

EAST HERTS DISTRICT

APPLICATION FOR THE RECLAMATION OF DISUSED SILT LAGOON BY INFILLING WITH NATURAL CLAY MATERIALS FROM SOUTHFIELD WOOD QUARRY TO ACHIEVE A LANDFORM SUITABLE FOR AGRICULTURE AND WOODLAND AT LAND NORTH WEST OF WATER HALL FARM, WATER HALL QUARRY COMPLEX, LOWER HATFIELD ROAD, Nr. HERTFORD

Report of the Director of Environment

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Local Member: Bryan Hammond

1. Purpose of the report

To consider planning application 3/1224-01 for the infilling of a disused silt lagoon with natural clay at land north west of Water Hall Farm, near Hertford.

2. Summary

- 2.1 The Water Hall Quarry Complex is situated 4km to the south west of Hertford. The complex runs parallel to the River Lee and B158 Lower Hatfield Road, within the Lee Valley. It is an active sand and gravel extraction and landfill site, which has been operational since the 1940s. It is comprised of four distinct areas, Water Hall Quarry, Southfield Wood, Bunkers Hill Quarry and Pollards Quarry.
- 2.2 The application site has an area of 2.1 hectares and comprises a disused silt lagoon (last used about 7 years ago) to the south and poor quality land to the north. The lagoon is situated north of the B158, adjacent to the existing processing plant and the current silt lagoons.
- 2.3 This application proposes the reclamation of the area by infilling with natural clay material arising from the nearby Southfield Wood extraction site. The material would be transported via internal roads. The land would be restored to agriculture, woodland and nature conservation.
- 2.4 The proposal would restore land that has been damaged by past mineral working and the issues raised by this proposal are:
- raising of land levels within the 'indicative' floodplain
 - restoration of land damaged by past mineral working;
 - standard and speed of restoration;
 - avoiding overburden being transported across B158;
 - impact on the rate of restoration at Pollards Quarry.

2.5 The Environment Agency have objected to the proposal as the development is partly in the indicative floodplain but have indicated that this objection could be withdrawn if the applicant meets certain requirements.

3. Conclusion

3.1 The report concludes that, if the applicants provide information to overcome the objections of the Environment Agency by 31 December 2001 and no new issues are raised by East Herts District Council, the Director of Environment should be authorised to grant planning permission subject to conditions including:

- development should take place in accordance with submitted details;
- timescale for operations (excluding aftercare) until 31 December 2004;
- adequate compensatory measures for the loss of floodplain, if required;
- submission of details relating to restoration standards;
- provision for soil resources for restoration, and
- aftercare.

3.2 If the applicants do not provide information to overcome the objections of the Environment Agency by 31 December 2001, then the application should be refused as the proposal would raise land levels within the Indicative Floodplain as defined by the Environment Agency and this would reduce the storage area for water of the floodplain.

1. Description of the site and proposed development

- 1.1 The Water Hall Quarry Complex is situated 4km to the south west of Hertford. The complex runs parallel to the River Lee and B158 Lower Hatfield Road, within the Lee Valley. It is an active sand and gravel extraction and landfill site which has been operational since the 1940s. It is comprised of four distinct areas, Water Hall Quarry, Southfield Wood, Bunkers Hill Quarry and Pollards Quarry.
- 1.2 The application has an area of 2.1 hectares. The application area comprises a disused silt lagoon (last used about 7 years ago) to the south and poor quality land to the north. The lagoon is situated north of the B158, adjacent to the existing processing plant and the current silt lagoons. The disused lagoon is an area of old mineral workings, which currently has no restoration requirement. It is mainly vegetated by a marsh scrub type habitat with a strip of woodland close to the southern boundary and has little ecological value.
- 1.3 Infilling of the lagoon and regrading the adjoining poor quality land to the north would enable the land to be restored to agricultural grassland with an area of woodland along the eastern boundary and a nature conservation area along the southern slopes and would enable it to be put to a beneficial afteruse. It is proposed to infill the lagoon and regrade the adjoining land with approximately 40,000m³ of clay overburden from Southfield Wood. Infilling would take up to two years with a further year for restoration.
- 1.4 The clay overburden would be transported by dump truck along the existing internal haul road that runs between Southfield Wood and the Water Hall site. There would be no use of the public highway by vehicles transporting materials to the site.
- 1.5 There is an excess of clay overburden at Southfield Wood site which is currently either removed from the complex or transported across the B158 to Pollards Quarry. Infilling the lagoon with clay overburden from Southfield Wood would avoid up to 5,300 loads of clay being transported across the B158 to Pollards Quarry.
- 1.6 Operations would only be carried out during the current permitted working hours:

Monday to Friday 07:00am to 6:00pm
Saturday 07:00am to 12:30pm

No working on Sundays or Bank Holidays

2. Consultations and Representations

- 2.1 East Herts District Council: at the time of writing no response has been received and it is unclear whether the application will be considered by their development control committee (next scheduled to meet on 19 September) or dealt with under delegated powers. The Committee will be updated on the latest position.

- 2.2 The County Council as Highway Authority do not wish to restrict the grant of planning permission.
- 2.3 The Environment Agency object to the proposal as the development is partly within the indicative floodplain as determined by the Environment Agency. The proposal to raise site levels is not acceptable to the Agency. The objection could be withdrawn if the developer undertakes a hydrological survey to show where the 1 in 100 year floodplain is and provide a topographical survey to determine the flood level and provides adequate compensatory measures for the loss of floodplain. Also the proposal includes the loss of flood plain habitats and wetland habitats to landraising and hydrological changes in the conditions that would have existed prior to quarrying activities.
- 2.4 DEFRA do not object to the proposal because it would not result in the loss of any best and most versatile land. They would like to draw the authority's attention to the fact that from the submitted application and supporting statement it appears that the afteruse is in reality amenity/conservation rather than agriculture. The authority would therefore be minded not to impose an *agricultural* aftercare condition on any planning permission.
- 2.5 Hertford Civic Society accept that the restoration of the lagoon along the proposed lines would be acceptable in principle. However, they feel that the priority for the use of available material should go towards the restoration at Pollards Quarry, in order to get it finished as soon as possible (and therefore not have a 10 year time extension for that application).
- 2.6 Hertford Town Council queried whether the application was necessary and if it was not possible to use the area for wildlife.
- 2.7 Bayford Parish Council has no comment to make on the proposal.
- 2.8 Little Berkhamsted Parish Council support the application but would like the reassurance that there is adequate material from other areas, mainly Bunkers, for the restoration of Pollards to be carried out as quickly as possible.
- 2.9 Thames Water have no objection to the planning application
- 2.10 A total of 8 properties were consulted and 1 response has been received. The main issues of concern are:-
- concern about the amount of overburden that needs to be disposed of from Southfield Wood

3. Planning Considerations

- 3.1 The issues raised by this proposal are:
- raising of land levels within the 'indicative' floodplain
 - restoration of land damaged by past mineral working;

- standard and speed of restoration;
 - avoiding overburden being transported along B158;
 - impact on the rate of restoration at Pollards Quarry.
- 3.2 The proposal would raise the levels of land within the indicative floodplain as defined by the Environment Agency. This would reduce the area of the floodplain for storage of water. The objections of the Environment Agency could be overcome if the applicants were to undertake a survey to show where the 1 in 100 year floodplain is and whether the site was within this area. In addition, they should undertake a topographical survey to determine the flood level and provide adequate compensatory measures for the loss of floodplain on a level for level basis, adjacent to the site and outside the floodplain.
- 3.3 The Environment Agency has also referred to the loss of floodplain habitats and wetland habitats. The habitat within the silt lagoon is transitory and its loss is not significant. The proposal though provides for longer term management of this area for nature conservation where this provision cannot be guaranteed currently.
- 3.4 The proposal would restore land that has been damaged by past mineral working. Policy 55 of the Hertfordshire Structure Plan Review 1991-2011, adopted April 1998 (Waste Management) provides that disposal of waste will only be permitted where it can be demonstrated that:
- i) it will not give rise to unacceptable adverse environmental effects, in particular air, water or land pollution, or other effects; and:
 - ii) it is necessary and appropriate to restore sites worked, or being worked, for mineral extraction; or
 - iii) it would result in significant land drainage, landscape enhancement or other environmental benefit.
- 3.5 The proposal would restore the land to agricultural use with woodland and nature conservation, resulting in significant land drainage benefits and, subject to implementation in accordance with the submitted details and appropriate additional conditions, would not give rise to unacceptable adverse environmental effects.
- 3.4 Hertfordshire Minerals Local Plan Policy 26 (landfill) requires mineral workings to be restored rapidly, with a minimum of compaction and that sufficient materials should be available. The proposal is to restore the land with clay overburden arising from a known source at Southfield Wood. Infilling would take 1-2 years with restoration continuing for a further year. Conditions should be imposed to ensure the development takes place within this timescale.
- 3.5 Hertfordshire Minerals Local Plan Policy 29 requires that the landform of restored land should be harmonious in the landscape. The proposed landform would be compatible with the adjoining landform. Together with the proposed woodland planting, this would improve the landscape of this area of the quarry
- 3.6 Conditions should be imposed to ensure that the proposal is carried out in full as set out in the application to ensure an appropriate standard of restoration.

