



Stop Bengo Quarry
Response to The Planning Inspectorate Regarding
the Appeal Against Hertfordshire County Council's
Refusal of Application for Extracting Sand and
Gravel from Land at Ware Park
(known as Bengo Field), Hertford
Ref APP/M1900/W/17/3178839



Submitted by Stop Bengo Quarry
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INTRODUCTION

The Stop Bengo Quarry campaign strongly opposes the proposed quarry north of Hertford and endorses the Hertfordshire County Council's decision to refuse the application.

That refusal was the only responsible action that a local authority could take in the circumstances. The overwhelming response of the local community to the original application was negative and was based on closely argued and scientifically sound evidence. In March 2017 the HCC Development Control Committee came to the unanimous decision that the application for the extraction of minerals in Ware Park / Bengo Field should not be permitted.

As residents of Hertford and neighbouring areas we believe that all the objections raised in the previous consultation remain. The threat to the landscape and wildlife remains. The health concerns related to gravel extraction remain. The impact of the quarry on the water supply and highways remains a concern. If the quarry were permitted, the character of this part of Hertford will be permanently damaged. The Planning Inspectorate will be aware of all the original objections raised by The Stop Bengo Quarry campaign.

Additionally, there are further matters, which strengthen the original objections and concerns. This document addresses these in response to the appeal against the refusal of the quarry application, covering: traffic and road safety, landscape and amenity, ecology, dust and health, water supply contamination, noise and the strategic need. The Stop Bengo Quarry strongly objects to the appeal and believes that given the evidence, the extraction of minerals should not be permitted on this site.

Stop Bengo Quarry would particularly draw the Planning Inspectorate's attention to the fact that the new draft Minerals Local Plan does not recommend the Bengo Field as a preferred area. We welcome this and hope that this will be taken account of when considering this appeal.

The strength of local feeling, expressed in response to the original application, has continued to increase since the original application in April 2016. The following provide evidence of the strength of the opposition to the quarry just outside Hertford:

- **1,093 members of the Stop Bengo Quarry Facebook group** campaign actively and exchange views, findings and updates. **2,462 followers of Save the**

Countryside – Stop Bengoe Quarry Facebook page follow up and share the campaign updates.

- Stop Bengoe Quarry has a **Facebook presence of well over 3,000 followers**. Some of our campaign Facebook updates have been viewed 15,000 times.
- In October 2017 we had **2,323 campaign website page views** with average session duration of 2.38mins. **61.9%** of visitors to the website were new.
- The campaign is supported by **MP Mark Prisk, Bengoe Primary School, Bengoe Neighbourhood Plan**, as well as the local **Green Party, Liberal Democratic Party** and **Labour Party**, and a number of local Residents Associations including **Molewood Residents' Association, Lower Bengoe Residents' Association, Chapmore End Association, and Watermill Estate Residents' Association**.

We urge the Planning Inspectorate to reject the developers' appeal and to endorse the Herts County Council's decision to refuse the application to extract minerals in the Bengoe Field, especially in light of emerging draft Minerals Local Plan and emerging Bengoe Neighbourhood Area Plan.



1. Landscape and amenity concerns

The land proposed for the quarry is a much loved and visited piece of Green Belt known locally as Bengo Field, containing two extensively used public rights of way with beautiful views across the Rib Valley towards Ware Manor. The land is of the Stony Hills landscape character and contains two wave form ridges with distinct central dry valley. The site lies on sloping land with relief sloping to the east towards the river Rib.

Impact on the landscape and amenity

The revised landscape plan still anticipates significant changes to landscape and would be visually devastating – both during the period of operation and after. The attractive rolling landscape is irreplaceable – the proposed new landform would look unnatural and unsightly.

Bengo Field is the only open agricultural land available on the edge of Bengo urban area, the landscape is enjoyed by hundreds of people weekly as a part of their health regime.

The quarry would skirt St John's Wood with potential damage to amenity, to the hydrology of the woodland as well as the flora and wildlife.

The proposal fails to take into account views during the autumn and winter when trees are not in leaf and neglects many views from many of the local public rights of way that surround the site.

