

Appeal Decision

Site visit made on 11 October 2016

by B J Sims BSc(Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 January 2017

Appeal Ref: APP/M1900/W/16/3153814

Land at Pynesfield, Maple Cross, Rickmansworth, Hertfordshire WD3 9YB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Harleyford Aggregates Limited against the decision of Hertfordshire County Council.
 - The application Ref 8/1254-15, dated 5 June 2015, was refused by notice dated 29 June 2016.
 - The development proposed is mineral extraction, processing and importation of sand and gravel and reclamation materials from Denham Park Farm with restoration to agriculture and a small wetland area.
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Decision

1. The appeal is allowed and planning permission is granted for mineral extraction and the importation of reclamation materials (from Denham Park Farm) with restoration to agriculture and a small wetland area to be completed not later than 31 December 2018, on land at Pynesfield, Maple Cross, Rickmansworth, Hertfordshire, WD3 9YB, in accordance with the terms of the amended application, Ref 8/1254-15, dated 5 June 2015, subject to the conditions set out the Schedule appended to this decision.

Application for Costs

2. An application for costs was made by Harleyford Aggregates Limited against Hertfordshire County Council. This application is the subject of a separate Decision.

Procedural Matters

3. Notwithstanding the original description of the proposed development set out above and on the formal Refusal Notice, the application was amended after submission, and before determination by the Council, to reduce the area and timescale of excavation and omit on-site processing, for reasons noted further below.
 4. It is clear from the Committee Report of 22 June 2016 that the Council considered the application as being for "mineral extraction and the importation of reclamation materials (from Denham Park Farm) with restoration to agriculture and a small wetland area to be completed not later than 31 December 2018" and with reference to revised Illustrative Operations and Restoration Plans Refs 1022/O/2 and 1022/R/1c, dated 2 November 2015. This appeal is determined on the same basis.
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5. The application was recommended for approval by Council officers but this decision is based upon an entirely fresh appraisal of the planning issues arising.
6. A previous proposal to extract and process the mineral reserve from the appeal site was dismissed at appeal Ref APP/M1900/A/14/2218970 in October 2014. Whilst the earlier decision is a material consideration, the proposal has been altered in timescale and detail. It is, in any event, fundamental to the determination of the present appeal that it is considered on its own individual merits in the light of current planning policy and circumstances.
7. Prior to this decision being issued, the main parties to the appeal were consulted on planning conditions necessary to ensure that the appeal development will not commence until permission for the timely extraction and transportation of necessary restoration materials is assured.

Environmental Statement

8. Under the Environmental Impact Assessment (EIA) Regulations 2011 (as amended), the proposed development is EIA development. The application was therefore accompanied by an Environmental Statement (ES). This is dated March 2013 and is based on ecological, flood risk and other assessments dated from June 2011.
9. During the determination of the appeal the Appellants submitted additional environmental information updating the ES with respect to the current circumstances of the site and the present appeal proposal. Thus updated, the ES is considered to meet the requirements of the EIA Regulations in providing data and information adequately to assess any potential impact on the environment.
10. All this environmental information is taken into account in this decision.

The Proposed Development in Context

11. The appeal site lies within the Metropolitan Green Belt (MGB) and the Colne Valley Park between Maple Cross to the north and Denham Green to the south and is bounded along its east side by the A412, Denham Way. Immediately to the west of the appeal site, the land rises steeply to Tilehouse Lane. To the south is woodland and residential development. The South Bucks Way bridleway runs along the southern site boundary.
12. The residential properties closest to the site are Cedar Grange on Tilehouse Lane, some 250m from the proposed workings, Troy House and Coles Cottages opposite the site on east side of Denham Way, the latter lying some 60m from the proposed screen bund, and Corner Hall to the north west, about 140m from the site boundary.
13. The proposal in this appeal, as revised from the original application, is to extract some 300,000 to 350,000 tonnes of sand and gravel over an area of 9 hectares (ha) of the site which overall comprises 17ha of relatively flat agricultural land. The site would be restored to agriculture with the retained original topsoil reinstated and the addition of a small wetland area. The void would be refilled with naturally occurring material from Denham Park Farm Quarry (DPFQ).

