

EAST HERTFORDSHIRE DISTRICT

**SUBMISSION OF SCHEMES FOR APPROVAL AS REQUIRED BY PLANNING
CONDITIONS (RESTORATION SCHEME AND FURTHER DETAILS) AT
BUNKERS HILL QUARRY, WATER HALL QUARRY COMPLEX, NR
HERTFORD**

Report of the Director of Environment

Author: Brian Owen, County Development Unit, tel: 01992 556255

Local Member: B N W Hammond

1. Purpose of the report

To consider submissions for approval of details as required by conditions 61 and 67 of permission 3/0003-99 (updated conditions for Water Hall Quarry Complex incorporating subsequent amendments) at Bunkers Hill Quarry, Water Hall Quarry Complex, Nr Hertford.

2. Summary

- 2.1 New conditions for the Water Hall Quarry Complex were imposed in February 1998 under the provisions of the Environment Act 1995 as part of the Review of Mineral Planning Permissions. This report considers the submission of details required by conditions 61 and 67 of the updated permission, relating to a detailed working and restoration scheme, dust mitigation scheme and noise mitigation scheme at Bunkers Hill Quarry, which forms part of the quarry complex.

3. CONCLUSIONS

The report concludes that the Director of Environment should be authorised to:

- a) approve the scheme of working subject to conditions preventing the export of overburden from the site;
- b) approve the outline scheme of restoration in respect of the final contours;
- c) secure an amendment to the outline scheme of restoration to amend the phasing to restore the site from an easterly direction;
- d) approve the schemes for dust and noise subject to receipt of satisfactory details of noise attenuation and bunding.

1. Background to the proposals and summary of submitted schemes

- 1.1 Permission for extraction of sand and gravel at Bunkers Hill Quarry was first granted on 31 January 1948 as part of an Interim Development Order approval. A further permission was granted on 24 June 1952. At this time the proposals for restoration of the quarry were linked to a roundabout for the then proposed North Orbital Road. Further permissions were granted in 1960 and 1964. None of these permissions included any conditions relating to completion dates for extraction or restoration. A further planning permission was granted in 1973 for extraction, but this required restoration to a lower level.
- 1.2 Extraction at Bunkers Hill Quarry is largely complete with only an area of a few hectares that remains to be worked. Currently there are stockpiles of overburden and reject sand and gravel within Bunkers Hill Quarry, which remains as a large void with no restoration of the land. Previously, no restoration schemes have been submitted for the site.
- 1.3 Planning conditions at Water Hall Quarry complex as a whole were reviewed under the provisions of the Environment Act 1995, Review of Old Mineral Planning Permissions. A new set of conditions was issued on 2 February 1998. These conditions included a sub-set of conditions that related specifically to Bunkers Hill Quarry. Condition 61 included a requirement that a scheme of working and outline restoration be submitted by 31 August 1998. An application to defer the date for submission to 31 December 1999 was approved by the Environment Cases Sub-Committee on 11 May 1999. The scheme was submitted on 29 December 1999 and has been the subject of further discussion, amplification and submissions.
- 1.4 The applicant has also submitted restoration proposals for Pollards Quarry (also part of the Water Hall complex and subject to the Review referred to above, with its own sub-set of conditions), which is a separate item on this agenda. A planning application for construction of an internal haul road to connect Bunkers Hill with Pollards Quarry has been approved. The restoration proposal for Pollards Quarry involves moving overburden, including some from Bunkers Hill, and other reject mineral to Pollards to be used for restoration.
- 1.5 The submission indicates that the total remaining reserves of sand and gravel at Bunkers Hill were approximately 150,000 tonnes at the end of 1999, located primarily in the east and south-east part of the site, which would be extracted on an intermittent basis over a 5-7 year period. Latest estimates indicate that there are currently 120,000 tonnes remaining. Extraction would take place on a progressive basis in a clockwise direction, commencing in the north-east.
- 1.6 There are some 400,000 cubic metres of overburden stored within the site with a further 400,000 cubic metres of clay overburden within the future extraction area. The scheme proposes that 75,000 – 150,000m³ of overburden from Bunkers Hill should be taken to Pollards to bring forward restoration of this quarry. In order to achieve the earliest possible restoration of Pollards it is anticipated that restoration at Bunkers Hill will not commence on a significant scale until Pollards is nearing completion. The

completion date for Pollards is 2010. The submission also indicates that overburden may be exported from the site.