The land is of significant local amenity value and hundreds of people use the field weekly for walks and enjoyment of the countryside. Our landscape survey had 417 respondents 95% of whom thought the view was either special or very special. At a public meeting of 280 residents in June evidence was gathered that almost all of these present considered protection of local green spaces as of highest priority. Hundreds of people use the field as an amenity, for health walks, and for enjoyment of the landscape and at least 30% travel up to 15 minutes to reach the field. The use of the Bengo Field as the community amenity has been steadily increasing.

The central public footpath/byway, recently declared an Asset of Community Value by East Herts District Council, is heavily used throughout the year.

Additionally, the emerging Bengo Neighbourhood Area Plan, is in the process of proposing the Green Belt area of Bengo Field to be recognised as the green open space, which should be preserved as such amenity for the local community.

The developer has never assessed the public use of the land or attempted to work with the local community to preserve the amenity value.

The developer has stated (both in the East Herts District Plan - Statement of Common Ground – Gowling WLG Trust Corporation Ltd, and indirectly in the Environmental Statement for the original application) that extraction of minerals is necessary so that the land is not sterilised prior to the development of housing as a part of HERT4 to the south of the field. It is, therefore, clear that the eventual landscape will not be that envisioned in the

technical addendum or as shown in the drawings because the southern part of the site will contain new houses.

To our knowledge there has never been a landscape assessment which included house building on this precious and valued part of the green belt. This makes the entire landscape assessment flawed as clearly some of the views mentioned would be affected by the new housing. The future of the landscape and the rural amenity value of our countryside is very much the business of HCC, and therefore it is important to consider the complete plan for the land – not just the part covered by the immediate application to extract minerals.

D.K. Symes Associates, Environmental Statement says:

- 1.3 *These competing land uses are recognised at both Government and County level (Hertfordshire County Council (HCC) is the mineral planning authority) and policies are in place to avoid the needless sterilisation of known mineral reserves as the deposits are finite. Therefore, **there is a real risk that the need for further houses could result in the sterilisation of the identified mineral deposit, both directly by building over the minerals and indirectly by locating new residential development adjacent to an identified mineral area** resulting in increased environmental constraints.*
- 1.4 *In order to address this conflict discussions have taken place with EHDC who are the authority responsible for delivering the additional homes that are needed.*

Statement of Common Ground states:

- 4.1 *Plan 1389 A4 01 A is an indicative concept master plan prepared by Liz Lake Associates which demonstrates how the Pre-Submission HERT4 site can be comprehensively developed to provide up to 150 dwellings. **Prior to residential development on the Trust land, minerals would be extracted from the land immediately to the north, which is within the Minerals Preferred Area.***
- 6.5 *The specific requirement in terms of the development of the Trust part of HERT4 is the need to remove minerals under, and close to, the site. [...] This was proposed to be followed by phased restoration which would ensure that the southern part of the minerals area is restored to its final landform by 2020. This would allow the new planting to be created to form the new Green Belt boundary, **so that dwellings can be occupied on the Trust land from this date.***

CPRE state

*Although the East Herts District Plan has progressed to its next draft stage since that time, **there has been little change to the status of the proposal to build housing to the south of the site**, which has yet to be tested by an Inspector at a Public Examination, and which is strongly contested by many objectors.*

For all these reasons the proposal remains entirely unacceptable to the local community and we conclude that this plan should be rejected.

2. Ecology concerns

We continue to strongly disagree with the application on the grounds of a huge negative impact on ecology. The application fails to attempt to survey or manage important wildlife such as badgers or brown hare, nor to identify how the site itself fits into the local pattern of land usage.

The dangers to St John's Wood itself, highlighted by the Woodland Trust and others in responses to the initial application, are simply brushed aside with little supporting evidence.

The suggested hedgerow planting may be desirable, but cannot be supported without concrete information on how the hedgerows will be managed in the longer term.

We would also observe that the history of gravel extraction in this area shows that operators often allow the lifetime of quarries to extend well beyond the time span initially envisaged. Many of the applicant's assertions regarding the ecological consequences of this proposal and their mitigation are meaningful only if the envisaged timescale is adhered to.

We, therefore, object to the proposed extraction on the grounds of unsatisfactory provision for wildlife management.