14. DPFQ is situated about 800 metres (m) eastward, just across the Hertfordshire-Buckinghamshire county boundary. It is served by a private access road from Tilehouse Lane close to its junction with the A412, immediately north of the Pynesfield appeal site. The DPFQ access road itself lies within Hertfordshire, under the jurisdiction of Three Rivers District Council (TRDC) as local planning authority and does not form part of the site of this appeal. The main access to the Pynesfield appeal site would also be from Tilehouse Lane, near the A412 junction. However, it is proposed that the required restoration material would be transported via the private access road directly into the Pynesfield site.
15. The long, narrow site would be worked progressively from south to north. During earthworks, a perimeter screening and noise attenuation bund would be created. The mineral product would be transported off site for processing.
16. The appeal site is within an area of land safeguarded for the construction of the High Speed Rail Line (HS2) by Direction of the Secretary of State for Transport (SST). As currently proposed, the line would pass to the west of the main part of the appeal site, overlapping its south west corner, and east of DPFQ. However, the bulk of the site and part of DPFQ would be required, including for deposition of chalk spoil from tunnel excavation. It is currently anticipated that the safeguarded land would be occupied in connection with HS2 from the end of 2018. The application was therefore amended to curtail the excavation at the southern end of the site and was considered by the Council on the basis that the extraction and restoration would be completed over a shortened timescale before 31 December 2018. This was with the stated purpose of avoiding the sterilisation of the mineral resource.
17. The established mineral extraction site at DPFQ is the subject of a separate planning application to Buckinghamshire County Council (BCC), as Mineral Planning Authority (MPA), to update the working programme and phasing of the progressive mineral extraction at DPFQ. This would yield the restoration material required for the Pynesfield site and is also with the stated purpose of avoiding sterilisation of part of the mineral reserve by the construction of HS2.
18. In order to accommodate the additional movement of restoration materials for the Pynesfield site within the time available, a further application was made to TRDC to increase the maximum number of heavy goods vehicle (HGV) trips permitted on the DPFQ access road from 124 to a total of 200 per day (100 each way). That application was made under Section 73 of the Act to vary the relevant limiting condition imposed on the extant permission for the access road. Following refusal by TRDC, the proposal was also dismissed at appeal Ref APP/P1940/W/16/3153882. The dismissal was on the single ground that the condition could not reasonably be varied in the absence of any current planning prospect that the increased use of the road would be justified by overriding need for mineral extraction which, at that time, had not been permitted either at DPFQ or Pynesfield.
19. The Appellant has since indicated that the restoration could be undertaken within the existing limits of use of the access road.

The Scope of this Appeal in Relation to the Associated Planning Proposals

20. BCC has resolved to approve the updated working programme and phasing of DPFQ but only subject to the Pynesfield proposal being approved by HCC, albeit now for determination in this appeal, and subject to a planning obligation to limit the total number of lorry movements along the access road between DPFQ and the Pynesfield site to 200 per working day whilst the two sites are working in conjunction with each other.
21. Be that as it may, the application to BCC is clearly not a matter for consideration in this appeal and the scope of this decision on the Pynesfield mineral extraction proposal is limited to its individual planning merits.
22. This appeal is also considered independently of the dismissed appeal Ref APP/P1940/W/16/3153882 to increase the use of the DPFQ access road. Any further such proposal would remain a matter between the Appellants and TRDC.

