

BROXBOURNE BOROUGH

**APPLICATION FOR THE DETERMINATION OF NEW PLANNING
CONDITIONS AT HODDESDON QUARRY, COCK LANE, Nr. HODDESON**

Report of the Director of Environment

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Local Member: Alan Searing

1. Purpose of the report

To consider planning application 7/0891-00 (171) for the determination of new planning conditions under Schedule 13 of the Environment Act 1995.

2. Summary

- 2.1 Hoddesdon Quarry has an area of 12.2 hectares and is located south of Cock Lane and west of the A10 and Hoddesdon. Adjoining the eastern boundary at its most northerly point is a scheduled ancient monument. Further south along the eastern boundary the site adjoins the former Broxbournebury Landfill Site. The residential development of Broxbournebury Mews lies 80m to the south of the south-eastern corner of the site. Access to the site is onto Cock Lane and then east along Cock Lane over the A10 to Hoddesdon. Residential development lies to the east of the A10, south of Cock Lane. Further along Cock Lane towards Hoddesdon is Sheredes School. The quarry is in the Green Belt and Landscape Conservation Area as designated in the adopted Broxbourne Local Plan.
- 2.2 The Quarry is an existing, partly worked sand and gravel quarry. Planning permission for working of the quarry and infill with waste was originally granted by the Secretary of State for the Environment on 1 March 1972 and modified by order on 12 October 1979.
- 2.3 The application is for review of the conditions of the planning permission for mineral working at the quarry. The Review of Mineral Planning Permissions (RoMPP) was introduced by the Environment Act 1995 and seeks to update permissions to reflect modern operating practices and environmental standards of today's society.
- 2.4 Hoddesdon Quarry is partly worked and around 190,000 tonnes of mineral remain to be excavated. The proposal is to restore the site by infill with inert waste

- 2.5 The main issues raised by the proposal are;
- time period for completion;
 - restoration contours;
 - vehicle movements;
 - hours of operation;
 - proximity to houses (Broxbournebury Mews).

3. Conclusion

The report concludes that the Director of Environment should be authorised to determine conditions different to those submitted. The following conditions should be amended in accordance with wording to be drafted by the Director of Environment:-

- duration of the permission should be limited to 2015,
- use of the existing access;
- condition of access;
- sheeting of vehicles carrying mineral (except where any stone may be in excess of 500mm);
- prevention of deposit of mud or other debris on the public highway;
- soil handling and storage;
- no minerals to be imported to the site for processing;
- no excavation on land subject of the Tree Preservation Order ;
- protection of watercourses;
- restriction on excavation and proximity to the site boundaries;
- hours of operation;
- submission of a dust management scheme;
- submission and agreement of a detailed scheme of working;
- noise;
- storage of oil, fuel or other potential pollutant;
- submission and agreement of a detailed scheme of restoration and landscaping;
- submission and agreement of a detailed scheme of aftercare.

And the following additional conditions should be imposed:-

- restriction of waste type;
- the final contours should be reduced in accordance with an agreed plan;
- floodlighting;
- vehicle movements should be limited to 100 per day;
- scheme for limiting working closer than 200m to buildings at Broxbournebury Mews between 0700 to 0800;
- restriction of permitted development rights.

1. Description of the site and proposed development

- 1.1 Hoddesdon Quarry has an area of 12.2 hectares and is located south of Cock Lane and west of the A10 and Hoddesdon. Adjoining the eastern boundary at its most northerly point is a scheduled ancient monument. Further south along the eastern boundary the site adjoins the former Broxbournebury Landfill Site. The residential development of Broxbournebury Mews lies 80m to the south of the south-eastern corner of the site. Access to the site is onto Cock Lane and then east along Cock Lane over the A10 to Hoddesdon. Residential development lies to the east of the A10, south of Cock Lane. Further along Cock Lane towards Hoddesdon is Sheredes School.
- 1.2 The quarry is in the Green Belt and Landscape Conservation Area as designated in the adopted Broxbourne Local Plan. The Quarry is an existing, partly worked sand and gravel quarry. Planning permission for working of the quarry and infill with waste was originally granted by the Secretary of State for the Environment on 1 March 1972 and modified by order on 12 October 1979.
- 1.3 Sand and gravel has been extracted from around 10.8 hectares of the site. There remains a further 0.7 hectares of unworked land and around 0.7 hectares of partly dug sand and gravel to be worked. The thickness of the sand and gravel deposit is approximately 10 metres. This would be likely to provide in the region of 190,000 tonnes of unprocessed sand and gravel.
- 1.4 The submitted conditions cover time limit, access and public highway protection, working programme, hours of operation, environmental protection, restoration, and aftercare. Extraction of minerals would cease by 21 February 2042 and the site restored to agriculture. The company have subsequently indicated that they would amend this to 2020. Access to the site would be by way of the existing site access onto Cock Lane. The applicants have not stated a maximum number of vehicle movements per day. The road surface at the site access would be maintained and kept free of mud and other debris and all loaded lorries leaving the site shall be sheeted (except those carrying stone in excess of 500mm).
- 1.5 No minerals would be imported to the site and no excavation would take place on the land subject to a Tree Preservation Order in the southern part of the site. The conditions as submitted have been amended by letter to restrict infilling of the quarry to inert materials only.
- 1.6 The proposed hours of operation in the submitted conditions are between

