

EAST HERTS DISTRICT

**APPLICATION AND ENVIRONMENTAL STATEMENT FOR EXTENSION TO
SOUTHFIELD WOOD QUARRY AND LANDFILL SITE COMPRISING MINERAL
EXTRACTION AND WASTE DISPOSAL AT NEW FIELD, WATER HALL
QUARRY, LOWER HATFIELD ROAD, NR. HERTFORD.**

Report of the Director of Environment

Author:- Brian Owen
Tel: 01992 556255

Local Member:- B Hammond

1. Purpose of the report

To consider planning applications numbers 3/0851-00 and 3/0852-00 (duplicate applications) for an extension to Southfield Wood Quarry and landfill site comprising mineral extraction and waste disposal at New Field. Both of these applications are accompanied by an Environmental Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

2. Summary

2.1 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. New Field is located in that part of the complex to the north of the B158 and north of Grotto Wood. It adjoins Southfield Wood Quarry on its eastern boundary and to the west lies the former workings of Water Hall (main site). To the north and west is the settlement of East End Green.

2.2 As initially submitted, the applications proposed to extend the existing Southfield Wood Quarry, relocate the haul road, construct a pollution control compound and store overburden on land adjacent to Grotto Wood for a period of ten years. These proposals would have involved the extraction of 313,000 tonnes or 174,000m³ of sand and gravel, 615,000m³ of overburden (of which it was originally intended to export 200,000 m³ to Pollards Quarry) and the deposit of 527,000m³ of category A, B and D wastes. The applications also propose to close Footpath 3 for a period of up to 10 years.

2.3 The application has subsequently been amended and the main changes made are;

(a) deletion of the proposal to store clay and soil at Water Hall East;

- (b) deletion of the proposal to enlarge and relocate the pollution control compound at Water Hall East;
- (c) alteration of the angle of the inert zone boundary in the north western part of New Field and subsequent changes to the pre-settlement landform in this area;
- (d) reduction in the void space for imported waste from 527,000m³ to 474,000m³;
- (e) reduction in the amount of excess overburden from 200,000m³ to 150,000m³;
- (f) removal of the proposal to create a new haul road to the north of Grotto Wood.

2.4 The main issues in this instance relate to:-

- need for minerals;
- need for waste disposal;
- how the proposal accords with the principles of Best Practicable Environmental Option and the Proximity Principle;
- environmental effects;
- impacts upon public rights of way.

3. Conclusions

The report concludes that, subject to any outstanding consultation responses not raising new issues, after taking into consideration environmental information and the development plan unless other material considerations indicate otherwise, the Director of Environment should be authorised to refuse planning permission for the following reasons:

- i the proposal is contrary to Waste Policy 44 as it proposes to dispose of non-inert waste within 250 metres of residential property;
- ii the proposed restoration contours are inappropriate due their steepness/height and would provide too steep a gradient for users of public footpath 3;
- iii the cumulative impact of the development due to its proximity to residential properties in East End Green and the associated impacts of the sand and gravel extraction, overburden extraction and disposal of category A, B and D wastes, the proposed screen bunding to the west and north-west of the operational area, and the impact upon rights of way are contrary to Minerals Policy 6, Cumulative Impact;
- iv the proposal would cause significant change to the setting of Grotto Wood, a proposed Scheduled Ancient Monument contrary to Structure Plan Policy 38;
- v the proposal would encroach within 60 metres of a scheduled ancient monument contrary to Minerals Policy 10, Landscape Features;
- vi the proposal conflicts with Waste Local Plan Policy 1 as it fails to demonstrate it is sustainable in form and location, particularly with regard to the Proximity Principle;
- vii the proposal conflicts with Waste Local Plan Policy 4 as it fails to demonstrate that it represents the best Practicable Environmental Option for the waste;
- viii the proposal conflicts with Waste Local Plan Policy 5 as it fails to demonstrate any separation of the waste to remove the recyclable or compostable fraction prior to landfilling;
- ix the proposal conflicts with Waste Local Plan policy 2 as the need for the landfill has not been demonstrated;

- x the proposal does not accord with Minerals Local Plan policies 1 and 4 as the area is not identified in the Minerals Local Plan as a preferred area or specific site, any need for mineral could be met from the identified areas in the Plan and the proposal conflicts with other policies of the Plan.

1. Site location and history

- 1.1 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. Permission was first granted in 1948 under the provisions of the Interim Development Order (IDO) legislation, and included development at Water Hall, Bunkers Hill Quarry and Pollards Quarry. Further substantive planning permissions were subsequently granted for extensions to the site, the most recent of which was at Southfield Wood.
- 1.2 New Field is located in that part of the complex located to the north of the B158 and north of Grotto Wood. New Field adjoins Southfield Wood Quarry on its eastern boundary and to the west lies the former workings of Water Hall (main site). To the north and west is the settlement of East End Green.
- 1.3 In 1987 the Company operating the site at that time applied for planning permission to develop the Southfield Wood site. Concern was raised with the Company over the development of the 'new field' area of this proposal. In a letter dated 15 June 1987 the County Council suggested a reduced area for extraction due to concerns about noise, proximity of properties in East End Green and to provide a 5m stand-off to hedgerows. The applicant withdrew the New Field area from the proposal and the Southfield Wood application was considered by Committee on 12 October 1987 when a resolution to grant planning permission was taken, subject to conditions and the signing of a (then) Section 52 Planning agreement. This agreement was signed on 22 August 1991 and included a plan showing restoration levels for Water Hall and Southfield Wood.
- 1.4 In 1992 the current operating Company proposed revised restoration contours for both the main Water Hall site and Southfield Wood. The County Council issued a Deed of Variation on 7 January 1993 changing the legal agreement and particularly the plan incorporated into the agreement for restoration levels. The plan showed restoration levels that were in excess of those approved in earlier planning permissions. The Company proceeded to restore the land in accordance with the levels shown on the plan attached to the Deed of Variation.
- 1.5 These levels were subsequently considered to be both unauthorised and unacceptable. The Council admitted its error and entered negotiations with the company to resolve the dispute, which resulted in a package of measures being drawn up. This consisted of legal agreements, enforcement notices, and planning permissions, providing a new landform and other controls over development at the quarry. These documents were signed on 14 September 1994. The new landform included revised restoration contours for Water Hall, Southfield Wood, and New Field, the latter requiring the deposit of overburden on New Field. It was envisaged that the majority of the land at New Field would be restored within a period of two to three months, although it was recognised that certain areas could not be completed until all operations at Southfield Wood are complete. The planning permission at New Field therefore includes conditions that require the restoration within 15 years of commencement of the development i.e. by 2010 to coincide with the end date for Southfield Wood.

- 1.6 An application was made in 1997 under the Review of Old Mineral Planning Permissions (RoMPP) for new conditions (under Schedule 13 of the Environment Act 1995). The new conditions were issued and a variation to the legal agreement made on 2 February 1998.
- 1.7 An application to vary the contours on Southfield Wood was made on 4 January 1999 and permission issued on 12 April 2001.

2. Description of proposed development

- 2.1 Two identical applications were submitted in May 2000 with Environmental Statements for the purposes of the Environmental Assessment Regulations 1999. (For convenience, this report will refer to ‘application’ in the singular but will relate to both applications.) At the applicant’s request, determination of the applications was deferred pending the submission of additional information and amendments to the application which were received in October 2001. The proposed development affects public rights of way (as referred to below) and is within the Green Belt.
- 2.2 The application initially comprised the following proposals:-
- extraction of mineral, clay overburden and disposal of waste;
 - temporary storage of engineering clay;
 - relocation of existing pollution control compound at Water Hall East;
 - relocation further south of the haul road that currently crosses New Field;
 - temporary storage of clay on the operational area of Southfield Wood;
 - changes to the approved restoration contours along the western edge of Southfield Wood.