Legal Obligations

23. The Appellants have provided a Unilateral Undertaking (UU) dated 6 December 2016 under Section 106 of the Act. This limits the total number of HGV trips along the DPFQ access road to no more than 200 per day within specified working hours for the duration of the development and provides for their monitoring. The UU is considered further below in connection with the issue of HGV movements.
24. The Appellants have also entered into a Deed of Covenant, dated 2 December 2016, with HS2 Limited, whereby the Appellants covenant, on the grant of permission, to complete the works in accordance with the permission by 31 December 2018 or as otherwise agreed by HS2 and subject to certain quality control measures involving HS2. On the strength of this Deed, HS2 withdrew any objection to the proposed development. HS2 only enjoys third party status in the matter and this covenant does not amount to a planning obligation directly relevant to the appeal proposal. It is material to this appeal only to the extent that it defines certain parameters within which the appeal proposal is made. Any permission granted would fall to be implemented primarily in accordance with any planning conditions imposed upon it, together with the UU.

Main Issues

25. The main issues are:
 - 25.1 whether the development proposed in this appeal would amount to inappropriate development affecting the openness of the surrounding Green Belt, such that very special circumstances would be required to justify permission,
 - 25.2 the degree of need for the proposed development in connection with mineral extraction, in particular with respect to the potential for the sterilisation of mineral reserves by the forthcoming HS2 High Speed Rail line,
 - 25.3 the level of flood risk that might arise from the development in connection with the nature of the imported restoration materials proposed and the timescale of restoration,

- 25.4 the effect the proposed development would have on the character and appearance of the landscape within the Colne Valley Park and the amenity of the surrounding area, including the living conditions of residents and users of the South Bucks Way,
- 25.5 the effects of HGV movements associated with development, and
- 25.6 in the overall planning balance, if the development, or any part of it, is to be regarded as inappropriate in the Green Belt, whether the harm by inappropriateness is outweighed by material considerations in favour of the development, such that very special circumstances exist to justify it.

Reasons

Policy

- 26. It is a legal requirement that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. In this respect, relevant local planning policy is contained in the Hertfordshire Minerals Local Plan Review 2002-2016 (MLPR), adopted in 2007.
- 27. These policies are to be applied in the light of the presumption of the National Planning Policy Framework (NPPF) in favour of sustainable development, in its triple environmental and socio-economic role, and the degree to which their provisions are consistent with the NPPF overall. In this respect, the NPPF gives great weight to the economic benefits of mineral extraction, subject to it having no unacceptable adverse impacts.

Green Belt

- 28. It is established national and adopted local planning policy that the mineral extraction and engineering operations are not inappropriate development provided they would preserve the openness of the Green Belt.
- 29. The mineral extraction itself would not affect openness. However, the associated screen bunds, together with any buildings or structures required in connection with the works, would have the effect of reducing openness for the duration of the development. It can also be argued that the operation of backfilling the site to achieve the restored ground levels would be inappropriate, as not directly arising from the mineral extraction but from the restoration scheme.
- 30. To this extent, the appeal proposal, as a whole, must be regarded as inappropriate to the Green Belt. In terms of national policy, it would accordingly be substantially harmful by definition and the requisite very special circumstances to justify the development would only exist if this and any other harm would be outweighed by other considerations.

Need and Potential Sterilisation

- 31. Minerals Policies 1-3 (MP1-3) of the MLPR together provide that permission will be granted for extraction of sand and gravel reserves from within three identified preferred areas of the County where this is necessary to ensure an appropriate landbank of reserves, taking into account factors of need.

