



Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

HCC Application No: 6/0596-03 (102)

Other Ref No:

Description & location of development:

VARIATION OF CONDITIONS 2, 3, 4, 8, 15, 32, 34, 39 AND 54
(RESTORATION PROPOSALS) OF PLANNING PERMISSION 6/0119-89

AT LAND KNOWN AS CUTFIELD, HATFIELD QUARRY, COOPERS
GREEN LANE, HATFIELD, HERTS

To: RMC Aggregates (UK) Ltd
RMC House
Coldharbour Lane
Egham
Surrey TW20 8TD

In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby PERMITS the development proposed by you in your application dated 8 April 2003 (received with sufficient particulars on 11 April 2003) including the supporting statement which accompanied the application and the drawing numbered P7/597/18/A, subject to the thirty eight conditions which are detailed in the attached schedule with the reasons for their imposition.

Dated: 21..... day of October..... 2003 Signed: Susan Davidson

HEAD OF COUNTY DEVELOPMENT UNIT

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the to the Office of the Deputy Prime Minister.

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Office of the Deputy Prime Minister under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Customer Support Section, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the Planning Inspectorate's website at www.planning-inspectorate.gov.uk

The Office of the Deputy Prime Minister can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Office of the Deputy Prime Minister need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Office of the Deputy Prime Minister does not refuse to consider appeals solely because the local planning authority based its decisions on a direction given by him.

Purchase Notices

If either the local planning authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Office of the Deputy Prime Minister on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

SCHEDULE OF CONDITIONS NUMBERED 1 - 38 ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 6/0596-03 FOR THE VARIATION OF CONDITIONS 2, 3, 4, 8, 15, 32-34, 39 & 54 OF PLANNING PERMISSION 6/0119-89 (UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990) FOR THE EXTRACTION OF SAND AND GRAVEL AND RESTORATION AT LAND KNOWN AS CUTFIELD, HATFIELD QUARRY, COOPERS GREEN LANE, HATFIELD, HERTFORDSHIRE.

TIME LIMIT FOR COMPLETION

- 1. The development to which this planning permission relates shall be completed by 31 December 2004 and all operations (excluding those related to after-care) authorised or required by the permission, shall be completed to the reasonable satisfaction of the Mineral Planning Authority by that date unless approved otherwise in writing by the Mineral Planning Authority.**

Reason: To ensure that all operations are completed within an acceptable time-scale to minimise their impact with the local environment.

WORKING AND RESTORATION SCHEMES

- 2. The operations authorised by this planning permission shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the provisions of the Written Statement dated January 1989 accompanying the application and letter dated 16 June 1989, the site plans numbered P6/597/1-4 inclusive and the Scheme of Working, Landscaping, Restoration and Aftercare (as amended by the letters dated 23 November 1990, 8 April 2003 and plans reference P6/597/3/1, P6/597/4/2 and P6/597/6 approved by the Mineral Planning Authority on 20 December 1990 and restoration master plan reference P7/597/18/A dated October 2002).**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

- 3. Within 3 months from the date of this planning permission, a scheme for the restoration and landscaping of the site shall be submitted for the approval of the Mineral Planning Authority. Except where modified by this Schedule of Conditions and unless otherwise agreed in writing with the Mineral Planning Authority, the scheme shall be based upon plan no. P7/597/18/A revised November 2002 showing Indicative Restoration Proposals. The submitted scheme shall include inter-alia:**

- a) the provision of details showing the relationship between the winter and summer water levels and their relationship to the proposed lake edge levels to enable the proposed water area to be integrated into the surrounding landscape. The margins of the open water should be sinuous, thus creating a range of small bays and headlands. The profile of the lake margins should incorporate both gentle slopes and shelves to help to provide varying shallow**

water depths throughout the year as water levels in the lake fluctuate seasonally;

- b) provision for the variation in open water depths with deep (>3m) and shallow (<1m) water to help prevent reed (*Phragmites australis*) from dominating the whole water body;
- c) the opportunity to create areas of wet grassland adjacent to the lake margins;
- d) the inclusion of dry spits and islands out in the open water to encourage wading birds (ringed plover, little ringed plover, redshank, lapwing, possibly snipe) to breed;
- e) the creation of marginal vegetation which should be allowed to develop on slopes and shelves notwithstanding the need for some areas to be kept clear annually, to create shingle 'beaches' for loafing wildfowl and waders.
- f) the creation of areas of bare sand and gravel above the highest winter water level on south facing profiles to encourage invertebrates.