The application has subsequently been amended to reduce its impacts as indicated in the following paragraphs. A summary of the main changes is attached at Appendix 1.

2.3 Mineral Extraction

It is proposed to extract 313,000 tonnes (174,000m³) of in-situ sand and gravel and 615,000m³ of overburden, which includes fine sand, engineering clay and poorer clay from an area of 3.58 hectares at New Field. The engineering clay and a proportion of the poorer clay would be used for the lining, capping, and restoration of New Field and Southfield Wood. There would be an excess of around 150,000m³ of clay (reduced from 200,000m³), which would be removed permanently from New Field. It is estimated that 282,000 tonnes of saleable sand and gravel would be produced after allowing 10% for losses of workable reserves as a result of fines production, losses during crushing and material sterilised at the base of the deposit. The proposed annual output of processed sand and gravel is 160-170,000 tonnes, which would be extracted over a 2-2¹/₂ year period.

2.4 Waste Disposal

The proposal would create approximately 474,000m³ (reduced from 527,000m³) of void space for industrial and commercial waste of the same type as is currently being disposed of at Southfield Wood (Category A, B and some category D wastes). It is proposed to import around 200,000m³ of waste per year. The duration of mineral extraction, infilling and restoration operations proposed within New Field would be 5-6 years. It is proposed to restore New Field to agriculture with some areas of woodland and hedge planting. The restoration contours on New Field would be increased above those currently permitted to take account of settlement of the waste disposal.

2.5 Temporary storage of soil and engineering clay

The proposal initially proposed the storage of approximately 145,000m³ of soil and clay for a period of 10 years at Water Hall East with a further 30,000m³ of material stored over an area of 1.1 hectares within Southfield Wood adjoining the boundary with New Field in bunds up to 4 metres high for a period of 3-4 years. This element has now been deleted from the application. Proposals for the storage of clay are now the subject of two separate applications that are considered elsewhere on the agenda for this Committee.

2.6 Relocation of existing pollution control compound

The application originally proposed the construction of a new pollution control compound for the management of leachate at Water Hall East, comprising three leachate tanks, a control house, a generator and a fuel tank to replace the existing pollution control compound within New Field, prior to extraction. This element has been withdrawn from the application, although revision of the current leachate management facilities would still be required. However, the applicant proposes to revise leachate management irrespective of the New Field proposals and will be submitting a separate application for a leachate treatment facility.

2.7 Any leachate management facility would be required for many years, probably in excess of 20-30 years. Currently leachate is pumped from the landfill to the leachate tank before being discharged into the foul sewer.

2.8 Relocation of haul road

The existing haul road cuts across the bottom third of New Field from south west to north east. The application originally proposed to relocate the existing haul road to the north of Grotto Wood and Footpath 3A, but this proposal has now been deleted from the application. No revised proposals for where the haul road might be routed once working requires it have been submitted.

2.9 Changes to the approved restoration contours along the western edge of Southfield Wood

It is proposed to alter the approved pre-settlement contours at Southfield Wood along a narrow strip adjacent to the New Field boundary to marry in with the proposed contours for New Field.

2.10 Public Footpaths

Public Footpath Hertingfordbury 3a runs along the north of Grotto Wood. Footpath 3a also runs along the western boundary of New Field and crosses the existing haul road. Road Used as Public Footpath 19 runs along part of the northern boundary of New Field and Footpath 3 runs along the remaining part of the northern boundary. A 320-metre stretch of Footpath 3 runs along the eastern boundary of New Field. The applicant has applied to the County Council for a temporary diversion order to enable this length of Footpath 3 to be diverted for a three-year period to enable the currently permitted operations at Southfield Wood and New Field to take place. The planning application proposes the closure of Footpath 3 for an additional five years.

2.11 The Environmental Statement comprises the following:

- introduction;
- environmental assessment requirements;
- method of environmental assessment;
- summary of the development proposals;
- alternatives to the proposed developments;
- landscape and visual assessment report;
- agricultural assessment report;
- noise assessment report;
- dust assessment report;
- water quality & drainage assessment report;
- landfill gas, odour, litter and vermin assessment report;
- other environmental issues.

The following additional statements are included in the supplementary statement

- summary of responses to the planning application
- timescales for clay storage
- supplementary landscape and visual assessment report
- summary and response to issues raised by Hankinson Duckett (landscape consultants to the County council)
- supplementary noise report
- supplementary dust report
- supplementary odour report
- supplementary drainage report
- assessment of the historic garden site at Grotto Wood.

3 Consultations and representations

3.1 Consultations have been carried out on both the original and amended proposals. The deadlines for representations regarding the amendments are 13 November for neighbourhood and other consultations and 16 November in relation to the press notice. Any representations received that are not included in this report will be reported orally to the Committee. Any representations received after the date of Committee will be reported to the Committee Spokesmen.

3.2 East Herts District Council:-

- objects to the proposed mineral extraction, the proposed landfill arrangements, and the landscape mounding in close proximity to the dwellings within East End Green which will be detrimental to the amenities of residents and the character of the settlement;
- objects to the proposed extension of soil and clay storage areas to an already and recently restored area of Water Hall;
- is concerned that the applicant will be unable to restore the agricultural land on New Field to its existing Grade 3a quality;
- considers the final restoration proposals for New Field to result in an unnaturally domed landform;
- considers that the B158 is already overused by heavy goods vehicle traffic and that a further 3 year extension of the existing traffic levels from Water Hall is undesirable;
- considers that the contribution of the site to meeting Hertfordshire's minerals landbank is insignificant, approximately 1.5 months apportionment;
- considers the removal of substantial overburden from the proposed site to be undesirable environmentally and generating unnecessary additional traffic on local roads;
- acknowledges that there is a shortage of landfill space within the County but considers the proposed site inappropriate due to its location, history and the environmental and traffic effects of development.

3.3 Hertingfordbury Parish Council:- objects to the proposals and considers the site unsuitable and inappropriate for this level of development. In particular:

- the extent of the works is out of proportion to the amount of sand and gravel that could be extracted;
- the proposals are an unnecessary and unwanted further development of the site in the Green Belt adjacent to a Conservation Area;
- the removal of the overburden would put additional and devastating strain on the local road network;
- siting of the new mineral extraction and landfill works in an area so close to the dwellings in East End Green is unacceptable. The resulting smell, noise and dust will be extremely detrimental to the amenity of the local residents;
- the proposed siting of the works will have a detrimental effect on users of the Cole Green Way and the other footpaths that actually cross the site;
- the proposals will result in permanent and damaging changes to the local environment in the existing contour levels will be substantially revised with a resulting reduction in view over the local countryside and the final restoration levels will result in an unnatural land formation;
- the proposal to dump the removed overburden on a site at Roxford that has already been restored is unacceptable and damaging to the local community and environment.

3.4 Little Berkhamsted Parish Council:- objects for the following reasons

- the proximity of the workings to the residents of East End Green. These residents are still suffering from the current permitted extraction and infill at Southfield Wood and had every reason to believe that the 1994 legal agreement protected them from further development;

- not only would the conservation area of East End Green be affected, but also the footpaths which should be there for the enjoyment of the local community;
- the temporary use of Water Hall East and Southfield Wood for the storage of overburden materials would be intrusive and the final landscaped profile considerably higher than the natural existing contours;
- the B158 road already suffers from over-use by lorry vehicles, increasingly larger in size. This permission would extend the time during which this situation would continue.