32. MP4 concerns applications for mineral development outside the preferred areas, such as the appeal proposal. MP4 states that applications for aggregate extraction outside preferred areas will be refused unless certain criteria are met. These are that the landbank is below the required level and the proposed development cannot be met from the identified areas and would not prejudice timely working of preferred areas or, alternatively, the sterilisation of resources will otherwise occur. MP5 expressly encourages mineral extraction prior to other development taking place where any significant resource would otherwise be sterilised.
33. These policies are essentially consistent with the NPPF in providing for a steady and adequate supply of aggregates by maintaining a minimum 7 year landbank of reserves, calculated with reference to the Local Aggregate Assessment, and also encouraging prior extraction to avoid the sterilisation of reserves.
34. There is clear and undisputed evidence in this case that the MPA can demonstrate an aggregate landbank well in excess of the required 7 years. This will potentially increase with the preparation of a Replacement Minerals Local Plan (RMLP) for the period beyond the 2016 end date of the current MLPR. Moreover, there is nothing to indicate that the grant of the permission sought in this appeal would prejudice the timely working of the preferred areas.
35. As to the status of the appeal site in relation to the emerging RMLP, no sites have yet been identified and the selection of the Pynesfield reserve cannot be ruled out. However, the site lies in the Green Belt and is relatively unlikely to be preferred.
36. Nevertheless, the quality of the reserve is not questioned and it is reasonable to regard its potential immediate contribution to aggregate supply as significant, in terms of MP5. That is given also that the NPPF makes clear that the landbank does not define a maximum level of supply and the fact that the landbank currently depends on only three relatively distant preferred areas in the face of high local demand for aggregates.
37. Properly considered with reference to currently adopted policy, the question of whether the proposal complies with MP4-5 of the MLPR thus turns on whether the sand and gravel reserves concerned would be sterilised if approval were withheld.
38. Assuming that the construction of the HS2 railway line proceeds in the manner and to the timescale foreseen in the appeal proposal, much of the site will be surcharged with tunnel spoil and affected by drainage works. Furthermore, future excavation of the mineral would potentially threaten the stability of the railway and become impractical. At the same time, the most economic source of necessary backfilling material from DPFQ would also become unavailable due to sterilisation by the HS2 works.
39. The Council maintains that it is uncertain whether, and to what extent, the Pynesfield reserves will be sterilised by HS2, pointing out that negotiations with landowners are ongoing. However, it was only after the Appellants, at a late stage in the appeal process, entered into a covenant with HS2 Limited to complete the restoration of the site before the end of 2018 that HS2 withdrew objection to the scheme.

40. On a balance of probabilities, given the information available in connection with this appeal, the proposed development is necessary, and would be compliant with MP4-5 of the RMLP, to avoid the sterilisation of a significant mineral deposit.

Flood Risk

41. MP17 of the MLPR applies protective criteria for the control of mineral development, including criterion (v) resisting development that would increase the risk of flooding or have a material negative impact on floodplain storage or flow capacity, unless the risk can be obviated. This policy too is consistent with the NPPF.
42. The Council is concerned that the proposed rapid deposition of fine clay-silt-sand restoration material would alter the drainage regime of the site and precipitate a higher risk of flooding, due to its lower permeability than the sand and gravel to be removed.
43. However, it is noted in the ES that the site is not within any flood plain and is of low flood risk. Any adverse effect on flood risk would therefore be limited to increased surface run-off. There is no evident reason that this could not be contained within the site by suitable attenuation measures. In this connection the restoration scheme includes a long cut-off ditch and a low wetland area to accommodate wet weather flows. The Council retains some concern that the submitted flood risk assessment fails to justify the run-off coefficient assumed for the restored site in relation to permeability. However, further calculations can be secured by planning condition to ensure that the final drainage design properly restricts off-site surface water discharge to current undisturbed greenfield levels. On a further balance of probabilities, this approach would resolve the uncertainty that lay behind the second reason for refusing the present proposal.
44. With such a condition in place, the proposed development would accordingly comply with MP17(v).

Character, Appearance and Amenity

45. Despite its location within the Colne Valley, the site is separated from the Mid Colne Valley SSSI and other environmental assets by a distance of about a kilometre and the intervening A412 Denham Way. The site and its surroundings are part of the Maple Cross Slopes Landscape Character Area comprising open arable fields with minimal hedgerows. Clearly the excavation works would have a substantial visual impact on this local landscape. However, this would be of relatively short duration, mitigated by screen bunds and offset by permanent new planting. The adverse effect on visual amenity, including from the South Bucks Way and dwellings in the vicinity of the site, would thus be minimised.
46. A submitted Landscape Visual Impact Assessment therefore concludes that the development would comply with MP12, 17 and 18 regarding the landscape and the environment. There is no countervailing evidence sufficient to challenge this finding.
47. The ES confirms that there would be no unacceptable noise impact on any residential property, due to attenuation by the proposed earth bunding and

controls on working hours and noise sources required by condition. Accordingly, there is no evidence of any further undue harm to amenity.