Unless otherwise agreed in writing with the Mineral Planning Authority, the approved scheme shall be implemented and carried out in full.

Reason: To ensure the satisfactory and timely restoration of the land to a beneficial afteruse.

4. **No materials from sources outside the site shall be imported for processing or storage without prior approval in writing by the Mineral Planning Authority.**

Reason: To improve the appearance and visual amenity of the area and minimise the adverse effects on local amenity.

5. **No operations authorised in connection with this permission shall take place within 15 metres of the boundary to Home Covert and Coopers Green Lane, 10 metres of the boundaries to Hatfield Aerodrome, 10 metres of the south west margin of Cutfield Wood and the north eastern and eastern margin of Balls Covert (where those woodland margins are to be retained,) and 5 metres of the remaining boundaries with other ownerships, or within 5 metres of the canopy of any tree or hedgerow without the written consent of the Mineral Planning Authority, and no operations shall take place until these areas and margins have been clearly marked out to the satisfaction of the Mineral Planning Authority.**

Reason: To ensure minimum disturbance and avoidance of nuisance to location, its vegetation and landscape, and absorb the proposal into the local landscape

ENVIRONMENTAL SAFEGUARDS

6. **Notwithstanding the provisions of the Town & Country Planning General Development Order 1995, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or fixed structures on the land and the written approval of the Mineral Planning Authority shall be obtained prior to the placing on site of any buildings or structure in the nature of portable plant.**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

7. **Except with the previous written consent of the Mineral Planning Authority, no operations authorised by this permission shall be carried out other than during the following periods:**

7.00 am - 6.00 pm Mondays to Fridays

7.00 am - 1.00 pm Saturdays

No operations shall take place on Sundays or Public Holidays with the exception of essential maintenance work, and this shall only be between 8.00 am and 6.00 pm.

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

8. **Noise from the operations shall not exceed a peak value of 70dB(A) at the boundaries of the site. In addition the existing ambient noise level (i.e. L 90) measured over a representative period in the vicinity of the nearest noise-sensitive area shall not be raised over 5 dB(A).**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

9. **Noise from the operations conducted on site during the period of removal, storage and replacement of topsoil and subsoil and the formation and removal of bunds shall not exceed a peak value of 75dB(A) at the boundaries of the site. In addition the 12 hour equivalent continuous noise level (12 hr Leq) shall not exceed 65 dB (A).**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

10. **The overall height of any machines or static plant shall not exceed 120.6m above sea level.**

Reason: To minimise the risk of bird strike at Hatfield Aerodrome.

11. **Adequate measures to suppress dust shall be taken to the satisfaction of the Mineral Planning Authority so that areas outside the site are not affected by dust nuisance. These measures could involve the spraying of clean water from a water browser on the access road or hardstanding within the area known as Hatfield Quarry.**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

LANDSCAPING

12. **All trees and shrubs planted in accordance with the planting schedules set out in drawing reference P7/597/18/A shall be maintained to the satisfaction of the Mineral Planning Authority during the operations on site and for five years after the completion of restoration.**

Reason: To ensure minimum disturbance and avoidance of nuisance to location, its vegetation and landscape, and absorb the proposal into the local landscape.