- 1.7 The total void space is estimated at approximately 480,000 m³. An area of land in the southern part of the quarry is restricted to infilling using materials arising from within Bunkers Hill, whilst the remainder has planning permission for Category A (inert) waste. Material for the infilling would come from clay and overburden materials arising from the Water Hall complex, including Bunkers Hill, inert waste from external sources and recycled inert waste arising from the recycling facility at Water Hall.
- 1.8 Each of the seven infilling phases could take up to 5 years to infill, depending on the availability of materials. The planning permission for the site expires in 2042. The operations would commence in the south of the site and move in a north-easterly direction.

Outline restoration proposals

- 1.9 The restoration scheme is in outline only and provides details of the final contours, phasing and soil cover. They seek to reflect the original contours of the land and require the minimum quantity of infill material to be imported to achieve this.

Noise and Dust Mitigation

- 1.10 Noise and dust mitigation schemes have been submitted as part of the proposals to protect the nearest sensitive properties. The method of working and existing bunds provide some noise attenuation and the proposals include extending an existing soil storage bund in terms of both width and height. The proposals for mitigating dust also include:
- a water bowser to be available at all times;
 - vehicle speeds within the quarry to be limited to 20mph;
 - existing perimeter planting to be retained;
 - a compacted surface to the haul road.
- 1.11 Submissions relating to schemes of working and restoration are usually dealt with under officer delegated powers following a more limited consultation with the local district and parish councils and relevant technical advisory bodies. However, given the level of public interest in Water Hall as a whole, the schemes for both Bunkers Hill and Pollards Quarries have been the subject of a wider consultation and are being brought to the Committee for decision.

2. Consultation and Representations

- 2.1 East Herts District Council:- have no comment other than that the County Council ensure that the haul road is restored and landscaped at the end of its use. East Hertfordshire District Council Environmental Health Department are satisfied with the noise mitigation scheme and note that complaints about noise will be logged and investigated.

- 2.2 Hertingfordbury Parish Council - do not object to the proposed conditions of working, mindful that the permission to work is already established. They would like to see linear measurements on the plans in order to establish the boundaries of working and would support the request for a bund on the southern side of the haul road. They support the request from Little Berkhamsted Parish Council that every effort be made to protect the residents at Water Hall Cottages from excessive dust and noise from the workings and the water bowsers used to reduce any dust raised.
- 2.3 Bayford Parish Council:- consider that the time of development should be reduced to something like ten years and the current plan of up to 35 years is totally unacceptable. They also consider that the site should be the subject of strict working hours restrictions, with no weekend working and noise levels kept to a minimum, bearing in mind the proximity to residential properties.
- 2.4 Little Berkhamsted Parish Council:- do not object to the proposed conditions of working at Bunkers Hill Quarry, bearing in mind that permission to work there has already been established. They would like to see incorporated on the plan linear measurements to establish the boundaries of working. They also suggest that a bund be erected on the southern side of the haul route to protect residents from noise. The Parish trusts that monitoring of noise and dust at Water Hall Cottages will be taken on a regular basis.
- 2.5 The Environment Agency:- comment that any drainage scheme would need to take account of ground water flows to ensure that the placement of infill material does not cause a build up of groundwater levels.
- 2.6 MAFF (now DEFRA):-do not wish to comment on the principle of the proposals due to their size, however they suggest that the most sustainable use is made of the soil resources on site, and that working and restoration methodologies and proposed aftercare strategies should ensure that the soil resources on site are not degraded.
- 2.7 The County Council as Highway Authority does not wish to restrict the granting of the application subject to a planning condition requiring best practicable means to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.
- 2.8 British Gas Transco:- have no comments to make
- 2.9 A total of 35 properties were consulted and 8 letters of representation have been received and the main objections raised are:
- noise (including reversing beepers), dust, pollution and vibration;
 - needless movement of materials from one site to another, increasing lorry movements;
 - excessive length of time to complete restoration;
 - creation of a larger void at Bunkers Hill;
 - wish to see bunds/planting along the South side of Bunkers Hill ;

- number of lorry movements including the impact upon the B158;
- change in landscape;
- contamination of water (River Lea) and level of water table;
- hours of operation.