- 3.5 Environment Agency:- do not object to the proposal
- 3.6 The County Council as Highway Authority:-request that if planning permission is granted that conditions requiring the construction of the internal haul road between Bunkers and Pollards Quarries is constructed before any material is moved to Pollards and that a vehicle washer be installed prior to operations commencing.
- 3.7 Thames Water Utilities:-comments that a foul sewer crosses the site
- 3.8 Farming and Rural Conservation Agency (FRCA) (now Department of Environment, Farming and Rural Affairs - DEFRA):-does not object to the proposal but would wish suitable conditions be imposed if planning permission were to be granted.
- 3.9 Rights of Way Societies:- The Ramblers have not commented on the quarry extension plans however do request that if the plans are approved that the legal procedures for diverting the path are completed before the work starts on the quarry extension and that the diverted path should have a width of at least 2m
- 3.10 English Nature:- No objections, suggest that the tree and hedge planting should utilise those species that are already present in the area and should ideally employ material of local origin.
- 3.11 English Heritage:- the Grotto Wood site is considered to be of potential national importance. It is similar to such sites scheduled elsewhere and will be considered by the Monuments Protection Programme in due course. Further assessment and recording of Grotto Wood should be undertaken in order to determine its potential and likely impact of the proposals on it.
- 3.12 CPRE – The Hertfordshire Society objects to the application and makes the following comments:
- the site is not identified in the adopted Minerals Local Plan;
 - the reserves are unlikely to be required to maintain the seven year landbank. The contribution is small and is outweighed by environmental damage;
 - Mineral Local Plan identifies sub-area 7c as a very important element in the local landscape which should be conserved;
 - Landraising resulting from the proposal would adversely affect the natural plateau landscape, setting of East End Green Conservation Area and the setting of Grotto Wood which has been identified by English Heritage as being of national importance;

- Proposed bunds and tree planting would remove long range views from footpath 3a southward across the Lee Valley;
- Any planning permission should be unambiguous in stating how much infill would be allowed;
- Application would disrupt well used footpaths and visual amenity would be permanently damaged by the proposed restoration.

3.13 Hertingfordbury Preservation Society:- objects on the following grounds:-

- Hertfordshire Minerals Local Plan on inset map 19 indicates New Field as under restoration;
- Minerals Local says that the ‘Lea Valley 9 sub area 7(C) is a very important element in the local landscape to the west of Hertford and should be conserved.’;
- The reasons why New Field was withdrawn from the 1987 planning application are still valid (including noise);
- Visual impact upon local amenities;
- The company has a record of failing to comply with good working practice;
- The proposed leachate compound will mean views of the valley from the footpath are lost, the proposal is major industrial development in the Green Belt;
- The company has an appalling record of maintenance of footpaths and bridleways, it is totally unacceptable to remove FP3 from public access for 10 years;
- The boundary hedge along footpath FP3a is not owned by the SQ Environmental;
- The residents suffer from noise with existing conditions;
- Overburden storage on Water Hall East is not an appropriate use of land;
- Timescale, the company’s timescale is not realistic and the company have an appalling record at keeping to timetables for restoration;
- Need, the sand and gravel from New Field would not make a major contribution to Hertfordshire County Council’s requirements;
- Traffic.

3.14 Hertford Civic Society:- objects and make the following comments:

- councillors should be informed of total quantity of waste that could be disposed of at the site, on the basis of the 1991 permission, after the deed of variation, after the negotiated settlement, currently, if the present application were permitted, the reduction in the quantity of waste as a result of the negotiated settlement and the loss or gain if the application were to be approved;
- a condition should be attached requiring the return of compensation paid to the company;
- the case for excavation of minerals is not made;
- the minerals plan refers to the site as being under restoration, this is an explicit and specific presumption that the site will not be dug;
- is there any genuine need for aggregates;
- the applicants arguments about landbank are incorrect;
- the application takes no account of any prospective additions to the landbank from permissions that may come forward;
- the concern with sterilisation in the Mineral Plan does not apply;
- the cumulative impact will be increased and extended for 5 years or longer;
- support complaints of local residents, users of rights of way and in particular the Cole Green Way over loss of amenity;

- confirm residents understanding that they were ‘sold’ the settlement by councillors on the basis that it would end uncertainty about the whole site;
- the operators should vacate the site north of the B158 as soon as possible within the existing permissions and operate on the south side of the road;
- reference to landfill tax credits and works locally by the trust should not be a planning consideration.

3.15 Garden History Society – Insufficient information is available on the potential impact of the proposals for the important earthwork garden site of Grotto Wood and strongly advises that this information should be available before these applications are determined.

3.16 Letty Green Residents Association:- opposes the application because of the nuisances caused to the surrounding area and residents.

3.17 WHAM:- objects to the proposals on the following grounds

- The terms of the 1994 negotiated settlement should have secured restoration of New Field with slightly raised contours in perpetuity;
- Extraction of sand and gravel followed by importation of waste will destroy the amenity of the area and have a detrimental effect on the adjacent conservation area of New Field;
- The site is too close to residential properties within East End Green and would return residents to years of misery caused by landfill odours, dust, blown litter, damage to footpaths etc and result in a reduction in house value;
- The environmental assessment should be viewed with scepticism as residents have suffered years of disruption when activities were well removed from East End Green;
- The pre-settlement level exceeds the height of the surrounding bunds, residents of East End Green would therefore experience maximum disruption through noise generation and visual obstruction;
- Operation of the quarry has given cause for concern over the last decade, minutes of the liaison group include frequent reference to poor practice at the site through litter, odours, failure to cover waste and land raising. The massive underground fire at Southfield Wood could produce a disaster if repeated at New Field in close proximity to residential properties;
- The construction of the pollution control compound would result in the loss of a splendid panoramic view across the Lee Valley;
- There is no justification for seeking mineral extraction as a contribution to Hertfordshire’s minerals landbank, the district council suggest the material would contribute only 1.5 months apportionment, a truly insignificant amount, the need for gravel would not balance the environmental upheaval;
- The high activity over short period of time would mean the residents would suffer a much greater degree of daily disruption than ever experienced in the past;
- Grotto Wood is an important ancient monument which would be seriously threatened;
- Members should be instructed to ignore the company’s financial contribution to local environmental projects.

3.18 A total of 65 properties were consulted and 66 responses have been received. This includes a petition with 366 signatures submitted by the Hertingfordbury Preservation Society (which was jointly compiled by Hertingfordbury Preservation Society, Hertingfordbury Parish Council, Hertford Civic Society and WHAM) The objections are set out in Appendix 2.

4. Planning Considerations

4.1 Commentary: Many objectors make reference to the past history of the site and the negotiated settlement of 1994. It is suggested by objectors that the Council should not be considering the application, that the legal agreements, by allowing landraising on New Field, prevented further development in that area, or that the legal agreement should have prevented further development of New Field.

4.2 The planning applications are valid and the County Council is under a duty to consider them. The Company has submitted two identical applications presumably so that it may lodge an appeal against either a refusal of planning permission or non-determination of the applications¹. In the event of an appeal the matter would either be determined by an Inspector appointed by the Secretary of State or the Secretary of State himself.

4.3 The 1994 legal agreements (as subsequently amended) do not prevent the submission of future planning applications on New Field. The planning conditions attached to the planning permission for landraising at New Field do require its restoration but no consent for mineral working is provided in the planning permission. If a new planning permission were to be granted at New Field then the requirements of the current planning permission could be overridden.