3. Water supply concerns

In Bengo Field, sand and gravel lie on top of chalk. The chalk is the aquifer that supplies the local grid operated by Affinity Water. Hertford takes its water from this grid. Six million litres of water are drawn each day from boreholes at the Wadesmill Road pumping station. Those boreholes lie within the field that is proposed to quarry. Fractures in the chalk mean that any pollution can reach those boreholes rapidly: a point recognised by all parties involved with this resubmitted proposal to quarry Bengo Field.

The threat to the water supply is enough in itself to rule out a quarry in this field. The applicant's own consultants, Hafren Water, have identified clearly the nature of the risks that would arise by quarrying in a field that contains key water-supply boreholes. Any pollution entering the aquifer would spread rapidly through fractures in the chalk. Pollution entering the main body of the chalk via these fractures would be slow to clear. Earlier **reports by hydrogeologist KJ Edworthy for McMullen & Sons (1992)**, and by **Lee Valley Water Company (1990)**, demonstrate the serious possibility of causing damage to the chalk aquifer by quarrying north of Hertford.

Permission to quarry cannot reasonably even be considered at this stage. We do not yet have a sufficiently accurate survey of the geology of the field to be able to assess adequately the risks to the water supply posed by the proposed quarrying. Granting permission for operations without obtaining and considering such a survey would be a failure of due process, and would leave the various parties who are responsible open to

legal challenge in the event of any subsequent interference by quarrying operations with the water supply.

Assessment of the chance of successful prevention of pollution requires a detailed map of the buried chalk surface, and a survey of the size and orientation of fractures within the chalk aquifer itself. Such information has not been presented by the applicant. Yet the measures proposed by the applicant to protect the aquifer only work if the top-chalk surface is smooth. We do not know whether the surface of top-chalk is smooth in Bengo Field: the limited evidence we do have suggests that the surface is not smooth.

Hafren Water (for the applicant) interpolate sub-parallel contours between borehole determinations of depth from surface to top-chalk, thereby giving the appearance of a smooth surface at top-chalk. Evidence collected nearby during **geological research by Dr Bryan Lovell of the University of Cambridge** suggests that a detailed survey in Bengo Field will prove that the top-chalk surface is not as smooth as sketched by Hafren Water.

The Environment Agency (EA) stated on 20 September 2017 (e-mail from Simon Hawkins to Lovell) that uncertainty about the nature of the top-chalk surface is a “*valid concern*”. The EA says that coping with this valid concern is the role of Hertfordshire County Council rather than a matter for the EA. In any event, a survey of top-chalk is a prerequisite for adequate appraisal of risk of quarrying.

Dr George Tuckwell of RSK Hemel Hempstead, advises (email to Lovell of 6 July, 2017) that mapping the top of the chalk aquifer is feasible, but fractures within the chalk are harder to image in detail. The difficulty of mapping the fractures within the chalk is confirmed by **Dr Adrian Butler of Imperial College London, Chairman of the Hydrogeological Group of the Geological Society of London** (email to Lovell of 26 September 2017). Dr Butler suggests that this difficulty in mapping fractures means that it is best to take a “precautionary principle approach” in assessing the risks to water-supply wells.

The data required to make a rational decision about the safety or otherwise of quarrying in Bengo Field have not been presented by the applicant and are not otherwise available. In these circumstances no party involved can make a rational and hence defensible decision. On these grounds alone, the Inspector has good and sufficient reason to turn down the appeal against refusal by Hertford County Council of permission to quarry.

It is probable that the geology of Bengo Field precludes safe extraction of sand and gravel from above the chalk aquifer. Fortunately, the relatively small quantities of sand and gravel it is proposed to quarry are not essential for the local or national community. What is essential is that we protect the chalk aquifer.

4. Air quality and health concerns

The National Planning Policy Framework states that planners must “*ensure in granting planning permission for mineral development there are **no unacceptable adverse impacts on... human health***” (our emphasis).

In its response to the developer's original proposal to build this quarry within a few hundred metres of a primary school, Natural Health England said the developers must show there will be no "*additional emissions including dust or particulate matter which could adversely affect the local community*".

