

**THE CITY AND DISTRICT OF ST ALBANS**

**RETROSPECTIVE APPLICATION FOR TEMPORARY PERMISSION FOR  
THE STOCKPILING OF ROAD PLANINGS FOR RECYCLING AND RE-USE  
AS SECONDARY AGGREGATE AT HARPER LANE QUARRY COMPLEX,  
LONDON COLNEY, HERTS.**

Report of the Director of Environment

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Local Member: A Lee.

Adjacent Local Member: M Saunders.

**1. Purpose of Report**

To consider a retrospective planning application ref:5/0540-03 for the stockpiling of road planings for recycling and re-use as secondary aggregate at Harper Lane Quarry Complex, London Colney, Herts.

**2. Summary**

- 2.1 This retrospective application is for the temporary storage of road planings (until the end of 2003) which would be re-used and recycled to produce secondary aggregate at Harper Lane Quarry Complex. The planings have been generated as a result of the recent refurbishment of the M25 motorway between junctions 21 and 22. The stockpile covers an area of 1.6 hectares made up of 70,000 tonnes of planings. The planings would be processed and exported from an existing recycling facility (permission ref 5/0215-98) under the terms of that particular permission.
- 2.2 Around 600 tonnes of processed planings are proposed to leave the site per day, of which the vehicle movements generated per day would be accommodated within the overall limit prescribed in planning permission 5/0215-98. The vehicles generated would use the site access onto the B556 Harper Lane. As part of planning permission 5/0215-98, noise monitoring would be carried out through an existing approved scheme to ensure that noise would not rise above any approved levels. Any dust arising will also be controlled via an existing dust management scheme already imposed on the site.
- 2.3 The previous use of the application site was an aggregate bagging plant and a lorry park. Following the removal of the planings the restoration of the application site would be established through tree

planting and natural regeneration. The restored area would have an aftercare period of 5 years.

### **3. Conclusion**

The report concludes that the Director of Environment should be authorised to grant planning permission subject to conditions relating to a temporary period to end on 31 December 2003, noise, dust, hours of working, use of noise emitting devices, no part of the stockpile encroaching on rights of way, no storage of materials within 10 meters of the River Colne, and the submission of a final restoration scheme.

## 1. Description of the site and proposed development

- 1.1 The application site covers an area of 1.6 hectares and lies well within the boundary of the Harper Lane Aggregates Depot site. The stockpiles at the time the application was made in March 2003, were up to 12m in height, with the quantity estimated to be around 70,000 tonnes. The stockpile is located around 250m to the northeast of the existing permitted recycling facility where the planings would be processed. The stockpile area is bounded by mature trees and the River Colne. Bridleway No. 5 and Public Footpath No. 53 run adjacent to the east and south of the site, with Public Footpath No. 52 also in close proximity. The internal haul road from the M25 is located to the north of the application site.
- 1.2 The application site lies within the Metropolitan Green Belt, but has no ecological designations. The Old Parkbury Pond Wildlife Site lies around 50m to the north west of the site. The Old Parkbury Fishing Lakes Wildlife Site lies a further 200m to the north of this. The site and immediate surroundings are not subject to any further development plan designations. Restored former quarry areas consisting of 22.6 hectares of new woodland lie to the north of the site. In addition there is a proposed further 24 hectares of proposed woodland, farmland, grassland and floodplain, most of which will have permissive public access and contribute to the Watling Chase Community Forest.

## 2. Consultations

- 2.1 City and District of St Albans: No objection.
- 2.2 St Stephens Parish Council: No objection.
- 2.3 Herts County Council as Highway Authority: No objection.
- 2.4 Environment Agency:  
Raise no objection in principle provided a condition is attached to any planning permission granted relating to storage of materials within 10m of the river.
- 2.5 Hertfordshire Biological Records Centre: Confirm that the site lies within 500m of a colony of great crested newts. Great crested newts are a European Protected Species. Advice is given in response to the restoration proposals submitted as part of the application. Details relate to seed mixes, finished levels in relation to two ponds adjoining the application site and habitat creation on a smaller scale within the site area.
- 2.6 National Grid: No objection.
- 2.7 Thames Water: No objection.

2.8 Three site notices were erected on 28 March 2003 and an advert was placed in the Herts Advertiser paper on 27 March 2003. A total of 2 properties were consulted and 1 response has been received. The main issues of concern are:

- that the application is retrospective, rather than being submitted prior to development taking place, and;
- that the application site is being used to store road planings and damaging amenity, rather than being restored as part of the Watling Chase Community Forest.

### **3. Planning Considerations**

3.1 The principal issues to be taken into account in determining this application are:-

- whether the development accords with Green Belt policy;
- whether the environmental impacts generated by this proposal are acceptable, and;
- whether the restoration scheme is appropriate.