HGV Movements

48. HGV movements associated with the proposed development would be limited to a maximum of 156 per day at the site and 200 overall using the private access to DPFQ. On that basis, the Highway Authority is satisfied, with respect to a previously submitted traffic assessment, that there would be no unacceptable adverse impact on traffic flow on public roads. Furthermore, any HGV traffic transporting mineral for processing off-site would be subject to any conditions limiting HGV trips at the destination. On this evidence, there would be no severely adverse cumulative transport impact in terms of the NPPF and no substantive objection on highway grounds. In this respect the development would be compliant with MP16 on transport.

Other Considerations

49. The previous proposal to extract the mineral reserve from the appeal site was dismissed at appeal little more than two years ago. This was for reasons of disturbance of pre-existing waste within the site and an unquantifiable risk of groundwater contamination within a water source protection zone. In the present scheme the waste material would be dug out dry, no dewatering of the site would take place and the aquifer would remain undisturbed. On that basis, the Environment Agency has no objection subject to a range of protective conditions.
50. The ES confirms that there would be no undue adverse impacts on ecology as the site is of generally low ecological value with habitats contained mainly in field boundary vegetation. Even so, habitat protection measures could be secured by planning condition, whilst the proposed wetland would provide some ecological enhancement, by way of amphibian habitat, in line with MP9.

Overall Balance of Planning Considerations

51. The harm due to the development by way of inappropriateness in the Green Belt carries substantial weight. To this must be added the temporary adverse impact on the appearance, character and amenity of the surrounding area within the Colne Valley Park and along the South Bucks Way.
52. On the other hand, the adverse impacts of the development would be limited to acceptable levels in planning terms, including by way of planning conditions and the UU. In the circumstances, the clear justification in policy terms for extraction of the mineral reserve to avoid its sterilisation in advance of the HS2 works, and the benefit of winning that reserve to contribute to aggregate supply, amount to an overriding case in support of the appeal.
53. On an overall judgement, the balance of considerations in favour of permission represents the very special circumstances necessary to justify the development in the Green Belt. The proposal is, furthermore, to be regarded as compliant with the development plan and as sustainable development in terms of the NPPF.

Planning Conditions

54. In order for the site to be restored to the required ground levels, material must be transported from DPFQ. It is the current position that no permission exists for the necessary working arrangements at DPFQ.
55. It is necessary and relevant to the proper completion of the Pynesfield development that it not be allowed to commence unless and until this other permission is granted by the BCC MPA. However, BCC has resolved to grant the requisite DPFQ planning permission if the Pynesfield proposal, subject of this appeal, is allowed.
56. In the altered circumstances where the Pynesfield mineral extraction is permitted, there arises considerable prospect that permission for the DPFQ proposal will be granted. As a matter of judgement in the present case, it is reasonable that permission should be made subject to a precise and enforceable condition that development shall not commence unless or until permission has been granted for the DPFQ proposal. A stipulation in those terms would meet the provisions of the PPG for negative conditions.
57. As the development is intended to be completed before the end of 2018, clearly the usual three-year time limit for commencement is not appropriate. Neither is the commencement date of 21 January 2017, suggested by the Council, now likely to be practicable. On the undisputed evidence of the Appellants, a flexible working programme of 18 to 21 months would allow full extraction and restoration before the 31 December 2018 deadline. In the event of a delay, some part of the reserve would have to remain. It would, in any event be for the developer to determine when, and whether, to commence the site works, on consideration of the other planning conditions imposed and permission required. In the circumstances, it is appropriate and reasonable to impose a latest commencement date of 1 July 2017.
58. Otherwise, planning conditions are required as suggested by the Council, taking account of the concerns of the Environment Agency. These include the requirement, discussed above, for advance submission and approval of a detailed surface water drainage scheme demonstrating that surface water run-off leaving the site will not exceed current levels.
59. Further requirements are for compliance with the approved plans and working method, for the avoidance of doubt and in the interests of proper planning, as well as the removal of permitted development rights to protect the landscape of the Colne Valley Park and openness of the Green Belt from unwarranted additional buildings.
60. Other conditions secure noise, air and groundwater pollution control, adequate hard and soft landscaping during and after the works, avoidance of danger to aircraft from birds attracted to the workings and the protection of ecology. There are additional controls on the number of vehicles entering and leaving the site, their routing and monitoring and their cleanliness, all in the interests of highway safety and amenity. Finally full details of final site restoration and aftercare are required, to be variable according to the progress of the HS2 works.
61. All these conditions are based on those suggested without prejudice by the Council and are necessary, relevant, precise and enforceable, in terms of national Planning Practice Guidance.

