

Minutes



To: All Members of the
Development Control
Committee, Chief Officers, All
officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Deborah Jeffery
Ext: 25563

DEVELOPMENT CONTROL COMMITTEE 22 MARCH 2017

ATTENDANCE

MEMBERS OF THE COMMITTEE

G R Churchard, D S Drury, M J Cook, J Lloyd, M D M Muir, S Quilty, I M Reay (Chairman),
P A Ruffles, A D Williams

Upon consideration of the agenda for the Development Control Committee meeting on
22 March 2017 as circulated, copy annexed, conclusions were reached and are recorded
below:

Note: There were no declarations of interest.

CHAIRMAN'S ANNOUNCEMENTS

- (i) Members of the public were welcomed to the meeting and advised of safety procedures in the event of an emergency.
- (ii) If a Member wished their particular view on an item of business to be recorded in the Minutes, it would be recorded on request by that Member.
- (iii) Members were reminded of their obligation to declare interests at the start of the meeting.

PART I ('OPEN') BUSINESS

MINUTES

The minutes of the Committee meeting held on 23 February 2017 were confirmed as a correct record.

PUBLIC PETITIONS

Aska Wisniewska on behalf of the Stop Bengo Quarry Campaign, presented a petition as per Item 1 below and addressed the Committee on the subject of the petition which can be viewed

ACTION

here:

<https://cmis.hertfordshire.gov.uk/hertfordshire/Petitions/tabid/140/ID/147/Say-No-to-the-Proposed-Gravel-Extraction-in-Bengeo-Hertford.aspx>

Mark Lynch also on behalf of the Stop Bengeo Quarry Campaign presented a petition as per Item 1 below and addressed the Committee on the subject of the petition which can be viewed here:

<https://cmis.hertfordshire.gov.uk/hertfordshire/Petitions/tabid/140/ID/166/Hertford-is-worth-more-than-gravel-save-our-countryside-our-water-our-air.aspx>

1. APPLICATION FOR THE PHASED EXTRACTION OF SAND AND GRAVEL, USE OF MOBILE DRY SCREENING PLANT, CREATION OF STOCKPILE AREA, INSTALLATION OF WEIGHBRIDGE, WHEEL CLEANING FACILITIES, ANCILLARY SITE OFFICES AND CONSTRUCTION OF A NEW ACCESS ONTO WADESMILL ROAD WITH PHASED RESTORATION TO LANDSCAPED FARMLAND AT A LOWER LEVEL ON LAND AT WARE PARK, WADESMILL ROAD, HERTFORD

[Officer Contact: Felicity J Hart, Principal Planning Officer, Tel: 01992 556256]

- 1.1 The Committee considered planning application reference number 3 /0770-16 for the phased extraction of sand and gravel, use of mobile dry screening plant, stockpile area, weighbridge, wheel cleaning facilities, ancillary site offices, construction of a new access onto Wadesmill Road with phased restoration to landscaped farmland at a lower level.
- 1.2 The Committee heard that the application was originally submitted in 2016 for the extraction of 2.25 million tonnes of sand and gravel over 15 years; this had since been amended with the quantity reduced to 1.75 million tonnes and the time period for extraction reduced to between 7 to 10 years. Members heard a large number of issues had been considered in determining the outcome of this application, including the County's need, impact on the Green Belt and appropriateness, landscape and visual assessment, hydrogeological issues and flood risk, ecological issues, rights of way issues, traffic and transport issues, health and air quality issues and that the footpath was heavily used for public health walks.
- 1.3 Members heard this application had been submitted to avoid any conflict between the mineral extraction and possible residential development to the south, as detailed within the East Herts District

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Plan, independently of Rickneys quarry, which was contrary to Policy 3 of the Mineral Local Plan that required proposals to satisfactorily fulfil the requirement of the proposals for the preferred area. Members were informed that since publication of the report, Highways had received further plans from East Herts District Council and were now satisfied with the information provided, therefore, recommendation 3.1.3 had been removed as a reason for refusal. However, an additional objection had since been included that the proposal had not demonstrated that noise would not have a detrimental impact upon nearby residential property.

- 1.4 Prior to questions and debate the Committee was addressed by John Howson, Bryan Lovell, David Adam and Libby Mountford, all part of the Stop Bengeo Quarry Campaign, opposing the application.
- 1.5 The Local Member, Andrew Stevenson, addressed the Committee, highlighting the strength of local concern on the matter and the potential destruction of the landscape. He was particularly concerned that no attempt had been made to quantify the risks associated with the threat to Hertford's drinking water by the Environment Agency. The proposal had also failed to demonstrate that the development would not have a detrimental impact upon air quality, thereby affecting people's health. He strongly opposed the application as the expected conditions of any future quarry had not been met.
- 1.6 During general debate, the Committee were united in raising concern that the Environment Agency had failed to object from a water supply point of view, particularly as the location of the site was situated within an Environment Agency defined groundwater Source Protection Zone relating to Wadesmill Road Pumping Station. This pumping station was used for public water supply, comprising a number of chalk abstraction boreholes operated by Affinity Water. As detailed at 7.6 of the report, borehole OBH 1A had the potential to open up a pollutant pathway directly to the chalk aquifer.
- 1.7 The Committee considered that a further condition of refusal with regards to water pollution should be included, however agreed, following legal advice, that an informative letter could be included with the response to the applicant, raising very serious concerns on the issue, should the application be refused. Members also considered that the site should be totally removed from the Minerals Local Plan, which officers confirmed was currently under review.