SOIL HANDLING STRIPPING

13. **No topsoil, subsoil or overburden shall be sold or otherwise taken off the site.**

Reason: To ensure that soils and other restoration material are handled and stored in such a way as to achieve the best possible standard of restoration

INFILLING

14. **Only the following categories of waste may be deposited at the site:**

a) **mineral waste, including silt, arising from within the Hatfield Quarry complex.**

Reason: The filling of the site with any materials outside these permitted categories would raise environmental or pollution issues which the

15. **Before the fill material in any area of the site is within 2 metres of the final levels, markers shall be set up in that area to the satisfaction of the Mineral Planning Authority, to show the final levels of fill material, overburden/subsoil and topsoil respectively.**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

SOIL HANDLING - RESTORATION

16. **Replacement of topsoil and subsoil shall be carried out by a hydraulic excavator (backactor) and dump truck (unless otherwise agreed in writing by the Mineral Planning Authority). The operation shall be carried out so that there is least compaction in the soils. The dump trucks shall run on internal haul roads on the filled/quarry floor.**

Reason: To ensure that soils and other restoration material are handled and stored in such a way as to achieve the best possible standard of restoration.

17. **The applicant shall give at least 10 days' and not more than 21 days' notification to the Mineral Planning Authority when soil replacement works are to take place.**

Reason: To ensure that soils and other restoration material are handled and stored in such a way as to achieve the best possible standard of restoration.

18. **Topsoil and subsoil shall only be handled in connection with restoration when they are dry and friable and only between the period April to September unless it is demonstrated to the reasonable satisfaction of the Mineral Planning Authority by use of a soil moisture meter that operations can take place satisfactorily outside this period to adequately minimise compaction and damage to the soils structure.**

Reason: To ensure that soils and other restoration material are handled and stored in such a way as to achieve the best possible standard of restoration.

19. **No plant, machines or vehicles shall traverse any undisturbed or restored land, except in connection with forestry, soil-stripping or restoration operations.**

Reason: To ensure that soils and other restoration material are handled and stored in such a way as to achieve the best possible standard of restoration

AFTERCARE

20. **An aftercare scheme requiring such steps as may be necessary to bring the land to required standard for use as nature conservation/amenity shall be submitted for the approval of the Mineral Planning Authority not later than three months prior to the date on which it is first expected that the replacement of topsoil shall take place and thereafter be implemented as approved. The scheme shall be carried out in all respects in accordance with the approved scheme during the period of five years following completing of tree and shrub planting unless otherwise agreed beforehand in writing by the Mineral Planning Authority. The scheme shall include details of:-**

- a) **the steps which may be required to achieve and maintain the required standard of land for nature conservation/amenity use;**
- b) **provision for a planting maintenance schedule to ensure the successful establishment of newly planted trees, shrubs and aquatic species;**

- c) **provision for an annual meeting with officers from the Mineral Planning Authority and any relevant consultee; and**
- d) **provision for an annual aftercare report to be submitted to the Mineral Planning Authority not later than two months prior to the annual aftercare meeting. The annual aftercare report shall contain a report on the previous year and proposals for the coming year.**

Reason: To ensure that the best standard of after-care management of the site is carried out following restoration.

WATER RESOURCES

21. **Adequate provision for the drainage of the land shall be made at all times to the reasonable satisfaction of the Mineral Planning Authority and the drainage of the adjoining land shall not be interrupted with or polluted by the operations hereby permitted. The applicant shall take steps to adequately control water draining off the site, and ditches or drains shall be provided if considered necessary and in positions first to be approved by the Mineral Planning Authority.**

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

22. **All watercourses shall be completely segregated from the workings and during the course of excavation and infilling shall be protected against siltation and pollution to the satisfaction of the Mineral Planning Authority. All possible steps shall be taken to prevent any solid matter, sand or gravel or excess amounts of suspended matter from passing into any water course from the excavations, processing plant or from dewatering.**

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

23. **No ditch, brook, watercourse, cut, channel, culvert or pipe shall, without the consent of the Mineral Planning Authority, be blocked off, obstructed or severed so as to prevent or reduce the discharge therefrom or the flow therein, or otherwise prejudicially affect local drainage or flood relief.**

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

24. **No discharge of water containing sand, gravel, oil, grease or any other offensive or injurious matter shall take place to any water course.**

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

- 25. Only inert materials must be deposited below the piezometric level of groundwater in the chalk.**

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

- 26. No dewatering of the site other than by means of internal recirculation shall be permitted without the prior written consent of the Mineral Planning Authority.**

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

- 27. No dewatering or pumping of water from the sub-strata shall take place without the prior permission in writing of the Mineral Planning Authority.**

Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise prejudicially affected.