Conclusion

62. For the reasons explained, the appeal should be allowed, subject to those conditions.

B J Sims

Inspector

SCHEDULE OF PLANNING CONDITIONS

General

- 1) The development hereby permitted shall be commenced no later than 1 July 2017.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1022/L - Location Plan
 - 1022/A - Application Plan
 - 1022/SC/2 - Site Context Plan
 - 1022/O/2 - Illustrative Operations Plan
 - 1022/R/1c - Illustrative Restoration Plan
 - 1022/OW/1 - Details of Office & Weighbridge
 - 1022/OM/1 - Elevations of Office / Messroom..
- 3) The restoration of the site shall be completed and all plant, machinery, and equipment, other than that required for the ongoing management and maintenance of the site, shall be removed from the land by 31 December 2018.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent revisions, modifications, revocation or re-enactment of that Order, no buildings, plant, machinery, structures or erections required for the mineral extraction, importation of reclamation materials or site restoration hereby permitted other than those for which permission has been granted under this permission shall be erected on site without the prior written approval of the Mineral Planning Authority.
- 5) A copy of the decision notice and the plans and documents hereby approved shall be kept at the site office and be available for inspection by employees and agents of the site operators and the Mineral Planning Authority at any time during working hours.
- 6) The mineral extraction, importation of reclamation materials and site restoration hereby permitted shall only be carried out during the following hours:
 - (i) 7:30 to 6:00 pm Mondays to Fridays
 - (ii) 8:00 to 1:00 pm SaturdayNo operations shall be carried out on Sundays or public holidays.

Noise

- 7) No part of the development shall be commenced until a scheme for the monitoring and mitigation of noise which shall identify the nearest noise sensitive properties has been submitted to and approved in writing by the Mineral Planning Authority. The development shall be carried out in compliance with the approved noise monitoring and mitigation details.
- 8) A noise monitoring exercise shall be carried out following the stripping of the soil, once working has begun at the southern extent of the site. The exercise shall be carried while this area is being worked. At least one 15 minute assessment will be made at each of the sites identified in the Noise Assessment dated February 2013. The exercise shall include an estimate of noise levels made for Colne Cottages in accordance with the method proposed in the noise assessment. The results will be submitted to the

Mineral Planning Authority. Where results indicate that anticipated levels are being exceeded beyond the levels considered acceptable at the national level, additional mitigation measures shall be provided to the occupiers of those sites affected within three months, in accordance with details which shall first have been submitted to and approved in writing by the Mineral Planning Authority.

