



28 October 2017

Spatial Planning & Economy Unit CHN216
Hertfordshire County Council
County Hall
Pegs Lane
HERTFORD
SG13 8DN

Please reply to:
Peter Norman
3 Bluebell Close
HERTFORD
SG13 7UP

01992 582658
peterandbill@btinternet.com

For the attention of Felicity Hart

Dear Ms Hart

Application No. PL\0870\17: Application for the phased extraction of sand and gravel, land at Ware Park, Wadesmill Road, Hertford

We object to this renewed application and urge you to refuse permission.

It is clear that aggregates are needed for building homes, roads etc; those aggregates can be worked only where they lie, and we acknowledge that the adopted Minerals Local Plan 2002–2016 designates an area north of Bengo, including the application site, as a Preferred Area for sand and gravel extraction. However since the previous application on this site was made last year the policy background has changed. A review of the Minerals Plan is now in progress, and as the adopted Plan has passed its end-date its policies now carry less weight, whilst as the draft review passes through successive stages its policies will carry progressively more weight.

At their meeting on 7 September, your Council's Employment, Planning and Transport Cabinet Panel considered a report which outlined the site selection work for the potential site options to be included in the draft Minerals Local Plan. The Panel agreed to recommend option 4 for inclusion in the Plan; that option includes three specific sites and a Preferred Area, but does not include the present application site or any other part of the area north of Bengo designated as a Preferred Area in the adopted Plan. It is clear from the Panel report that the application site (referred to as 'land at Ware Park') was excluded because it scored high for groundwater vulnerability (para 7.6 of the report), and also because it performed badly (para 9.7) on the criterion for sustainable transport and pollution to the environment (dust, air, water). Although the draft Plan is still at an early stage of preparation, the background facts which informed the choice of options must be material considerations in the determination of the present application. Thus, although the extraction of aggregates from the application site would in principle be in accordance with the Development Plan as it stands, it can no longer be assumed that the reserves north of Bengo are bound to be worked at some time.

Against that background we believe there are five specific reasons why the present application is not acceptable, as follows.

1. The proposed method of working is not in accordance with the specific considerations for Preferred Area 2 set out in Appendix 8 of the adopted Minerals Local Plan.

Appendix 8 says that working of this site (ie Preferred Area) would be considered as an extension to the existing Rickneys Quarry, and that access to further workings in this Preferred Area should be via the existing access to that quarry. The application proposes an entirely new quarry independent of Rickneys Quarry, and a new access from the B158. In volume 1 of the updated Environmental Statement (paragraph 3.2.5) the applicants argue that the phrase 'would be considered as an extension' does not 'require' the additional area to be worked as an extension. We hope you will disregard this semantic quibble.

2. There is insufficient proven need/demand to justify the working of this area at the present time.

MLP paragraph 3.4.1 says: *"It is also essential that the extent of disturbance caused by mineral working is limited, and for this reason permissions are unlikely to be granted which would permit extraction greatly in excess of that required to maintain an adequate and steady supply of minerals."* Permission for an extension to the existing Rickneys quarry was granted in 2009, with a four-year period for implementation, and renewed with an extended implementation period in 2014. The officers' report recommending approval of the extended period records that work had stopped at the existing quarry in 2001, and that the applicant had not started work on the extension within the permitted four-year period due to the economic downturn. Presumably the downturn had led to a slackening of demand for aggregates. The existence of this unimplemented permission, first granted eight years ago, indicates that the demand for aggregates is not sufficient to justify the authorisation of further gravel extraction at the present time.

The decision of the County's Development Control Committee in March of this year to approve a proposed extension to Hatfield Quarry, for the extraction of some 450,000 tonnes of sand and gravel from land known as Furze Field, lessens any present need to authorise extraction from the application site still further.

3. The cumulative impact of this proposal and the permitted Rickneys extension would be unacceptable.

The working of minerals simultaneously both on the application site (capacity 1.25 million tonnes) and on the Rickneys extension (capacity 1.24 million tonnes) would be unacceptable, and would not be in accordance with MLP Policy 11. This says *"Development which would result in an unacceptable cumulative impact on the environment of an area either in relation to an individual proposal having regard to the collective effect of different impacts, or in relation to the effects of a number of minerals developments occurring either concurrently or successively will not be permitted."*

Moreover Appendix 8 specifically says that access to further workings in this Preferred Area should be via the existing access to Rickneys Quarry; however that access could not accommodate 175,000 to 200,000 tonnes per year from the application site and 300,000

tonnes from the Rickneys extension, but an additional access would not be in accordance with the Plan.