4.4 The Section 106 legal agreement includes a clause that makes reference to a final restoration plan. The current application includes proposals for higher contours than this and so would conflict with the plan attached to the legal agreement, requiring its amendment.

4.5 In the case of the earlier application to change the contours on Southfield Wood (as referred to in paragraph 1.7 of this report) the Council obtained legal advice about the Section 106 agreement, in particular the plan showing levels and the proposal to increase the levels. The advice given was that in looking at the legal agreement the Council would have to view the matter in the same way as it would a planning application i.e. if planning permission were to be granted then it would be bound to change the Section 106 agreement to reflect any permission it may grant.

4.6 The legal agreements were to resolve the issue of the 1993 Deed of Variation (which showed incorrect restoration levels) and the dispute with the Company over restoration levels. The legal agreement did not seek to anticipate or fetter future development proposals and preclude any such development. Local residents and interests groups do

¹ Usually, where ‘twin track’ applications are submitted an appeal against non-determination is submitted for one application when the statutory period for determining it expires. The second application is allowed to “run” until such time as the local planning authority has reached its decision. If planning permission is granted then the appeal is usually withdrawn; if it is refused then the reasons inform the appeal process.

feel strongly that the legal agreements should have prevented future development, although to have prevented the submission of future planning applications via a legal agreement would have been beyond the power of the agreement.

- 4.7 The principal issues to be taken into account in determining this application are:-
- need for minerals;
 - need for waste disposal;
 - how the proposal accords with the principles of Best Practicable Environmental Option and the Proximity Principle;
 - environmental effects;
 - impacts upon public rights of way.

- 4.8 The development plan comprises the Hertfordshire Structure Plan Review 1991-2011 (Adopted April 1998), Hertfordshire Mineral Local Plan (Adopted July 1998) Hertfordshire Waste Local Plan 1995-2005 (Adopted January 1999) and East Herts District Plan 1991 – 1996 (Adopted March 1993 with alterations adopted December 1999).

4.9 **Need for mineral extraction**

Hertfordshire Minerals Local Plan 1991 – 2006 Policy 1 (Mineral Supply) provides that:

‘Planning permission for the extraction of proven economic mineral reserves will be granted to ensure that adequate supplies are available to meet the County’s agreed apportionment of regional supply, provided individual proposals satisfy all the relevant provisions of this plan. The County Council will normally grant planning permission sufficient to ensure the maintenance of at least a seven-year landbank of sand and gravel reserves, throughout the plan period, consistent with this apportionment to enable an appropriate contribution to be made to the region’s varying needs’.

An independent report on the geology of the application area prepared for the County Council confirms that the deposit does provide an economic asset as an extension to the existing workings.

- 4.10 The text accompanying the policy states that *‘the landbank is simply the sum of the economically workable reserves which are permitted by valid planning permissions.’* The text further explains that the aim of the plan is to demonstrate that sufficient reserves have been identified or can be identified to ensure that the landbank can be maintained throughout the plan period and this commitment is made in Policy 1. Although the Plan does not make this full commitment it does include a commitment to identify further areas to maintain the landbank to 2013.
- 4.11 The Inspector, in his report on the Minerals Local Plan, said that the review of the Plan should include a rigorous, public and comparative evaluation in order that it can be demonstrated that the sites selected represent the best balance of costs and benefits and the best distribution of working throughout the County. The County Council has appointed consultants to carry out an evaluation of mineral resources in the County in order to identify potential areas for future mineral workings. The study is a

comprehensive and thorough evaluation of all resources of land won aggregates in Hertfordshire. This exercise did not identify New Field as a potential location.

- 4.12 The government is currently undertaking a review of MPG6 and an issues paper was published on 23 October 2000. It is not likely that a new version of MPG6 will be available for sometime and advice is that authorities should continue to work to the guidance in the current MPG6.
- 4.13 Hertfordshire's required landbank of sand and gravel is calculated to be 7 years x 2.4 million tonnes (SERPLAN apportionment) = 16.8 million tonnes. At the end of October 2001, estimates indicate that Hertfordshire's permitted reserves are in the order of 15.2 million tonnes of sand and gravel, which equates to a 6.3 year landbank based on the 2.4 million tonnes apportionment. However, it is worth noting that sales over recent years have much lower than 2.4 million tonnes such that the landbank would, in reality, last longer than 7 years.
- 4.14 The contribution to the landbank proposed by the application would be small and would only provide for about 1¹/₂ months contribution.
- 4.15 The Minerals Local Plan identifies in Policy 2 firstly specific sites (sites which either have a valid planning permission or resolution to grant permission) and then preferred areas. Policy 3 states that;

'Mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised or where despoiled land would be improved following restoration.'

Mineral extraction will not be permitted in other areas identified in this plan where it would prejudice the timely working of preferred areas, due to landbank or market considerations.'

- 4.16 New Field is not identified as a specific site or an area of search within the Plan. The site is referred to in the Plan as being under restoration. Clearly the Plan does not anticipate New Field being developed for mineral extraction.
- 4.17 Minerals Local Plan policy 4 states that:

'When determining planning applications for mineral extraction the County Council will take into account the need for the mineral(s) concerned, in terms of:-

- i) the existing quantity of permitted reserves of the mineral(s);***
- ii) the rate at which, and the timescale over which it is expected that those reserves will be worked;***
- iii) the proposed rate and timescale for working of the mineral deposit;***
- iv) the existence of resources of the mineral which are identified within this plan as being desirably worked at an early stage of the plan period; and***

- v) *the County's agreed contribution to regional supply of the minerals as set out in minerals policy 1, subject to the above considerations, where an adequate landbank of permitted reserves exists, planning permission will not be granted.*

Planning permissions outside the identified areas will normally be granted where

- (i) *the landbank is insufficient and there is a need for the proposal that cannot be met from the identified areas; or*
(ii) *sterilisation of resources may otherwise occur;*

Planning permission will not normally be granted where the proposals would conflict with the other policies of this plan.

4.18 Applications for the identified areas in the Plan have not been submitted, however, it remains the County Council's policy that these areas should be worked sooner rather than later. Whilst the limited reserves at New Field are unlikely to prejudice the identified areas coming forward, any shortfall in the landbank could be met from these areas. Furthermore, as this report indicates, the proposal conflicts with other policies of the Plan.

4.19 The proposal is to extract 150,000 m³ of overburden and export this to Pollards Quarry. Overburden is moved in short intensive operations which have given rise to complaint and can lead to breaches of the legal agreement in respect of vehicle numbers, although, as the Committee will recall, the Company disputes this interpretation of the Agreement. The proposal could lead to a further breach of the legal agreement and give rise to additional complaints from properties near the access to Bunkers Quarry. Although the date for completion of restoration at Pollards could be shortened, the proposal would then increase the duration of operations at New Field, as well as the consequential environmental disbenefits associated with moving the material in terms of highway safety, noise and dust.

4.20 The proposal would only provide a small contribution to the County's landbank for aggregates provision and this needs to be balanced against the environmental effects of the development. There is no case made out for need for extraction of the clay overburden as a mineral.

4.21 **Need for waste disposal/Best Practicable Environmental Option and Proximity Principle**

Waste policy 1 of the Hertfordshire Waste Local Plan provides that:

“In identifying land or considering proposals for waste management development, the County Council will have regard to the extent to which the development is sustainable in form and location and helps to conserve resources of land, water, materials, energy and the environment and minimises traffic congestion, travel distances, waste generation and pollution. The County Council in dealing with waste management will give preference to the location of waste recycling, handling, reduction and disposal facilities as close as practicable to the origin of the waste.