Neither of these conditions is met by the proposal from the developers. The submitted air quality report and its conclusions are based on what the report authors claim are "*robust assumptions*". Therefore, we believe those assumptions are sufficient to make a decision of this scale and impact and that the application had to be rejected, especially in light of proximity to a large Bengo Primary School and nearby residential houses.

5. Traffic and road safety concerns

We have serious concerns about the unacceptable impacts that the proposed quarry would have in highway and movement terms. The applicant's analysis submitted in support of the planning application has not allayed residents' well-founded fears and is demonstrably inadequate to allow County Councillors on the County Council's Development Control Committee to fully assess its impact.

Our primary areas of concern are:

- Information submitted with this application does not adequately describe the highway and movement impacts of the proposed scheme. It makes no reference to the concerns set out in our formal responses sent to HCC on 2nd May 2016 and in February 2017. Nor does it respond to concerns expressed by many other local residents and their representatives. It simply answers questions raised by HCC Highways' in their first formal response submitted on 10th May 2016. Worryingly the report ignores the highway authority's second response made in December 2016.
- The Response to HCC's Highways Comments seems largely aimed at making the case that the scheme would not have a significant impact on congestion and safety on the wider surrounding road network in the long term. It takes no account of peaks in traffic associated with the site nor the operation of the site entrance at those busiest times. In policy terms all the attention has been focused on the final bullet point of paragraph 32 in the NPPF (in which permission should not be withheld unless residual impacts are severe) but paid insufficient attention to the point before that which requires that "*safe and suitable access to the site can be achieved for all people*".
- Our primary concern is in the area of road safety. We continue to question the ability of the B158 to cope with the predicted daily average of 100 additional extra heavy lorries. Under the amended scheme the overall quantity of gravel to be dug from the pit would be reduced by about a third. While this might result in reduced landscape damage it would do nothing for traffic congestion or road safety since the rate of extraction would be unchanged.

We continue to have major concerns about the unacceptable safety hazard that would be created by the construction of the new site access junction. This is an area where none of our earlier points have been addressed. Just because it "*accords to relevant design guidance*" does not mean that it could operate safely or without an unacceptable effect on congestion, especially at peak hours.

Traffic volume

The coverage of highway and movement aspects of the proposed quarry in the original Transport Statement is woefully short of information and analysis relating specifically to the quarrying industry. Residents know only too well how busy the B158 is, particularly in the morning rush hour. In both morning and evening peaks the A602 between the B158 junction and the A10 is congested in both directions. The presence of additional gravel lorries, made worse if Rickneys were to reopen, would only compound this problem as well as worsening air quality in the area.

The TS appears to have been based on a template for a more standard development, not for one involving the extraction and transport of minerals by road. A more intense examination would hopefully have given more information about lorry movements than the rather vague (and suspiciously round) figure of 50 vehicles a day with more detail on likely movements during the busiest morning peak hour.

We note that the A602 features in figure 2.45.2 of the County Council's Traffic and Transport Data Report for 2017 as one of Hertfordshire's most heavily trafficked roads. The degree of seriousness with which HCC regards the problem of congestion on the A602 is highlighted by the fact that it has begun to build an online improvement scheme to improve the route's capacity. That is an indication of how busy it is and how poorly it would cope with any more HGVs. And yet the impact of the gravel lorries heading south to the site and then away to the north once loaded has not been assessed with any degree of rigour in the TS. Nor has traffic growth and development pressure on roads in the area over the 8-year duration of the proposed scheme been considered at all

The suspicion that HGV traffic generated by the quarry is likely to be greater in the morning than the evening peak hour is strengthened by the figures from the more detailed Transport Assessment for Rickneys quoted in table 5.2 of the TS. This predicts 29 trips in the morning compared with 10 in the evening. In other words, the neighbouring pit would generate nearly three times as much traffic in the morning rush as it would in the evening. We contend that a similar ratio should be applied to the Ware Park pit proposal and that if it were followed through TS paragraph 5.12 might be predicting that development traffic in the morning peak would be near if not over the critical 5% threshold usually applied when assessing the severity of the impact of additional traffic.

We also question that implicit assumption that development traffic patterns would be the same all year round. Given that there is acknowledgement that winter operations would be over a shorter day than in the summer, we would have expected this to be reflected into the trip generation and traffic modelling. No such subtlety of thinking has troubled this crude assessment.