07.00 hours and 18.00 hours Monday to Friday; and
07.00 hours and 12.30 hours Saturday

The company have subsequently agreed not to work on Saturdays

- 1.7 Best practicable means would be adopted to minimise dust emanating from the site and lockable gates would be installed at the entrance to the site and would be kept locked outside the hours of operation.

2. Consultations and representations

- 2.1 Broxbourne Borough Council –consider that the hours of operation should be amended to an 8.00 start rather than 7.00 with no working allowed on Sundays or Public Bank Holidays. Would like to see technical specifications for the aftercare works. A condition would be essential to be imposed controlling any on-site floodlighting (due to the close proximity of the site to a SSSI, candidate Special Area of Conservation and the A10). A condition requiring the applicant to address air quality issues is also considered necessary.
- 2.2 Environment Agency – have no objection to the submitted conditions but ask that a planning informative be added to state that prior written consent should be obtained for any discharge of sewage or trade effluent etc.
- 2.3 Thames Water Utilities, British Gas, National Grid, and Energis Communications have no objections.
- 2.4 English Heritage – have no comments to make.
- 2.5 The County Council as Highway Authority –do not wish to restrict the grant of permission subject to a condition being attached to the permission stating that best practicable means shall be taken 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.
- 2.6 CPRE – the Hertfordshire Society:- state that working for a further 41 years is an excessively long period. They consider that it would not be unreasonable for the position to be kept under review, in the light of as yet unforeseeable changing circumstances, by limiting the current permission to a further period of 10 years at this stage. They would also want to see a restoration scheme which is sensitive to the Green Belt and Landscape Conservation Area designation of the site submitted.
- 2.7 A total of **30** properties were consulted and 4 responses have been received, a petition containing 17 signatures was attached to one of these. The main issues of concern are:
- extension of the life of the quarry for another 40 years is unreasonable;
 - the quarry is in a Green Belt area;
 - raising of land level above that of the original height;
 - lorry movements;
 - excavation along the boundary with Cleanaway site;
 - proximity of houses to boundary with quarry;

- hours of operation.

3. Planning Considerations

3.1 The main issues raised by the proposal are;

- time period for completion;
- restoration contours;
- vehicle movements;
- hours of operation;
- proximity to houses (Broxbournebury Mews).

3.2 The application is for the determination of new conditions as part of the Review of Mineral Planning Permissions in accordance with the provisions of the Environment Act 1995. The Review process was introduced to up date mineral planning permissions which have a long life and recognises that both the operations that take place, and the environmental standards of society have changed over this period.

3.3 Minerals Planning Guidance Note 14 Environment Act 1995: Review of Mineral Planning Permissions provides guidance for authorities on determining new conditions. The guidance provides that a distinction should be drawn between those conditions which deal with environmental and amenity aspects of working the site and conditions that would fundamentally affect the economic structure of the operation.

3.4 The application proposes 23 conditions and the County Council has to determine whether these conditions are appropriate or whether other conditions (either different and/or additional) should be imposed.

3.5 The time period proposed in the RoMPP application for completion of mineral extraction and restoration was 2042. The applicants have since put forward an earlier completion date of 2020, indicating that it would be their intention to start restoration work in 2004. Mineral Policy 28 (Speed and Standard of Restoration) includes reference to restoration being carried out progressively behind working. Restoration has not taken place progressively as the site has been 'mothballed' for the past 10-15 years and the site should be restored as soon as possible. It is estimated that the site would take up to 10 years to infill. It is suggested that a completion date of 2015 should be imposed to ensure that restoration takes place as early as possible, whilst allowing flexibility for weather and variation in waste arisings.

3.6 The approved restoration scheme allows a domed profile, with a peak height of 72.5m AOD. The existing conditions do not specify any particular waste type, just that this should be agreed prior to any infilling taking place. The waste type permitted during past restoration and within the existing approved restoration scheme is non-hazardous commercial and industrial waste with an element of putrescible waste. The contours of the approved restoration scheme reflect consideration of this mix of wastes where steeper gradients are required

because of the possibility of uneven settlement and the effect this would have on drainage of the site.