CONCLUSION

- 1.8 It was unanimously agreed that the Chief Executive and Director of

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Environment should refuse planning permission as considered above, to include an informative letter as detailed at 1.7, and for the reasons set out below:

- 1) The proposal is for mineral extraction and associated development within the Green Belt. The screening bunds, stockpiling area and plant including associated activity would not preserve openness, therefore the development is inappropriate development within the Green Belt. The very special circumstances of benefits of mineral extraction and potential avoidance of sterilisation do not clearly outweigh the harm to the Green Belt and any other harm, including harm to landscape, transport and access, rights of way, air quality and health. This is contrary to the NPPF and Policy GBC1 of the East Herts Local Plan 2007.
- 2) The proposal would have significant detrimental impact upon landscape, these include the significant negative landscape and visual impacts from phase 4 both operational and the restored landform, the significant negative landscape and visual impacts from the stockpiling area, plant and site access (including the loss of hedgerow associated with the new access). This would be contrary to policies 12, 13, 17 and 18 of the Minerals Local Plan.
- 3) The proposal had not demonstrated that the development would not have detrimental impact upon air quality, particularly PM10 and PM2.5 and this has not been assessed via a Health Impact Assessment. Therefore the proposal is contrary to policy 18 of the Minerals Local Plan and paragraph 109 of the NPPF.
- 4) The proposal would have a negative impact upon the existing rights of way and users of these rights of way that cross the site, including for Health Walks. The proposal would impact the rights of way including, crossing of the right of way by the haul road and the diversion of the right of way for working of phase 4. This would conflict with policy 18 of the Minerals Local Plan as the proposal does not ensure that the rights of way are not adversely affected or that good quality, safe and convenient temporary alternatives are made or that sufficient enhancement of the network of public rights of way is made. This is contrary to Policy 18 and Policy 3 of the Minerals Local Plan.
- 5) The proposed development includes land within Phase 4 and the stockpiling and plant site area, land adjoining Sacombe Road and the Wick/ The Orchard, all of which

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are outside of the Preferred Area within the plan. The development is also not proposed to be worked as an extension to Rickneys Quarry. This is contrary to Policy 3 of the Mineral Local Plan that requires proposals to satisfactorily fulfil the requirement of the proposals for the preferred area identified on the inset maps.

- 6) The proposal had not demonstrated that noise would not have a detrimental impact upon nearby residential property. This is contrary to policy 18 of the Minerals Local Plan, NPPF (para.144) and National Planning Practice Guidance.

2. PROPOSED EXTENSION TO HATFIELD QUARRY FOR THE EXTRACTION OF APPROXIMATELY 0.45 MILLION TONNES OF SAND AND GRAVEL FROM WITHIN 17.7HA OF LAND KNOWN AS FURZE FIELD, INVOLVING RETENTION OF THE QUARRY ACCESS ROAD AND SITE INFRASTRUCTURE FACILITIES AND RESTORATION OF THE EXTENSION AREA TO AGRICULTURAL LAND AND MIXED HABITATS INCLUDING WETLANDS, ACID GRASSLAND AND WOODLAND PLANTING

[Officer Contact: Chay Dempster, Principal Planning Officer, Tel: 01992 556211]

- 2.1 The Committee considered planning application 5/3720-16 for a proposed extension to Hatfield Quarry for the extraction of approximately 450,000 tonnes of sand and gravel from 17.7ha of land known as Furze Field, including retention of the quarry access road and site infrastructure facilities, followed by restoration to areas of agricultural land and habitats including lake, acid grassland and woodland planting.
- 2.2 The Committee were informed there was not an immediate need for the mineral deposit at the site in order to maintain the landbank above the minimum level of 7 years specified in the NPPF. However, there was a longer term need to maintain a steady and adequate supply of sand and gravel, to maintain an appropriate contribution to regional supply, and the maintenance of an appropriate landbank.
- 2.3 Notwithstanding the potential conflict with Minerals Local Plan 1, 2, 3, 4, together with the limited harm to the openness of the Green Belt for the 3 year duration of the project, and the continued diversion of Bridleway 41 for a further 3 years, these matters are outweighed by the positive benefits of the proposed mineral extraction in terms of:

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- contributing to an appropriate landbank;
- maintaining continuity of supply from an existing site;
- the wider economic benefits of mineral extraction;
- long term enhancements to the rights of way network; and
- the lack of any substantive harm

2.4 The application had been advertised by way of site notice, press notice and notification letters sent to 55 properties within 500m of the site; there had only been 9 letters received raising objections to the application.

2.5 Prior to questions and debate the Committee was addressed by Mr Duncan Bell, local District Councillor, speaking in opposition of the application.

The Committee was addressed by applicant Karen Hearnshaw, speaking in support of the application.

2.6 The Committee were also addressed by the Local Member, Maureen Cook, who had reservations about the increased heavy lorry movements at the site and was therefore opposed to the application.

CONCLUSION

2.7 That the Chief Executive and Director of Environment be authorised to grant planning permission subject to the following:

- 1) the conditions set out in Appendix II,
- 2) the Applicant entering in to a s106 obligation in accordance with the Heads of Terms in Appendix III; and
- 3) referral of the application to the Secretary of State and him not wanting to call in the application for determination.

There was one Member of the Committee opposed to the application.

3. PLANNING APPLICATION (0 / 0815-16 CM0888) FOR PROPOSED EXTENSION TO EXISTING BUILDING TO ENCLOSE GREEN WASTE COMPOSTING ACTIVITIES AT REVIVA COMPOSTING LTD, ELSTREE HILL SOUTH, ELSTREE, HERTFORDSHIRE WD6 3BL

The planning application was withdrawn by the applicant.

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

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