3.2 The application site was initially granted temporary permission for an aggregate bagging plant in 1984 (ref 5/1740-83), and was subsequently renewed in 1991 (ref 5/1868-91). The latter planning permission required the bagging plant to be removed which was carried out by November 2002. Given this site was subsequently vacated and is located on the internal haul route from the M25 and its close proximity to the recycling plant (planning permission ref 5/0215-98), the applicant considered it was the most appropriate area to store the road planings.

3.3 Green Belt: The application site lies within the Metropolitan Green Belt (Structure Plan Policy 5 and St Albans District Local Plan Policy 1). Paragraph 3.12 of PPG2 states that the making of a material change in the material use of land is inappropriate development unless it maintains openness and does not conflict with the purposes of including the land within the Green Belt. By definition this proposal would represent inappropriate development within the Green Belt and conflicts with the purposes of including land within the Green Belt. In the short term this proposal would prejudice the openness of the Green Belt in terms of the height and bulk of the stockpile. The proposal also would also result in the encroachment of operational development into the countryside for a temporary period. However, it is necessary to consider whether there are any very special circumstances to justify this development within the Green Belt.

3.4 This proposal clearly embodies the principles of sustainable development, and is fully justified in terms of proximity principle. As

previously stated, the site is located close to the M25 on the internal haul road and is also close to the existing recycling facility where the planings would be processed. Given the temporary nature of the stockpile, and its location within a river valley, where it is not prominently sited within the landscape, the impact on the openness of the Green Belt is minimal. In addition, the Harper Lane Quarry Complex is made up of a number of operational and built elements, within which the application site is located. Further to this the stockpile is incrementally reducing in size on a daily basis, and will have been removed by the end of 2003.

- 3.5 The broad principle of this proposal is supported by Policy 1 of the Waste Local Plan, which gives preference to waste recycling as close as practicable to the origin of the waste. The proposal will aid conservation of natural resources and minimise resource depletion in accordance with Structure Plan Policy 1 by reducing the need for primary aggregate extraction from virgin land. The re-use of material as secondary aggregate is also supported by Structure Plan Policy 53 (Mineral Extraction). Structure Plan Policy 55 (Waste Management) outlines the waste hierarchy, and states that facilities further up the hierarchy will receive more favourable consideration. This application involves the recovery and recycling of waste, which is further up the waste hierarchy as a more sustainable method of waste management.
- 3.6 Harper Lane was historically a quarry site, which now has permanent permission for a rail-served aggregates depot. Large areas of the site have been and are undergoing restoration. This planning application represents an ideal opportunity to ensure that the application site is restored to a high standard, and in conformity with the rest of the quarry complex. Furthermore, the scheme would also involve habitat creation, which may have not been previously achievable without this proposal. This application would clearly result in an improvement in the landscape quality in a Landscape Development Area as required Policy 33 of the Waste Local Plan and Policy 105 of the District Local Plan. The scheme from the application would enhance the river valley and contribute an additional forestry area within the boundary of the Watling Chase Community Forest.
- 3.7 Given these particular circumstances, it is considered that any temporary harm done to the Green Belt would be outweighed by the sustainability merits and longer term benefits which would procure from the proposal. It is therefore considered that there are very special circumstances required to justify a departure from Green Belt policy.
- 3.8 Environmental Impact: With a stockpile of this size and nature, and the associated operations, the main environmental considerations are dust and noise generated by the movement and working of the planings. The location of the application site within the existing Harper Lane Quarry Complex means that the proposed scheme is likely to be absorbed within the existing facilities.

- 3.9 The planings were originally transported down an internal haul route from the M25. This haul route was an agreed route between the applicant and the County Council to facilitate the works and transportation of material by lorry to and from the M25. This particular route was chosen as it represented the most direct route between the M25 and the application site. Lorries associated with M25 contract did not therefore travel through the residential areas of Park Street, Radlett.
- 3.10 As previously stated the planings would be processed 250m away at a recycling facility which already benefits from planning permission (ref 5/0215-98). The planings can be moved using internal haul routes and would only need to be transported over a short distance. Therefore, there would be no impact on surrounding properties. This application does not seek to increase permitted lorry movements at the site.
- 3.11 Structure Plan Policy 57 requires mitigation measures to provide satisfactory protection against noise and pollution of air. The process of movement and processing together with the storage of the material could result in dust emissions under certain conditions.
- 3.12 The recycling facility already operates dust management scheme measures. The applicant has stated that for the duration of this permission, the stockpile would be subject to the established dust management measures. The measures in the scheme includes the use of water bowsers, speed controls on haul routes, discharge heights to be minimised at all times, and windbreaks to be used when required. Given the low intensity of activity that will occur on the site relative to existing operations, it is considered that the extension of the current management scheme will adequately alleviate any potential for fugitive emissions, with no loss of amenity to surrounding receptors. This proposal therefore addresses the requirements of Structure Plan Policy 57.
- 3.13 Policy 40 of the Waste Local Plan states that 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. The application site is located centrally within the Harper Lane Quarry Complex. The existing operations including the rail freight terminal and the nearby M25, mean that ambient noise levels already incorporate a variety of processing operations. Given this existing noise and the fact that the stockpile would represent a less operationally intensive use than those surrounding, it is considered that the proposed operations would not exceed existing ambient noise levels. Condition 6 of planning permission 5/0215-98 (for the recycling facility) requires that the applicant submitted and implements a noise monitoring scheme. The scheme involves taking regular measurements at specifically identified noise sensitive properties in the vicinity of the quarry