Waste Policy 2 of the Hertfordshire Waste Local Plan provides that:

‘The establishment of facilities for handling, transfer, treatment and disposal of waste (waste management facilities) will be supported provided that in order to accommodate the equivalent of Hertfordshire’s own waste arisings, there is a clearly established need for additional capacity and facilities of the kind that the proposed development would provide, which outweighs any material agricultural, landscape, conservation or environmental interest affected by the proposal.

Applications which would not meet the environmental and planning standards contained in other policies of the development plan, including those related to quality of design, will not be permitted.’

- 4.22 The policies provide that proposals for the disposal of waste will be supported if they demonstrate that they are sustainable in form and location, have regard to the proximity principle, provide for the equivalent of Hertfordshire’s own waste arisings and there is a clearly established need for additional capacity that would outweigh any material agricultural, landscape, conservation or environmental interest affected by the proposal. Any need therefore would have to outweigh other interests as stated above.
- 4.23 The latest available figures for monitoring of waste disposal and arisings in Hertfordshire is contained in the Environment Agency South East England Strategic Waste Management Report on the 1996 survey.
- 4.24 This survey reveals that Hertfordshire disposed of 408,800 tonnes of Category B Waste. Of this, 234,041 tonnes arose within Hertfordshire and 243,061 tonnes were imported to the County, the majority being imports from London. Some 68,302 tonnes of Category B waste were exported from Hertfordshire. Total disposal of this category in the county therefore exceeded Hertfordshire’s arisings by 27% and suggests that void space should be conserved for Hertfordshire’s needs.
- 4.25 The County’s policy is to provide for an equivalent of its own arisings. If void space for Category B waste in the County is filled with waste from outside the area then the County would have difficulty meeting this target.
- 4.26 The applicants own figures reveal that 20% of the waste accepted at Water Hall originates from London. The current permission does not restrict the origin of waste that may be deposited at Southfield Wood.
- 4.27 Planning Policy Guidance 10 provides that in making any decisions on proposals for waste management development regard has to be made to the principles of Best Practicable Environmental Option for each waste stream. The Hertfordshire Waste Local Plan in Waste Policy 4 states that:

Planning permission will only be granted for the disposal of wastes in engineered landfill sites in the following categories:

- i) non-inert waste for which recycling or alternative treatment by processing is not the best practicable environmental option ;*
- ii) the rejects and residues of waste treatment;*

iii) inert waste which is necessary for operational needs.

Waste Policy 5 states:

When considering planning applications for new landfill sites or for the extension of existing landfill sites which would dispose of non-inert wastes, the County Council will have regard to the provision proposed for the separation of inert and non-inert waste, for the removal, prior to landfilling of recyclable and compostable wastes, where waste which is to be received at the site has not been subject to previous treatment. The County Council will grant planning permission for the provision at landfill sites of facilities which would enable such treatment to take place, subject to compliance with other policies of this plan. Such facilities will be required to be removed on completion of landfilling operations unless permission is obtained for their retention.

- 4.28 The proposal does not include any proposals for recycling or recovery. The County Council has granted planning permission to the Company for a recycling facility but this has only been used to recycle some inert waste. Most of the waste that is deposited in Southfield Wood, which is the same waste type as that proposed to be deposited in New Field, is not sorted or subjected to recycling.
- 4.29 The County Council has also granted permission for an electricity generating compound that would use landfill gas as a power source. This would have recovered value from the waste tipped at Southfield Wood, however the Company has decided not progress this proposal.
- 4.30 The proposal would result in a total void of approximately 560,000 m³. Of this 31% of the void would be created by the removal of sand and gravel from the site. 69% of the void arises as a result of the proposal to remove overburden from New Field and the increase in contours associated with the disposal of category A, B and D wastes.
- 4.31 The application includes proposals for disposal of waste from outside of Hertfordshire and does not meet the environmental and other criteria as considered below.
- 4.32 Further the proposal to export over 150,000 m³ of material to Pollards is designed to increase the amount of void space available for category A, B and D waste at New Field. The deposit of inert waste within New Field demonstrates that the company can use non-inert waste for restoration. The impacts of moving overburden, the likely breach of the legal agreement restricting vehicles number and the associated impacts is not justified by the increase in void space (see para 4.19).
- 4.33 It is therefore considered that the proposal conflicts with Waste Local Plan policies 1, 2, 4 and 5 in that it fails to demonstrate that it is sustainable in form and location, has regard to the proximity principle or that there is a clearly established need for additional capacity. The proposal does not demonstrate that it represents the best practicable environmental option to justify why waste deposited at the site should not be separated for recycling and no form of energy recovery is proposed from waste that is deposited within the landfill.

4.34 **Environmental effects**

Landscape

The existing operations at Southfield Wood are relatively well contained in the local landscape due to the density of local woodland and hedgerow cover and topography. The existing bunds are visually intrusive in views from East End Green, although the tall hedgerow along the western boundary of New Field contributes to screening. The proposed pre-settlement height of land within New Field is 79m, compared to the 74m within the existing approved plans. The pre-settlement gradients proposed within the application are up to around 1:10, compared with 1:30 within the approved restoration scheme.

- 4.35 The proposed screening bund within the proposal has a height of 78m closest to East End Green, compared to ground levels on the East End Green side of 72m. The proposal would intrude into the landscape during operations, particularly as a result of the screening bund and would also be more intrusive than the approved landform post-restoration due to the height and steepness of the contours.
- 4.36 The Company have been very slow in bringing forward restoration of any part of New Field. The spirit of the 1994 legal agreement was to complete the landraising and restoration of New Field, except for the haul road and where it adjoins Southfield Wood, in a 2-3 month period.
- 4.37 The proposal should be judged against the permitted post-restoration landform not the current condition of the land. The current condition of the land may be taken as an indication of the Company's approach to restoration. The standards stated in the Environmental Assessment do not reflect the Company's approach to working of the site and the proposals should be viewed in this light. Mineral Planning Guidance Note 7, (Reclamation of Mineral Workings) provides that whilst planning authorities must have regard to the fact that mineral operators may sell on their land and another developer may undertake restoration, authorities can consider evidence as to the applicant's site management, restoration and aftercare and how these would work out in practice. This should enable authorities to consider the practicality of the proposal. Past experience therefore suggests that the high standards outlined in the submissions may not be achieved in practice and the proposal would have a greater visual and landscape impact than set out in the application.
- 4.38 The application initially proposed the construction of a pollution control compound adjoining Grotto Wood. The revised proposal does not include this proposal but says that a later application would be submitted for such a facility. This facility would have to be located within the Green Belt, and without prejudice to the consideration of such an application, the proposed operations at New Field would increase the duration such a facility would be required by around 5 years. This is in addition to the likely requirement of 30 years duration for such a facility in relation to current operations.
- 4.39 The application initially proposed the storage of overburden on land at Water Hall East. This land has been restored. This area is visually prominent in the context of the Lea Valley and the withdrawal of the proposal represents an improvement to the application.

4.40 **Agriculture and restoration**

Policy 16 of the HMLP provides

‘The County Council will normally refuse planning permission for mineral working which would lead to the permanent and irretrievable loss in either quality or extent of the best and most versatile agricultural land.

Where agricultural restoration is proposed on any land, the County Council will expect the restoration of that land, regardless of its initial quality, to be to the highest practicable grade, which must be at least equivalent to that which previously existed. A full scheme of restoration and aftercare will be required. Planning permission may be refused if the scheme would result in a land quality, which, after the expiry of a five-year aftercare period, is likely to be of a lower grade than the original.’