The highway authority only chose to draw this conclusion about the roundabout at the junction of the B158 with Anchor Lane and the A602. In order to assess this the applicant's transport consultant had traffic counts taken on 19th October 2016. We would point out that private schools in the area were on half term holiday so the data so derived are not entirely representative. The description of the modelling done to predict future flows is not easy to follow since there is confusion as to whether the future or base year is 2015, 2017 or 2021.

The predicted flows were then 'plugged' into a computer model using TRL Arcady software. It is not clear but presumably the geometry used to set up the model was of the existing layout. We note that predicted RFC (Ration of Flow to Capacity) values are unacceptably high on the Anchor Lane approach in the morning peak and on the Wadesmill Road approach in the evening. We would ask that the highway authority presses this point with the applicant and discusses it in its report to the DC committee.

Given that HCC now has planning permission to improve the A602, including making physical changes to this roundabout, we would regard this as committed development and would request that the future geometry as well as the resultant predicted increased traffic flows on the A602 are also tested to fully understand the impact of the proposed development.

The furthest into the future that predictions about traffic patterns in the area have been made appears to be 2017. Given the lifespan of the proposed gravel pit and the planned levels of housing and other growth in the area we would ask that the highway authority and/or Development Control committee members demand that the situation later on in the life of the development is assessed.

We are disappointed that these points have not been picked up by the County Council's highway development management engineers and ask that this matter is put directly to them and their view made known in writing to the Development Control committee.

Traffic safety

In our view the B158 is not safe enough to cope with an average of an extra 100 HGV movements a day. TS para 3.11 records that 85th percentile speeds on the B158 were 59.6mph in the northbound direction and 60.8 heading south. These are so near the speed limit that they imply that a significant number of vehicles being driven along this stretch of road at well in excess of the safe speed. The collision record for the road is discussed in TS paragraphs 2.6 to 2.13. This backs up the feeling of Crouchfields residents that this is an unsafe stretch of road. The map of collision locations given in TA Appendix A shows that the 13 collisions that have led to injury have all taken place in the 1.3km stretch between the Rickneys junction and the A602 roundabout – the stretch that would be used by the gravel lorries from this pit and from the Rickneys extension which has a pending permission awaiting completion of its S106 agreement.

The figure of 100 lorry movements day is a crudely estimated average derived from the calculation given in paragraph 4.5.2 in the Planning Statement and Updated Environmental Statement. Were the DC committee minded to grant this should be assessed with HCC experts and a maximum set by planning condition so that it could be monitored and enforced.

Additional collision data is provided in the 'new' transport report in response to a request from the highway authority. It relates to the A602 between the B158/Anchor Lane and A10 roundabouts. No map is given (as it was in the original TS) to show where the individual at events took place. We are disappointed that this has not been picked up by the County Council's highway development management engineers and ask that this matter is put directly to them and their view made known in writing to the Development Control Committee.

In our view the B158 is not safe enough to cope with the proposed new junction. Further study of the collision map shows that the collisions which have led to casualties and one death in the last 5 years are all clustered around the junctions. It would seem negligent, therefore, to introduce a new junction, let alone one in a dip in the road with curving horizontal alignment to the north.

Furthermore, there is a 7.5 T lorry ban in place to the right (south) on exit from the existing Rickneys site access road. This valuable safety and environmental protection would be compromised by the opening of a new heavy lorry access further south. No mention is made as to the need to alter this to allow the proposed Ware Park pit to operate and then how the applicant would monitor and enforce this vital movement restriction.

This choice of location of the road access point is especially hard to understand given that the HCC specification for Preferred Area 2 in its Minerals Local Plan requires that the whole area is accessed via the existing Rickneys pit access road. Given that this road could itself be used again by gravel lorries at some point in the future it would appear reckless of the DC committee to permit a new collision cluster to be created. As well as being in a dip in the road the right turn lane for the new site access junction would be nearly opposite the access to Revels Croft Farm. We understand that the HCC Highways development management engineer has recently recommended refusal of permission because of this inter-relationship.