3. Planning Considerations

- 3.1 The submission provides details of continued working at the site, an outline of restoration proposals and details of noise and dust mitigation.

Scheme of working

- 3.2 The conditions require that an area in the south of the site be restored using materials which arise within Bunkers Hill. Subject to there being sufficient quantities of soil-making materials for the final restoration of Bunkers Hill and the retention of sufficient quantities of material for restoration of the area where infill is restricted to material arising from Bunkers Hill Quarry, this provides an opportunity for early restoration of Pollards Quarry.
- 3.3 The submission also indicates that overburden may be exported from the site. However overburden is mineral waste and this material could be used in restoration of the quarry. In order to ensure restoration occurs within a reasonable timescale and to minimise the impact of traffic which would be generated by exporting the material and then importing material to replace it, a restriction should be placed on the export of overburden from the site.

Outline restoration proposals

- 3.4 The restoration scheme is in outline only and provides details of the final contours, phasing and soil cover. It is considered that the final contours are acceptable as they seek to reflect the original contours of the land and require the minimum quantity of infill material to be imported to achieve this.
- 3.5 The phasing provides for restoration of the site in a progressive manner. However the phasing would work better if it retreated from the eastern boundary. This would mean that the area where there are more open views into the site is restored first.
- 3.6 In order to achieve the earliest possible restoration of Pollards it is anticipated that restoration at Bunkers Hill will not commence on a significant scale until Pollards is nearing completion. The completion date for Pollards is 2010. However, as indicated above, the conditions require that an area in the south of Bunkers Hill be restored using materials which arise within the site. The timescale for the restoration of the phases along the southern boundary could therefore be achieved in a shorter time considering that much of the material is already on site (once extraction is complete). However, the date for final restoration (2042) is set by the existing planning conditions and in considering details submitted in respect of conditions, planning authorities cannot change parameters set out in existing conditions. Therefore imposing a shorter timescale for restoration of the site as a whole is not possible.

Noise and Dust Mitigation

- 3.7 The extraction face provides a measure of noise mitigation. However, as restoration levels rise in the south and east of the site, this noise attenuation will reduce. Additional screening in the form of noise bunds could help reduce this effect. The Company should be required to consider further noise attenuation at the site in the form of screening bunds to ensure that levels are not breached and reduce noise to a minimum.
- 3.10 The scheme for noise reduction is otherwise acceptable and makes provision to keep within the noise levels set out within the planning condition.
- 3.11 The scheme for dealing with dust from the site reflects good practice to reduce and control dust emissions.

Other matters

- 3.12 The operating hours for the quarry are set out in the existing conditions and shorter hours of operation cannot be specified when considering details submitted in respect of conditions.
- 3.13 The number of vehicle movements accessing the site is controlled via the legal agreement. Export of mineral and import of restoration material should not breach the legal agreement, particularly if the export of overburden is restricted.
- 3.14 A vehicle cleaning facility is to be constructed this year. This should help improve the position with mud being carried on to the B158. The existing condition on the planning permission also requires that mud should not be carried onto the public highway.

4 Conclusions

- 4.1 The scheme of working is considered acceptable subject to the condition that overburden should not be removed from the site.
- 4.2 The outline scheme of restoration is acceptable in respect of the final contours; however, the phasing should be amended to restore the site from an easterly direction.
- 4.3 The schemes for dust and noise are also acceptable subject to consideration of details of noise attenuation and bunding.

5 Financial Implications

- 5.1 Applications for approval of matters required under conditions 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 an application for approval of matters required by condition 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 this report

Scheme of working and outline restoration

Planning permissions 3/0453-97 (093), 3/1251-98 (093) & 3/0003-99 (093) new conditions imposed under the Minerals Review.

Hertfordshire County Council Minerals Local Plan Adopted July 1998