- 4.41 The policy seeks to protect the loss of best and most versatile land either in quality or extent. Where any development of best and most versatile land is to take place, any restoration of land should be of the highest practicable grade and at least equivalent to which previously existed. The policy says that the achievement of such land quality takes into account the management of the land in aftercare.
- 4.42 The land has planning permission for the disposal of overburden, which requires the restoration of this land to its pre-existing quality. The pre-existing agricultural land quality was of the best and most versatile. The proposal in terms of policy 16 should then achieve at least this quality of land following restoration. FRCA have advised that soil from New Field should be used to restore a non-landfilled area at Water Hall East because it might be difficult to achieve best and most versatile quality on land that has been infilled with putrescible waste, such that the proposal may not lead to restoration to the appropriate standard (Minerals Policy 28).
- 4.43 The supplementary statement states that proper underdrainage should not be installed until major settlement has taken place, after 3-5 years. This means that drainage of the land during the majority of the aftercare period will become increasingly poor. Management of the land to enable recovery of soils is likely to be compromised and would delay bringing this land back into productive use and also be outside the aftercare period.
- 4.44 The proposal would require the installation of 15-20 gas extraction wells and although the supplementary statement says these may be located in position around the contours this would only take place where ‘technically practicable’. Given concerns over landfill gas this would be likely to mean that the wells will be placed in accordance with the applicant’s landfill gas engineers requirements and may therefore interfere with future agricultural use.
- 4.45 Minerals Policy 28, which deals with speed and standard of restoration, says that regard will be had to the past record of the operator. Southfield Wood is the only area of the site which has been restored to current standards. The rate of restoration here has fallen behind the operator’s plans. The proposed timescale for completion of restoration at New Field is very ambitious, considering the operators past record. In practical terms, it may be that restoration falls behind the projections by one or two years.

4.46 Noise

The proposal has given rise to much concern about noise associated with the workings. The proposal would take 10 years to complete and so any noise impact has to be carefully considered.

4.47 The existing workings already give rise to complaints about noise. The main source of nuisance from noise arises in respect of reversing beepers associated with machinery on the site. The plant which utilises this safety feature is basically any mobile plant or vehicle on the site and so covers a great deal of the activity associated with mineral and waste disposal workings. Such plant is used for the initial topsoil stripping and storage, removal of overburden, excavation of mineral, engineering works for lining of landfill cells, delivery and deposit of waste its spreading and compaction, cover of the waste, capping of landfill cells and replacement of soils. Although “intelligent” beepers are available or alternative safety systems such as radar, these are often not available on contractors’ machinery.

4.48 Minerals Policy 15 of the HMLP provides

‘The County Council will not normally refuse on noise grounds applications for mineral workings where the applicant is able to demonstrate that no significant noise intrusion will arise from the proposed works and that planned noise sensitive developments will not be severely constrained. If necessary, the County Council will impose the imposition of appropriate conditions, including control of working hours.

Where planning permission is granted and noise levels subsequently exceed the County Council’s noise criteria, the County Council will require immediate measures to be taken to reduce the offending noise levels. In assessing any aspect of noise levels, the County Council may seek guidance from consultants or other technical departments.’

4.49 Waste Policy 40 of the HWLP provides:

‘Where the County Council considers that a waste management proposal is likely to cause significant noise intrusion to existing noise sensitive development or constrain planned noise sensitive development, planning permission will not be granted unless the applicant is able to demonstrate that no significant noise intrusion, or constraint arising from noise, will occur, or that any such problem can be adequately controlled by condition.

Conditions may include, amongst other matters:

- *Control of working hours;*
- *Measures to reduce the impact of noise emission from operations;*
- *A requirement for a scheme to be submitted to and approved by the planning authority specifying a programme of work and site layout designed to reduce noise levels at noise sensitive locations, construction of baffle mounds and erection of acoustic fencing;*

- *Limits on daytime noise emission from the development.*

Day time noise levels, at noise sensitive properties used as dwellings, of no more than 70dB Laeq.1hr. may be permitted for a period of no more than 8 weeks to enable baffle mounds to be constructed.

If a proposed application is in essence a large significant development, and noise generation is a significant issue, the County Council will require the applicant to submit with his application an environmental noise statement.

That statement is to be prepared in the light of current guidance on preparation of such, and will include specifically with respect to noise:

- *In the case of the filling of a void created by mineral extraction, details of noise during extraction of minerals from the site, if available;*
- *Details of background noise;*
- *Details of local noise-sensitive existing and proposed development;*
- *Predictions of the future noise separately for:*
 - *access traffic to the site*
 - *landfill operations*
 - *fixed industrial development on the site;*
- *Methods of proposed noise control and monitoring and liaison arrangements.'*

4.50 The predictions within the noise report suggest that no nuisance from noise will result for the operation. However this is in contrast to the existing operations where many complaints have been received, despite conditions being imposed. As the proposal would be in closer proximity to the residential area than the existing site the likelihood is that further complaints would occur. The District Council's Environmental Health Officer has been consulted on the amendments and her views will be reported orally.

4.51 Litter and vermin

These are matters which are controlled by Waste Management Licensing but which do have an effect upon amenity and so there is an overlap of control between planning and the waste management system. Although detailed control can be left to waste management licensing, landfill sites do encourage birds and other vermin. This has an effect upon amenity of residential properties near such sites and also affects the surrounding landscape and rural character of areas. Current operations, although controlled by a waste Management Licence, do encourage birds such as seagulls onto the landfill, which detracts from the character of the area. Litter does escape the site boundary during windy weather and this detracts from the visual and general amenity of the area.

4.52 Dust

The Environmental Statement does contain an evaluation of dust and proposes methods to deal with it. However these controls are already in place and complaints and problems with dust still arise. The operation of an active quarry and landfill site closer to residential properties than existing is likely to create more nuisance.

4.53 Landfill gas and odours

There have been many complaints about odour associated with waste disposal at Water Hall. The waste in the proposal is the same as that which is currently deposited at Southfield Wood. The operators have not succeeded in carrying out their operations in such a way that nuisance from odour does not occur. The current proposal does not include any additional measures to deal with this issue. Odour nuisance is therefore as likely to occur as it does currently and the closer proximity of the workings means that odour is likely to prove a greater nuisance to residential properties adjoining the site.

4.54 Noise, dust, odour, vermin and landscape are all issues, which have an effect upon amenity and are related to the proximity of the workings to other land uses. The HMLP and the HWLP both contain policies which consider these effects as set out below.

4.55 Policy 19 of the HMLP states;

‘The County Council will not normally grant planning permission for mineral workings (including site operations) if they would encroach within sixty metres of the boundary of any existing development, including non-residential and industrial land uses. The local planning authorities will also seek to preserve from incompatible development, notably housing, a distance of up to a maximum of sixty metres from the limit of any established reserves.

In addition the County Council will take into account the direction of the prevailing wind, dust, the level of noise and vibration likely to emanate from the site, the effects of floodlighting the site and proposed hours of working, the number of people who would be affected and the length of time they would be affected. Any barrier or significant intrusion between the proposed excavation and other land users (such as a major road or a railway embankment) and the adverse effects of any ameliorative works themselves (such as earth mounds) will also be considered. The distance may be extended if necessary, especially where proposals are close to residential development with small gardens, so as to ameliorate the impact of the proximity of the workings.’