complex. To ensure no loss of amenity to surrounding properties, this proposed development would be subject to that noise monitoring scheme. As a further safeguard, condition 16 of 5/0215-98 requires that noise from day to day operations shall not exceed 55 dB (A)  $L_{Aeq}$  at any noise sensitive location. This proposal is therefore considered to address the requirements of Policy 40 of the Hertfordshire Waste Local Plan.

- 3.14 Three rights of way lie in close proximity to the application site (public footpath nos 52 and 53, and bridleway no. 5). This planning application does not encroach further onto any of the rights of way, or further endanger users. This is reflected in the fact that Rights of Way have raised no objection to this proposal.
- 3.15 The stockpile is located close to the River Colne. The inert nature of the stockpiled material means will not cause environmental damage to the river. Accordingly the Environment Agency have raised no objection. As a safeguard, the Environment Agency have requested that no stockpiled material will be stored within 10m of the river. Should planning permission be granted, a condition reflecting the Environment Agency's safeguard should be imposed.
- 3.16 Restoration: The applicant has submitted an indicative restoration scheme as part of this application. The planning application area lies to the west of, and adjoins a large area of restored quarry, consisting of 22.6 hectares of new woodland. In addition, there is a further proposed 24 hectares of woodland, farmland, wet woodland, grassland and flood plain. These areas will contribute to the Watling Chase Community Forest and have permissive public access.
- 3.17 The restoration scheme for the site proposes the establishment of woodland, predominantly through natural regeneration, together with some planting, which will contribute to the Watling Chase Community Forest. The scheme will only allow native species to colonise in the area. This approach is supported by Policy 103 (Forestry and Woodlands) and Policy 143 (Land Use Proposals Within the Upper Colne Valley) of the Adopted District Local Plan. This scheme in principle is acceptable, however the Council would require full plans for approval to be submitted by planning condition should planning permission be granted. The scheme submitted should include a revision and further details of contours, soils and seed mix. The restoration of the application site will aid the reinstatement of two ponds abutting the application site. The alterations to the scheme are required to create a habitat for great crested newts that have historically been recorded in the vicinity of the application site.

#### **4. Conclusions**

- 4.1 The proposal represents inappropriate development within the Green Belt. However, as discussed sustainability and proximity, temporary time-scale and existing development are factors which are considered to justify very special circumstances. Given these particular circumstances, it is considered that any temporary harm done to the Green Belt would be outweighed by the sustainability merits and longer term benefits which would procure from the proposal, and would justify the temporary setting aside of Green Belt policy.
- 4.2 Dust and noise are important environmental considerations when determining such a proposal. The stockpile and the transportation of planings will be absorbed into existing operations on the site. The applicant has demonstrated through the submission of comprehensive and well established monitoring schemes that it is highly unlikely that there will be a negative impact on receptors. In turn, this application meets the requirement of the Councils Plan Policies that guard against damage to amenity.
- 4.3 The restoration scheme proposed by the applicant is to a high standard and would complement schemes on surrounding areas of the complex. The scheme is in principle acceptable, and subject to some alterations for habitat creation would meet the Councils requirements on this application site. This scheme would be required to be submitted by condition attached to any planning permission that the Council is minded to grant.
- 4.4 If planning permission were refused then the stockpile would need to be removed from the site and taken either to an alternative recycling site or to landfill. It is therefore considered that allowing the application would ensure a sustainable use of the material, whilst minimising transport movements.
- 4.5 As such it is concluded that the Director of Environment be authorised to grant planning permission subject to the imposition of the following conditions for a temporary period to end on 31 December 2003, noise, dust, hours of working, use of noise emitting devices, no part of the stockpile encroaching on rights of way, no storage of materials within 10 meters of the River Colne, and the submission of a final restoration scheme.

## **5. Financial implications**

- 5.1 Planning applications should be determined on the basis of material planning considerations, and not on the basis of their financial implications for the County Council. However, it is a requirement of the County Council to advise all Committees of the financial implications that may arise from a decision of the Committee.
- 5.2 If a planning application is refused or is not determined within a specific

period, the applicant has a right of appeal. Any appeal would result in additional costs, which in part can be met from existing budget provisions. 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 the author in compiling this report**

Planning Policy Guidance Note 2 - Green Belts.

Planning application reference 5/0540-03.

Consultation responses and representations received in response to planning application ref. 5/0540-03.

Hertfordshire County Structure Plan Review 1991-2011.

Hertfordshire Waste Local Plan 1995-2005 (Adopted January 1999).

City and District of St Albans District Local Plan Review (Adopted November 1994).