4. A new quarry should not be opened up before adjacent previously worked areas have been fully restored.

MLP Policy 13 says *“The County Council will not allow land worked for minerals to become derelict or remain out of beneficial use”*. An adjoining area (Rickneys Quarry) has been worked but not fully restored. The northern part appears to have been abandoned, or “mothballed” without any restoration at all, and even the supposedly completed southern section has clearly not been finally restored because there are notices beside the footpath leading from St John’s Wood to Sacombe Road warning people to keep out because of quarry workings and quicksand. The prolonged existence of an incompletely restored site is unacceptable and contrary to Policy 13.

We acknowledge that the application site and Rickneys are in different ownerships, but land ownership considerations, which can change over time, should not be allowed to frustrate Development Plan policy. We have already noted that Appendix 8 says that working of this Preferred Area would be considered as an extension to the existing Rickneys Quarry. Therefore this proposal should be considered as if it were an extension to Rickneys Quarry, and not allowed to go ahead unless and until the existing quarry is fully restored.

5. The grant of permission could result in the long-term despoliation of extensive tracts of land.

Paragraphs 2.3.1 and 3.3.1 of the MLP acknowledge that the winning and working of minerals can have a significant effect on the local environment and that all mineral extraction will involve disturbance and harm to the area in which it takes place. During the extraction period, the working of aggregates renders land useless for agriculture and recreation, and turns attractive countryside into an eyesore. The aim of the County Council, as expressed in paragraph 2.3.1, is to limit the adverse environmental impacts. It follows that the period of extraction, and the area affected by extraction at any one time, should be kept to a minimum.

However, experience shows that the system as currently operated tends to lead to extended periods of operation on a start/stop basis, with operators seeking to modify permissions, once granted, by prolonging the timescale for working or restoration, extending working areas and seeking to amend restoration profiles. A cursory review of the nature of minerals applications currently before, or recently decided by, the County demonstrates that this is so.

Finally, we wish to comment on two matters which arise should permission be granted, namely conditions and enforcement.

Several statements are made in the updated Environmental Statement about how any nuisance arising from noise, traffic, dust etc is to be mitigated. All these and other matters would need to be the subject of stringent conditions to ensure that the Environmental Statement is complied with. When the Rickneys extension (3/0629-06) was under consideration much detailed work on the formulation of conditions was done by Council officers in collaboration with local campaigners, and we consider that conditions corresponding

to all those attached to that permission (except for Condition 33 and the references to Flowersash Wood and Bardon Clumps in Condition 9) should be imposed here: this is a larger project, and the environmental and traffic issues are at least as significant as those raised by the proposed Rickneys extension. Condition 50 requires continued attendance at liaison group meetings: in this case there is no such group yet, but if permission were granted one should be formed.

There should be an additional condition, agreement or protocol with regard to lorry traffic. We believe that problems have arisen at other minerals or landfill sites if drivers arrive earlier than the permitted hours of operation; steps should therefore be taken to ensure that lorries do not park or wait on the highway when waiting to enter the site. There is also a concern that, whereas an average of 40 lorries in and 40 out per day may be acceptable, the concentration of those movements into one part of the day (which might happen to suit the drivers and site operator in some circumstances) would not be.

Conditions are of little use unless they are enforced. Enforcement needs to be not only effective but also immediate because many of the conditions applied to minerals permissions are about the day-to-day, even hour-to-hour operation of the work. Efficient wheel-washing is an example. Real-time monitoring is therefore needed. We recognise that this is costly, but the Council surely has a duty to the public to ensure that its requirements, as recorded in conditions and agreements, are implemented. Those requirements will, after all, have been imposed because they were considered necessary to safeguard the rights and living conditions of those affected by the development. If necessary, therefore, the monitoring costs should be funded by the operator.

Experience at other mineral working and also landfill sites suggests that restoration and aftercare conditions, as well as operating conditions, are not always complied with fully. For this reason we ask that you seek some form of bond or financial guarantee as a safeguard. Unfortunately government Planning Practice Guidance (paragraphs 047 to 049) is guarded about the circumstances in which such a guarantee is justified, but it does leave the door open to agreeing a planning obligation or voluntary agreement at the time when permission is granted. We believe that in the present circumstances, when the grant of permission would bring adverse environmental effects to the doorstep of large numbers of people for many years, the County should insist on financial guarantees with respect to both operating and restoration conditions.

Yours sincerely

Peter Norman

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On behalf of the Committee