ACCESS AND HIGHWAYS

- 28. No access points other than the existing access off Oaklands Lane shall be used by vehicles connected with the working and restoration of the site.**

Reason: In the interests of public safety and so that there shall be the least possible adverse effects upon the free and safe flow of the traffic along the highways in the vicinity of the site.

- 29. Adequate measures shall be taken to the satisfaction of the Mineral Planning Authority to ensure that vehicles leaving the site shall not deposit mud or other materials on the public highway. This shall include the provision of wheel and chassis cleaning equipment as appropriate.**

Reason: In the interests of public safety and so that there shall be the least possible adverse effects upon the free and safe flow of the traffic along the highways in the vicinity of the site.

- 30. The surfacing of the internal site access road shall, until completion of site restoration, be maintained in a good state of repair and kept clean and free of mud and other debris at all times to the satisfaction of the Mineral Planning Authority.**

Reason: In the interests of public safety and so that there shall be the least possible adverse effects upon the free and safe flow of the traffic along the highways in the vicinity of the site.

RIGHTS OF WAY

31. **Throughout the period of the development, including restoration, adequate safeguards shall be made to protect persons using the public right-of-way, and shall include suitable fencing, to the satisfaction of the Minerals Planning Authority. The route of this public right of way shall not be obstructed or its surface damaged in any way.**

Reason: To ensure that public rights of way are fully protected and that users are not endangered.

Statutory Undertaker's Equipment

32. **No operations authorised under or required in connection with this permission shall occur prior to the erection on site of warning labels, bunting and goal posts to define the acceptable safe working area, in the vicinity of Electricity Board Apparatus.**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

GENERAL

33. **Any storage tank for oil or other potentially polluting liquid used on site shall be located on an impervious base and surrounded by oil tight bund walls or within another liquid holding container, capable of containing 110% of the volume of the storage tank and shall enclose all fill and draw pipes.**

Reason: To safeguard public safety and minimise the risk of environmental pollution.

34. **No floodlights shall be used on site without the prior written agreement of the Mineral Planning Authority on the design and layout of each light.**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

35. **Adequate precautions shall be taken at all times to the reasonable satisfaction of the Mineral Planning Authority, to prevent unauthorised access to the site.**

Reason: To safeguard public safety and minimise the risk of environmental pollution.

- 36. All mobile plant and machinery when not in use shall be parked in an inconspicuous position or positions.**

Reason: To improve the appearance and visual amenity of the area and minimise the adverse effects on local amenity.

- 37. No scrap, mobile or fixed plant, fuel tanks equipment or vehicles shall be stored on site except within a precise location to be approved in writing beforehand by the Mineral Planning Authority.**

Reason: To improve the appearance and visual amenity of the area and minimise the adverse effects on local amenity.

- 38. A copy of these conditions-and any schemes submitted pursuant to this consent shall be displayed at the office on the site and the contents shall be made known to any persons given responsibility for the management or control of the site.**

Reason: To ensure that an orderly programme of operations and restoration is carried out in the interests of public health and safety, that the adverse effects on local amenity will be kept to a minimum and that the complete restoration of the land is achieved to a beneficial use.

Footnote: This application has been determined having regard to the relevant policies of the Development Plan, that is:

Hertfordshire Minerals Local Plan 1991-2006 – adopted July 1998 – Policy 28 (Speed and standard of restoration), 30 (water areas), 31 (nature conservation).

Welwyn Hatfield District Plan No. 1 – adopted 2 March 1998 – Policy, CR1 (landscape conservation areas) Policy CR7 (Community Forest)