We note that the traffic information submitted by the applicant in December included a Stage 1 Safety Audit of the site access carried out for the applicant by GM traffic Consultants. It is included in Appendix I of the latest submission on traffic. Disappointingly the only issue it highlighted was the risk of overtaking collision associated with the introduction of a new access at this point. Whilst we recognise this point and welcome it being identified we are concerned that this was all that was spotted and, in particular, that no comment was made about the potential for conflict with traffic entering/leaving Revels Croft Farm. For that reason, we call into question the quality of the audit and would like to know whether HCC Highways will be signing it off by completing Appendix C - Local Highway Authority Response of the audit report.

Given these safety concerns we were surprised to see no mention in any of the material on traffic aspects of the development to a possible speed limit reduction on the B158.

Site management

Our concern is that drivers keen to win loads for their clients/employers would arrive at or before 7am (or whatever the opening time is at that time of year) and have nowhere safe to wait. This aspect is a serious deficiency of the application. Rather than provide useful information about how the developer would manage the arrival of trucks prior to and immediately after site opening, the TS describes cycle routes and bus services in the vicinity. No reference is made to how they will be managed on a day-to-day basis other than the presence of a banksman at the main gate.

We are pleased to note that *“all vehicle movements will be routed north along Wadesmill Road”* as this would remove the negative impact of development traffic on Bengo Street. However, we are highly sceptical as to how this could be enforced, particularly in the case of staff and deliveries.

Internal site operational issues are covered unconvincingly in paragraph 56 of the new report with the throwaway comment “*The applicant will ensure that the internal layout will be designed to ensure that there is no impact on the adopted public highway and it will be designed to ensure that there are no operational issues*”. The applicant’s transport consultant then sought to suggest that it was no business of HCC Highways how the site is managed yet has done nothing to address the questions and concerns of the Stop Bengeo Quarry campaign and others on this critical aspect.

Mud on road surface

An inevitable feature of all minerals extraction operations is mud on roads leading to/from the site entrance. The quality of the submission made in support of this application and the size of the site set-up proposed do not convince us that this significant environmental and safety hazard would be managed effectively. You need not travel too far from Hertford to see examples of sites where this is an ongoing problem. Sites that spring to mind are those along the Lower Hatfield Road towards Essendon and Cole Green Lane on the way into Welwyn Garden City.

Damage to road surface and resultant safety hazard

It is our contention that in the longer term, with all these heavy lorries turning in and out of the site access, the road surface of the B158 would become dangerously rutted for cyclists and motorcyclists travelling along it.

Rights of way

The other safety hazard that would be created were this scheme to be implemented involves conflicts between heavy plant and users of the Rights of Way around the site. These are addressed in the original application documents with glib words about appropriate fencing and signage. Given that this is an application for full, not outline permission, this is unacceptable.

Footpath HERTFORD 013 links the northern end of Watermill Lane with the eastern verge of the B158 opposite where the new site entrance would be built. Anyone emerging from the path and wanting to continue west would have to cross into the new site entrance and its steady flow of incoming and exiting heavy lorries. The road at that point would have been widened to create a right turn lane so pedestrians would be crossing 3 lanes with no safe designated crossing point. If the scheme were to proceed the design of the junction should be subject to a full safety audit and serious consideration would need to be given to providing a signal-controlled crossing point. This is not addressed in the new report.

One of the defining features of the site is the Right of Way that runs north-south through it. This starts at the B158 by Glenholm as Restricted Byway HERTFORD 001 and then turns into Footpath HERTFORD 001 as it rises uphill for the last 200m to St John’s Wood. It has recently been given the status of Asset of Community Value. Comparison with the work phase areas shown on application drawing shows that Byway 001 would cross the site haul road along which all heavy plant would pass throughout the 15-20 life span of the pit. This interaction would be created, of course, an unauthorised alteration to the description of Preferred Area 2 as envisaged by HCC. No evidence is given as to how this can be made to operate safely for that length of time or how site security and therefore public safety would be maintained during operating hours.