4.56 Policy 44 of the HWLP states

‘The County Council will not grant planning permission for the disposal of waste by landfill or landraising if the proposed activity would be too close to existing residential or employment development. In deciding whether the proposed landfill or landraising would be too close to existing residential or employment development, the county council will take into account the following factors:

A) whether the activities would be within 250m of residential or employment development, or within 60m in the case of disposal of inert waste;

B) the level of noise and vibration likely to emanate from the site;

- C) *the effects of floodlighting the site;*
- D) *the proposed hours of working;*
- E) *the number of people who would be affected and the length of time they could be affected;*
- F) *whether there would be any barrier or significant intrusion between the proposed deposition and residential or employment development (such as a major road or railway embankment); and*
- G) *the effects of any proposed ameliorative works, such as earth mounds, including adverse effects.*

Planning permission for waste disposal by landfill or landraising will be refused where the type of waste proposed for a site located close to or on the flight path of an operational aerodrome is considered by the local planning authority to be likely to create a danger from bird strike on aircraft.'

4.57 The proposal includes disposal of non-inert waste (Category A, B and D wastes) within 250m. of residential property. Poplars, the closest house to the proposal is located within 200m. of the site and over 30% of the area for deposit of non-inert waste lies within 250m of Poplars. The proposal would conflict with Waste Policy 44.

4.58 Cumulative impact

Mineral Policy 6 deals with the cumulative impact of mineral workings. This is the environmental capacity of the locality to absorb additional activity in terms of the incremental effects of the development.

4.59 East End Green has been affected by mineral workings for many years and the landscape in the area has changed over this time. New Field was excluded from the original application for Southfield Wood following negotiations between the County Council and the applicant. It was accepted then that the working of this small area would have unacceptable effects. In a letter of 15 May 1987 to the agent acting for the then applicant, the County Council pointed out concerns relating to the effect upon footpath 3a, noise, effects upon the water table especially on East End Green Farm and the provision of a wildlife corridor. Although the end date for restoration of Southfield Wood within the existing permission is 2010 and the proposed end date for New Field is the same, the proposal is much closer to East End Green and the intensity of activity would need to be high to meet such a timetable. The original proposal at Southfield Wood has also already been amended in other respects: the contours have been increased, New Field has been used to store overburden, and a pollution control compound has been built north of Grotto Wood. Together all these aspects have had a cumulative effect. The impact of Southfield Wood and the revisions that have been made to this application together with the cumulative impact of the proposal closer to residential properties mean that proposal is therefore unacceptable.

4.60 Ecology and impact on Listed Buildings

There are no significant implications arising from the proposal.

4.61 Archaeology

The application site has already been subject of an archaeological investigation and there are no issues in respect of this archaeology. The whole of Grotto Wood is a

proposed scheduled ancient monument and a proposal for scheduling has been sent for consultation by English Heritage. The proposal adjoins the boundary of the proposed ancient monument and the proposal would therefore affect its setting.

- 4.62 Hertfordshire Structure Plan Policy 38, Critical Capital and other Important Environmental Assets says that items listed as critical capital will be given protection from development which would cause loss, permanent damage or significant and irreversible change to those characteristics that define their special quality. Criteria vii) of the policy refers to Scheduled Ancient monuments as follows:
‘Scheduled Ancient monuments and other archaeological remains of both national and more local importance, and their settings;’

4.63 Public rights of way

The proposal would affect a number of rights of way;

- Footpath 4;
- Footpath 3a, which runs alongside the western boundary of New Field and crosses the existing haul route, the proposal would extend the time which this footpath would be affected;
- Footpath 3, it is proposed to close footpath 3 for a period of up to 10 years and the pre-settlement contours indicate that gradients would be up to 1:10 compared to the current levels of 1:25;
- RUPP 19;
- Cole Green Way.

4.64 Minerals Policy 14 (Rights of Way) states that

Where public rights of way may be affected by mineral workings, the County Council will require planning applications to show these rights of way on plans, and to illustrate all proposed changes by way of diversion, stopping up or extinguishment.

The County Council will expect the developer to take all reasonable steps to minimise the impact of their operations on the existing rights of way network, to restore the network to its original location and state, or if this is not practicable, to provide a network which is comparable or better.

Where past workings associated with an application for mineral working have led to a reduction in the extent of the rights of way network or to reinstatement inappropriate to its use as a major recreational resource, the county council will seek to have these deficiencies made good by agreement with the operator.

The County Council will require applicants to illustrate how rights of way will be safeguarded.

The use of rights of way to obtain vehicle access to a site will not normally be permitted.

Interference with public recreation on or adjacent to any site proposed for mineral working will also be taken into account when considering applications.

4.65 Waste policy 39 states that:

Where public rights-of-way may be affected by waste disposal, transfer, processing or recycling operations and related traffic, the County Council will require planning applications to show these rights-of-way on plans and to illustrate all proposed changes by way of diversion, stopping up or extinguishment. The County Council will require applicants to illustrate how rights-of-way will be safeguarded.

The use of rights-of-way to obtain vehicle access to a site will not be permitted.

Environmental and other impacts affecting public recreation on or adjacent to any site proposed for waste processing or disposal will also be taken into account when considering applications.

4.66 Department of the Environment Circular 2/93, Public rights of Way in Annex D states that the Secretary of State takes the view that the effects of development upon a public right of way is a material consideration in determination of an application for planning permission.

4.67 The development would have a number of effects upon the public rights of ways as stated above. The main effects are the proximity of the workings to the rights of way, the diversion of footpath 3 for a period of up to 10 years, the change in restoration contours of footpath 3 and the consequent increase in gradients on this footpath up to 1 in 8 and the increase in the time period when the footpaths would be affected by mineral workings. The current approved contours on footpath 3 provide gradients of a maximum of 1 in 20. To the south of Grotto Wood footpath 3 has gradients of up to 1 in 12. The impacts that would affect people using the rights of way are;

- Proximity of active workings and associated impacts of noise, dust, odour and visual with presence of bunds, fencing and other visual impact;
- Change in scenery;
- Change in route of footpath;
- Change in elevation of footpath.

4.68 The proposal would result in temporary and permanent impacts upon rights of way. Currently the footpaths are affected by workings at the quarry and these impacts will increase as working of the existing Southfield Wood proceeds. The changes in the gradients of footpath 3 are unacceptable and contrary to Mineral Policy 13 as the proposal would not restore the footpaths to their former state. The closure of footpath 3 for a period of up to 10 years with the alternative of footpath 3a which for most of this time would adjoin mineral workings represents a loss in the resource of footpath network in the locality of the site and a reduction in the amenity and enjoyment of rights of way users. Footpath 1, located further west, has to cross the quarry plant site and so the north south linkage in the footpath network would be compromised by the proposal.

4.69 **Highway implications**

The proposal would not lead to any increase in vehicle numbers nor extend the period of working beyond that currently permitted. On this basis there is no objection on highway grounds.

5. Conclusions

- 5.1 The proposal would provide a relatively small amount of sand and gravel in relation the County's landbank requirements and the adverse effects of the operations associated with the excavation are disproportionately significant. It is concluded that the policy therefore conflicts with Minerals Local Plan policies 1, 4 and 6. The proposal would provide void space for disposal of category A, B and D waste, (although in the main not associated with void created by the removal of sand and gravel) but the impacts of perpetuating both mineral extraction and disposal of such waste in close proximity to residential property is unacceptable.
- 5.2 The proposal conflicts with Waste Local Plan policies 1, 2, 4 and 5 in that it fails to demonstrate that it is sustainable in form and location, has regard to the proximity principle or that there is a clearly established need for additional landfill capacity. The proposal does not demonstrate that it represents the best practicable environmental option for waste deposited at the site to justify why waste deposited at the site should not be separated for recycling and no form of energy recovery is proposed from waste that is deposited within the landfill.
- 5.3 The proposal would require the closure of a footpath for up to 10 years and would restore it to a steep gradient. Any leachate management facilities would be needed for an additional 5 years period as result of the proposals. The environmental effects of the development together with their cumulative impact override the need that has been presented for gravel extraction and waste disposal.