- 3.7 The waste type now proposed for the completion of infilling and restoration of the quarry is inert. This reflects the introduction of the National Rivers Authority Groundwater Protection Policy (now updated and incorporated in the Environment Agency's Policy and Practice for the Protection of Groundwater 1998). The use of inert wastes would have limited implications for air quality. A condition should be imposed requiring submission of a scheme for management of dust to control dust to an acceptable level.
- 3.8 Inert wastes do not require the steeper gradients that the previously approved mix of waste types allowed as settlement is more even, and drainage problems do not occur to the same extent. A flatter profile is therefore possible and this would reduce the amount of fill that is required to restore the Quarry and so speed up restoration. A condition should be imposed requiring the submission and agreement of a restoration profile reducing the contours of the landform to those required to restore the site with inert wastes and appropriate to the surrounding levels.
- 3.9 The site adjoins a scheduled ancient monument and any potential impact upon its setting needs to be taken account of in reaching a decision. Extraction has already taken place in this area of the site and infilling can secure the stability of this area of land in the longer term. The impact of any restoration landform also needs to ensure that the setting of the ancient monument is not adversely affected.
- 3.10 Since permission was originally granted at the Quarry, and since working ceased, Broxbournebury Mews, a residential development of 15 homes, has been built beyond the southern boundary of the Quarry. The closest buildings to the site are 80m and the closest buildings to the area to be filled are about 120m. Residents of Broxbournebury Mews have asked that hours of working be further restricted. The applicants have agreed not to work the site on Saturdays in addition to the hours that are proposed in their submitted conditions.
- 3.11 Restriction of working hours on the whole of the Quarry by an hour in the morning would be likely to affect the economic operation of the Quarry. When infilling approaches within 200m of Broxbournebury Mews hours of operation could be limited for an additional hour in the morning. This would need to form part of the operational plan for the Quarry. The operators should be asked to submit details of how they could operate the Quarry to reduce the amount of working that would take place earlier than 8:00am, in the morning when working is within 200m of the buildings at Broxbournebury Mews. Also considering the proximity of the properties, permitted developments rights should be restricted to ensure that any plant is not sited too close to these properties.

- 3.12 The Highway Authority do not object to the application but specify that means should be installed to ensure that vehicles do not deposit mud or other debris on the highway. The provision of facilities to prevent the deposit of mud on the highway should be required by condition.
- 3.13 The applicants do not specify the number of lorries that would be generated by the proposal. However, heavy goods vehicles accessing the site would need to travel along Cock Lane from Hoddesdon. This means that HGVs would pass Sheredes School and residential development along Cock Lane. This could have an impact upon the amenity of these uses and the numbers of vehicle movements along Cock Lane should be limited. A limit of 100 movements per day would reduce this impact.
- 3.14 Restrictions on the viability of mineral operations in respect of Review submissions may attract compensation claims if working rights are restricted. Working rights include anything related to the amount or rate at which mineral extraction may occur. Compensation may be payable if working rights are restricted to the extent that they would prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site.
- 3.15 A restriction of 100 movements should not affect working rights adversely to an unreasonable degree considering the amount of mineral left at the site, the relatively low value of this mineral and that the site has remained dormant for over 10 years. The restriction therefore is not unreasonable when balanced with the need to protect environmental and amenity interests.
- 3.16 In addition to the above conditions, further conditions should be imposed, as is normally required in respect of proposals for mineral working and infill with inert waste, to include the following:-
- use of the existing access;
 - condition of access;
 - sheeting of vehicles carrying mineral (except where any stone may be in excess of 500mm);
 - submission and agreement of a detailed scheme of working;
 - submission and agreement of detailed scheme of restoration and landscaping;
 - submission and agreement of a detailed scheme of aftercare;
 - no minerals to be imported to the site for processing;
 - no excavation on land subject of the Tree Preservation Order ;
 - soil handling and storage;
 - restriction on excavation and proximity to the site boundaries
 - noise;
 - storage of oil, fuel or other potential pollutant
 - protection of watercourses
 - restriction of waste type;
 - floodlighting.

4. Conclusions

- 4.1 Most of the conditions as submitted are acceptable in principle but should be re-worded to ensure they meet modern standards. Some conditions should be imposed that are different or additional to those submitted. Principally these include: the duration of the permission should be limited to 2015; the final contours should be reduced in accordance with an agreed plan; vehicle movements should be limited to 100 per day; a scheme for limiting working closer than 200m to buildings at Broxbournebury Mews should be submitted; a scheme for management of dust should be submitted; restriction of permitted development rights.

5 Financial implications

- 5.1 It is not considered that any of the amendments to be made to the submitted schedule of conditions would constitute a restriction of working rights, and therefore both the economic viability or operating the site or the asset value of the site will not be affected. A notice to this effect will be issued with the notice of determination of the application. However, the applicant could choose to appeal against this determination to the Secretary of State.
- 5.2 The applicant may appeal if conditions different to those submitted are imposed. 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

Application No 7/0891-00, supporting statement and plans
Consultation responses and representations received in respect of the application
Mineral Planning Guidance Note 14
Hertfordshire Minerals Local Plan