Following the rather token public consultation exercise carried out by the applicant's planning consultant in November 2015 the scheme was amended to include a new 'permissive' path from Byway 001 at Glenholm, along the eastern edge of the site as far as the Rickneys Farm access for the duration of the project. While this may be of benefit to pedestrians we question the safety of crossing the site entrance which would be approximately 10m wide at that point and used by a steady stream of lorries entering and leaving the site. We note the complete absence of information in the application as to how this would be achieved and maintained.

In the additional information supplied the applicant's transport consultant suggests that it is no business of HCC Highways how the site is managed yet has done nothing to address the questions and concerns of the Stop Bengo Quarry campaign and others on this critical aspect.

6. Noise concerns

The decision notice for the previous planning application for this site (3/0770-16) noted 6 grounds for refusing permission. The sixth of these concerned noise:

"The proposal has 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."

We contend that, in addition to the detrimental impact on residential property, noise will potentially have a detrimental impact on users of Restricted Public Byway no 1. Local residents have made it abundantly clear that the byway has very high amenity value to much of the Bengo community and EHDC recently recognised the byway as a Community Asset. This author frequently uses it and other footpaths around the application site and can state that, apart from some background noise from the B158 and the occasional aeroplane, it is normally very tranquil with birdsong (often skylarks) being the only other obvious sound.

The noise assessment presented with the application makes no attempt to estimate the noise levels that would be experienced by users of the byway and in the absence of an expert assessment we can only speculate how severely the amenity value of the byway would be impacted. We note, however, that whereas nearby dwellings will be most severely affected when extraction is occurring at its closest point, the byway runs along the length of the site and, therefore, for much of the life of the quarry anyone walking the byway would experience:

- significant noise along its entire length
- relatively high noise levels wherever the path is close to the active extraction zone.

The failure to address the impact of noise on the amenity value of this Community Asset underscores the fact that the applicants have not satisfactorily addressed a key environmental concern.

7. Archaeological considerations

The archaeological desk-based assessment undertaken in July 2014 on behalf of Ware Park Estate Trustees and RJD Limited by Archaeological Solution Limited describes the site at Ware Park (known as Bengo Field) as *'an area of considerable archaeological potential'*. Several considerable multi-phase features dating from the late Bronze Age to the Roman period are identified on the site, including:

- cropmarks indicative of a late Bronze Age rectilinear enclosure, situated to the south-west of St John's Wood and towards the site's north-western boundary (Historic Environment Record – HER 7609)
- cropmark indicative of a sub-circular enclosure of the same period, situated to the south of the wood, in the central northern section of the site and to the west of the public footpath (HER 7610)
- cropmark of a double square enclosure in the site's central eastern section, opposite the drive to Ware Park Farm, which is thought to be a Roman temple (HER 7996).

The concentration and high potential of these particular features led to the northern section of the site being accorded 'alert area' status on the HER. Records of multiple medieval finds at the site – two shield shaped mounts dating to the late 13th or early 14th centuries (HER 21527 and 21921) and a purse bar dating to the mid - 15th to mid - 16th centuries – as well as the presence of further undated cropmarks of rectilinear enclosures (HER 18424) are cited as further evidence of the archaeological richness of the site in the assessment.

In July and August 2015, AS conducted a trial trench evaluation of the archaeological features identified in the aforementioned assessment. This confirmed the presence and dating of the features, turning up significant quantities of Bronze Age and Roman 1st century pottery.

The archaeology of the site represents a finite, non-renewable resource for the community, both local and academic, and should be preserved as important evidence of the history of human settlement and cultural development in the area. This position is clearly reflected in the government's stated objective that "...the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations".

The current presumption among archaeologists is that sites such as this should be left undisturbed in order to conserve them for excavation by future generations, whose techniques and technology will enable them to learn more from the historic environment than we could in the modern age. This approach means that even sites of considerable potential in terms of advancing our understanding of the past may well be left 'dormant' in the coming years.



8. Planning need

Minerals Policy 2 of the MLP requires the County Council when determining planning applications to take into account a number of factors including the existing quantity of permitted reserves of the relevant material.

The National Policy Planning Framework requires minerals planning authorities to maintain a minimum 7-year landbank of permitted reserves.

The 2016 Local Aggregates Assessment states that based on the county's East of England Aggregates Working Party apportionment of 1.39 million tons, the county had a 9.5-year landbank of permitted reserves. In addition, Brett Aggregates' proposed new quarry on the Hatfield Aerodrome site (application 5/0394) has been granted permission, adding approximately 8 million tons to the landbank.