6. Financial Implications

- 6.1 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.
- 6.2 If a planning application is refused, is determined differently than applied for 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 used by author in preparing this report

Hertfordshire Structure Plan Review - Adopted April 1998

Hertfordshire Minerals Local Plan - Adopted July 1998

Hertfordshire Waste Local Plan – Adopted Jan 1999

East Herts District Plan 1991 – 1996 (Adopted March 1993).

Planning Application Ref. 3/0851-00 (093) & 3/0852-00 (093)

Consultation responses relating to Planning Application Ref. 3/0851-00 (093) & 3/0852-00 (093)

Supplementary Statement (revisions to application for extension of Southfield Wood Quarry and landfill site)

SQ Environmental have submitted revisions to the application for planning permission and environmental statement for an extension to Southfield Wood Quarry at New Field.

The main changes made are;

- removal of the proposal to store clay and soil at Water Hall East;
- removal of the proposal to enlarge and relocate the pollution control compound at Water Hall East;
- alteration of the angle of the inert zone boundary in the north western part of New Field and subsequent changes to the pre-settlement landform in this area;
- reduction in the void space from 527,000m³ to 474,000m³;
- reduction in the amount of excess overburden from 200,000m³ to 150,000m³;
- removal of the proposal to create a new haul road to the north of Grotto Wood.

The supplementary statement also includes;

- supplementary landscape and visual assessment report;
- supplementary noise report;
- supplementary dust report;
- supplementary odour report;
- supplementary drainage report;
- assessment of a historic garden at Grotto Wood.

Clay storage

It is now proposed that clay required for engineering of New Field would be stored in the position shown in applications 3/1502-01 (application for the temporary storage of clay at Water Hall East) and 3/1510-01 (application to vary conditions 24,25,26 and 36, temporary storage of clay at Southfield Wood). Storage of clay in these locations would be required for an additional 3-4 years beyond that proposed in the applications 3/1502-01 and 3/1510-01.

Pollution control compound

The proposal for the relocation and enlargement of the existing pollution control compound is now deleted from the application. It is now proposed to submit a separate planning application for a new leachate treatment facility for two or three leachate lagoons which would not be located at New Field.

New haul road

The provision of a new haul road along the southern edge of New Field has been reviewed and it is no longer proposed to relocate the haul road to this position.

Inert infill boundary

The application proposed a zone of inert filling in the north west of New Field that would have a vertical boundary with non-inert waste. This proposal has now been revised because it would have resulted in rapid differential settlement at the boundary between the two different

wastes. The revisions proposed a boundary with a gradient of between 1:2.25 and 1:2.5 between the two different wastes types. This revision consequentially reduces the amount of void space at New Field from 527,000m³ to 474,000m³. The proposal is to infill the inert zone with clay overburden and a result of the change in the inert/non-inert boundary excess overburden arising from New Field is reduced from 200,000m³ to 150,000m³.

*Committee Report, Application for extension to Southfield Wood**Summary of representations*

- Regularly woken by lorries reversing before 8.00am in the morning;
- Unpleasant smells from dump when wind is blowing towards us no further approval as operation has had enough time to be completed and quarry should be closed as soon as possible;
- Residents are aware of problems for noise, dust, methane and ugly visual landscape, vermin, litter;
- Loss of footpaths;
- Importance of Grotto Wood as historical site;
- Effect on Green Belt;
- Additional traffic;
- East End Green Conservation Area ;
- ‘once and for all’ solution, breach of agreement between HCC and company that no further applications for mineral extraction or landfill on New field, paid for solution, £250,000;
- County council forgot to put an early restoration date on the negotiated settlement;
- Permanently destroy contours of delightfully scenic river valley;
- Closure of a footpath for up to a decade;
- Historic sites of Roxford and Grotto Wood affected and possibly permanently damaged by alteration and/or pollution of the aquifer;
- Individual water supply from borehole and pollution could be life threatening. Although applicants have undertaken to monitor on a monthly basis, this has been broken on numerous occasions;
- B158 is not suitable for heavy traffic especially as lorries have grown larger in recent years causing them to be unable to pass each other safely;
- Husbandry of land; notified weeds are allowed to grow unchecked such as thistle and ragwort, footpaths and bridleways fouled by deep mud, rubbish and pieces of metal sticking out of ground, raw sewage was dumped next to bridleway, unacceptable problems with flies as infill was being incorrectly treated, applicant only took action when local Environmental Health authority alerted;
- Residents of East End green were promised by members and officers that the 1994 Legal Agreement entered into between HCC and the Company would categorically complete all developments at the site;
- Volume of sand and gravel is insignificant in relation to level of demand in the county;
- Original planning consent specifically restricted the removal from the site of any clay or overburden;
- Application appears uneconomic when consideration given to vast quantity of clay to the small amount of sand and gravel, application is purely to provide huge void for deposit of more profitable waste;
- Site too close to dwellings, closer than current guidelines stipulate;
- Blighting of property;
- Existing and past complaints with workings;
 - Wearing earplugs because of noise;
 - Could not sit in gardens or have barbecues in summer months because of landfill stench;

HCC had to establish Methane Gas Hotline noise intrusion from current workings and lorries and beepers going all day every day;

Dust;

HCC concerns about in letter of 15 May 1987.

- New Field was excluded from 1987 application because of
- Traffic, traffic levels have increased since 1987, other local companies including Bedwell Park quarry and Granville Steel. The road is external dangerous in all weather conditions and is aggravated by dust, mud, lumps of clay and debris from water hall Quarry and duration of quarry should be shortened not lengthened, danger of crossing B158;
- Negotiated settlement and mineral Local Plan was under restoration in 1997 East End Green is a conservation area;
- East End Green Farm, Keepers Cottage, Orchard Cottage, The Cottage, Hazeldene, Roxford & Leaside are all listed buildings, the proposal affects the character of the listed buildings and the conservation area;
- Public rights of way, since new field has been excavated footpaths have not been pleasant to walk;
- Enormous pollution control compound for at least long term foreseeable future;
- Permanent detrimental change to the landscape;
- Gravel extraction followed by waste disposal would destroy the small community;
- Pollution control compound would be alien feature in the Green Belt and detract from openness;
- Bund would provide no protection to surrounding properties as the bund would sit proud above it;
- Endured 23 years of gravel extraction and landfill;
- Current leachate tank makes a great deal of noise;
- Time keeping problems;
- Re routing of haul road would cause significant noise and visual intrusion ;
- Storage of overburden would be highly visible and cause unacceptable noise intrusion, the land has already been reclaimed;
- Openness of views along the lea Valley changed forever by building of leachate compound and associated screening and bunds, do not agree that landscaping will improve the landscape, it is only a mess because of the workings of the company;
- Noise from beepers is a constant problem;
- Use footpaths frequently;
- Industrialisation of area;
- Noise, dust, smoke and odour pollution unacceptable to residents and persons using Cole Green Way and other footpaths;
- Closure of footpath for 10 years;
- Enormous quantity of overburden to be dumped on previously restored land is unacceptable;
- Effect of weight of overburden on landfill cells;
- No bunding on the south side of the haul road;
- Loss of views;
- Users of rights of way, which are used well, will be affected by noise, dust, lack of signing;
- Seepage into water table and River Lea;
- Underground fires;
- Too long.