- 3.7 The proposal is to use overburden that arises from Southfield Wood Quarry. The applicants have in the past taken overburden from Southfield Wood to Pollards Quarry. This requires lorries to cross the B158 and this has led to complaints arising from noise and dust associated with these vehicle movements. The movement of overburden tends to occur in periods of a relatively short duration of a number of weeks but is also quite intense in its nature. There is a restriction on the number of vehicle movements at the quarry as part of the S106 Agreement but the concentration of vehicle movements that occurs with overburden movements across the B158 has led to complaints.
- 3.8 The movement of 40,000m³ of material to the lagoon would avoid this potential for complaint. The overburden would be transported by dump truck from Southfield Wood to the silt lagoon and would avoid any vehicle movements on the public highway.
- 3.9 Against this benefit is the potential impact the proposal could have on the rate of restoration of Pollards Quarry. A report elsewhere on this Agenda relating to the proposed extension of time for the completion of operations at Pollards Quarry, together with the item considered at the last Committee relating to the scheme of working highlight the general acceptance that early restoration of Pollards is desirable. Some 400,000m³ of inert material is required to restore the quarry, therefore the availability of 40,000m³ could advance restoration by up to 1 year. However, the limit on vehicle movements would mean that the effect could be somewhat less than this if other material was also being imported to Pollards for restoration. The balance therefore needs to be considered between the potential contribution to bringing forward the restoration of Pollards Quarry as against the impact of high intensity vehicle movements into Pollards Quarry.
- 3.10 Overburden is an inert, natural material and presents no pollution potential. The land is currently unstable being partly filled with silt. The infilling of the lagoon would stabilise this land.

4. Conclusion

- 4.1 The Environment Agency has objected on the grounds of potential loss of floodplain, however they could withdraw this objection provided certain requirements are met. If the applicants can supply information to overcome the objections of the Environment Agency then, the proposal would restore the former silt lagoons, which currently have no restoration requirements, to an appropriate landform and enable a beneficial afteruse for agriculture, woodland and nature conservation.
- 4.2 The proposal would avoid the transport of 40,000m³ (5,300 loads or 10,600 heavy goods vehicle movements) of overburden across the B158, which in the past has led to complaint from local residents.
- On balance, subject to the satisfactory resolution of the issue relating to the flood plain it is considered that these benefits outweigh the potential contribution the material could make to bring forward the completion of restoration at Pollards Quarry and that planning permission could be granted. Appropriate conditions

should be imposed including: development should take place in accordance with submitted details; timescale for operations (excluding aftercare) until 31 December 2004; adequate compensatory measures for the loss of floodplain, if required; submission of details relating to restoration standards; provision for soil resources for restoration, and aftercare.

- 4.3 However, it would be appropriate to limit the time by which the applicant should submit the additional information required by the Environment Agency, after which time the application should be refused.

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 Information

Application Documents 3/1224-01, application form, supporting statement and drawings
Consultation Responses and Public Representations received
Hertfordshire Minerals Local Plan 1991-2006 Adopted July 1996