local plan. In addition there are adverse environmental reasons with the HGV movements along the B1368.
- 2.9 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 15 responses were received from those consulted. Of the 14 representations objecting, the main concerns relate to environmental impact of goods vehicles on inappropriate rural roads, such as noise, vibration, pollution and safety concerns. Objectors have also raised the issue that the site is not an appropriate area for recycling operations. One letter of support for the proposals was received.

3. Planning Considerations

3.1 The Development Plan

3.2 The development plan for the area comprises the Hertfordshire Structure Plan Review 1991-2011 (April 1998), the Hertfordshire Waste Local Plan 1995-2005 (January 1999) and the East Hertfordshire Local Plan – Adopted Alterations (December 1999).

3.3 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.

3.4 The material consideration regarding this application are whether the proposal conforms to the policies of the development plan, in particular if the site is an appropriate location for inert recycling. Consideration is also given to a conditional grant of permission until such time as the comprehensive planning application for the site is issued and implemented. This discusses whether the impact of the number of lorry movements that would be allowed in this application compare to those lorry movements that would be allowed when consent for the comprehensive planning application is implemented.

3.5 Whether the proposal complies with relevant policies of the development plan - In relation to the designation of the site as part of the Area Beyond the Green Belt and Landscape Conservation Area the initial application (ref. 3/1266-94) and the Inspectors report gave little weight to this given the temporary nature of the overall operation and the fact that the operations are located unobtrusively.

3.6 In respect of Policies within the Waste Local Plan the site is not identified as a Preferred Area of Search for inert recycling (Policy 12). Nor is Waste Plan Policy 17 (Temporary inert waste and skip waste recycling facilities at landfill sites) relevant as there is, at present, no consent for landfilling and neither is the facility required to separate inert waste from non-inert waste and recover recyclable materials.

3.7 Waste Plan Policy 13 is relevant in relation to this proposal. This provides a criteria based assessment for recycling proposals that are outside the Preferred Areas of Search identified in the Plan. It is considered that the benefits of the recycling operation are not sufficient to outweigh the disbenefits arising from the movement of heavy goods vehicles (HGV's) along the villages along the B1368 and consequently the proposal would not minimise impact on local and natural environments. Furthermore the Policy states that "In all cases, proximity to existing and proposed residential areas will be taken into account".

3.8 Whilst there is no objection from the Highways Authority regarding the capacity of the local network, it is clear from responses from local residents living along the B1368 that there is a perceived impact from heavy goods vehicles associated with Anstey

Quarry as having a detrimental environmental effect upon them and their properties. Similar objections and concerns were expressed when the previous application to extend the duration of the development was made. That application was refused in part on highway grounds and in the conclusion of an Appeal Decision in relation to this refusal the Inspector noted that “... *I find that in terms of the impact of HGV movements there is a valid objection to the renewal of planning permission*”. Therefore in consideration of the proposal against Waste plan Policy 13 there is a valid objection for the continuation of the recycling facility.

- 3.9 Comparison of heavy goods vehicle movements associated with the application under consideration and the number of movements that will be allowed by the comprehensive application. – Consideration has been given to the possibility of issuing a conditional consent allowing recycling for the time applied for, or if earlier, the implementation of the comprehensive scheme at which time recycling should cease. However, until the comprehensive scheme is implemented the number of lorries that can transport chalk are unlimited whilst under the comprehensive scheme the total number of movements associated with all operations are limited to a maximum hourly level that was judged as environmentally acceptable.
- 3.10 The application under consideration has no such control. Furthermore it was acknowledged in the Committee report of the comprehensive scheme that the level of HGV traffic in the summer period needs to be balanced against the fact that extraction materials can only be worked where they are found. In other words , whilst there is a justification for the chalk extraction and subsequent restoration in this location there is no corresponding justification for the recycling facility.

4. Conclusions

- 4.1 This report concludes that the proposal does not conform to Policies 12 and 17 of the approved Waste Local Plan. In respect of Waste Local Plan 13 the continuation of recycling does not meet the criteria for the scheme to be acceptable due to the impact of heavy goods vehicles on the amenity of local residents living along the B1368.
- 4.2 The application also has to be considered within the context that the comprehensive scheme for the Quarry may not be implemented, thereby removing a mechanism by which the recycling should cease. It is also open to the applicant to appeal that part of the decision which refuses the recycling operations. The proposal therefore has to be considered on its merits and given the lack of justification for the facility in this location it is concluded that planning permission should be refused.
- 4.3 If the Committee is minded to refuse the application then appropriate enforcement action should be taken to ensure that activities cease and all the materials and plant used in connection with the operation be removed from the site. It would be reasonable that the compliance period for this requirement is within three months of a refusal decision to enable the operator to work any existing materials, clear the site and facilitate consideration of alternative locations for recycling.

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 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 material used by the author in compiling the report

Planning Application ref. 3/1753-00

Consultation responses and representations received in response to Planning Application ref. 3/1753-00

Hertfordshire Structure Plan Review 1991 to 2011 (adopted April 1998)

Hertfordshire Waste Local Plan 1995- 2005 (adopted January 1999)

East Hertfordshire Local Plan – Adopted Alterations (December 1999)

Report of the Director of Environment in relation to planning application 3/1182-00

Report of an Appeal Decision by Planning Inspector K E Hyland dated 4 August 1999 in relation to appeals at Anstey Quarry.