While it is acknowledged that the fact that the landbank is above the minimum level would not in itself justify the County Council in refusing planning permission, it is necessary for the applicant to demonstrate that there is a need for minerals to be extracted from this site that outweighs the negative impacts of development.

The applicant's arguments and SBQ's grounds for objection

The applicant's case in relation to need can be summarised as follows:

- **Local supply** - Having acknowledged that the current permitted reserves are well in excess of the minimum, the applicant goes on to suggest that there is a need for a spatial division of supply. The inference is that other sites are too distant to supply 'Ware/Hertford East', but no evidence is offered in support of this contention. It is noted that the existing quarries at Panshanger and Tyttenhanger and the permitted site at Hatfield are within a radius of 11 miles of Ware.
- **Possible development of HERT4** - The applicant argues that the granting of permission is necessary to prevent sterilisation of minerals in the event that housing is built on the area to the south of the site identified as HERT4 in the EHDC draft Minerals Local Plan.

Obviously, this argument is based on a presumption that the Local Plan when adopted will approve the development of HERT4 and that development will proceed. Assuming that is the case, however, it still does not follow that a significant quantity of materials will be sterilised.

Firstly, it is noted that HERT4 is *adjacent* to the area of the application. There is no overlap so reserves will not be built upon. The applicant may be referring to minerals actually beneath HERT4 which could, theoretically, be extracted prior to housing development. We would argue that nothing in the current proposals in any way enables the recovery of such mineral deposits and, moreover, since no details are supplied regarding the scale or feasibility of such extraction the question of whether or not significant quantities of mineral might be involved is entirely hypothetical.

Secondly, any extraction carried out post development could be conducted in a manner that keeps the impact on HERT4 residents within acceptable limits. If the applicant's position is that this would be impossible, the applicant is in effect admitting that its application cannot be carried out without unacceptable impact on current residents.

Finally, it is noted that the applicant states at paragraph 3.1.8 that currently active reserves are operated by two companies. The alleged significance of this observation is not explained and it is denied that this is a material consideration, but it will clearly no longer be the case once Brett Aggregates' Hatfield Aerodrome quarry becomes operational.

9. Emerging Minerals Local Plan

Under the current MLP, 'Preferred Area 2' is made up of land around Rickneys including Bengo Field. The current MLP site selection process involves a 'sieve' of potential sites for quarries.

Hanson (who operated Rickneys and who controlled a lot of the land to the north of the plant) did not put any of their land in the current Preferred Area 2 forward. This may be because they have decided that it would not be economically viable for them to reopen their plant. As a result, the officers preparing the draft plan recommended that the land to the north of Rickneys should no longer be a Preferred Area because there could be no confidence that it would be dug.

Bengo Field is owned by a trust on behalf of Ware Park; Hanson does not have any connection with it. The field's owners did put it forward as a potential site, but it was removed from the draft plan – partly because the County Council rejected the recent planning application and partly because Rickneys is inactive and the MLP has always considered that Preferred Area 2 should be worked via Rickneys.

The emerging Minerals Local Plan's recommendations were agreed at Hertfordshire County Council's Employment, Planning and Transport Panel on the 7th September and by the HCC Cabinet on 1st November 2017.

Although the draft plan is still at an early stage, the facts which informed the choice of options are very relevant to the current application. It is clear from the HCC Cabinet Report

dated 25 September 2017 that the application was excluded because the land at Ware Park was regarded as having potential for high impacts against six Sieve 3 assessment criteria: ancient woodland, groundwater vulnerability, recreation, sensitive land uses, sustainable transport and transport related pollution. To be more detail, the land at Ware Park:

- falls within a water Source Protection Zone 1 and scored high for Groundwater Vulnerability (para 7.6 of the report)
- performed badly on the criterion for sustainable transport and pollution to the environment - dust, air, water (para 9.7).

The concerns on groundwater, on sustainable transport and pollution, should therefore be considered valid current concerns of the Council. Also it can no longer be assumed that the reserves north of Bengo are bound to be worked at some time.



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