- 9) Except for temporary operations, the equivalent continuous noise level at the nearest noise sensitive properties from on-site operations shall not exceed 10dB above the ambient (LA90) noise level, subject to a maximum of 55 dB LAeq, 1 hour (free field) in accordance with BS 5228:Part 1, 2009. For temporary operations, including soils and overburden removal and bund construction and removal, the equivalent continuous noise level at the nearest noise sensitive properties shall not exceed 70 dB LAeq, 1 hour (free field). Temporary operations which exceed the normal day to day limit of 55 dB LAeq, 1 hour, free field, shall be limited to a total of 8 weeks in any twelve month period for any individual dwelling. All works for which this noise limit and time constraint will not be met, shall be subject to prior approval in writing by the Mineral Planning Authority.
- 10) Reversing warning alarms shall be operated only to the extent required by the law. Plant with reversing signals shall use background noise tracking systems or be non-tonal..
- 11) Internal roads shall maintained such that their surface remains in a good condition free of potholes or other defects.

Extraction

- 12) The mineral extraction hereby permitted shall be carried out in accordance with the revised Illustrative Operations Plan No. 1022/O/2 v2 dated 2 November 2015, (showing general direction of extraction phased from south to north), the Illustrative Restoration Plan No. 1022/R/1c v1 dated 2 November 2015 and the revised D.K. Symes Associates Planning Statement dated November 2015, unless otherwise agreed in writing by the Mineral Planning Authority. No more than two cells shall be operational (subject to extraction or restoration) at any one time.
- 13) Prior to the commencement of the development, details of the type and colour, and acoustic specifications, of all machinery and buildings hereby approved, shall be submitted to and approved by the Mineral Planning Authority. The development shall be carried out in accordance with the approved details.
- 14) The height of stockpiles of any excavated material shall not exceed five metres above adjacent ground level.
- 15) Floodlighting shall be limited to the area of the office and weighbridge as shown on the Illustrative Operations Plan (1022/O/2 dated 02-11-2015), angled towards the west with a maximum 20 metre throw of light.

Pollution Prevention and Control

- 16) Prior to the commencement of the development, details of the environmental management strategy and pollution incident response procedures shall be submitted to, and approved in writing by, the Mineral Planning Authority. The development shall be carried out in accordance with the approved details.

- 17) Prior to commencement of the development, details of an emergency spill response plan shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall be carried out in accordance with the approved plan.
- 18) Any oil or chemical storage tanks and refuelling areas shall be sited on impervious surfaces and surrounded by oil tight bund walls which shall be capable of containing 120% of the tank volume and shall enclose all fill and drain pipes or be prevented from causing pollution in accordance with the alternative other details to be submitted to and approved in writing by the Mineral Planning Authority. The development shall be carried out in accordance with the approved details.
- 19) Full details of the plan to remove the asbestos on the site shall be submitted to, and approved in writing by, the Mineral Planning Authority. The plan shall include the details of the approved contractor. The development shall be carried out in accordance with the approved plan.

Landscape and Planting

- 20) Prior to commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Mineral Planning Authority which shall include the following details:
 - Retention of existing vegetation, together with measures for its protection during the course of the development.
 - The location of the 10 metre buffer strips on the eastern boundary and around the mature oak trees on the western site boundary.
 - Details of the hedgerow to be planted along the A412.
 - Details of the new hedgerow and trees to be planted along Tilehouse Lane on both the northern and western boundaries.
 - The creation of the wetland area on the eastern boundary of the site along the A412.
 - Details of the size, species, density and location of trees and shrubs,
 - Details of the grassland seed mixes for the perimeter and soil storage bunds areas to be restored.
 - Protection measures to be provided for new planting.
 - The programme for the implementation of the proposed planting.
 - The five year programme of management of planting, maintenance, and replanting of any trees or shrubs which die, become disease or are damaged within that period.
 - Details of aftercare, restoration and management avoiding interference with the safe operation of aerodromes or with the movement of air traffic over Hertfordshire and Buckinghamshire.

The landscape scheme shall be implemented in accordance with the approved programme.

- 21) The perimeter bunds shall be grassed except for a section of the bund 200 metres in length, located halfway along the length of Tilehouse Lane on the western boundary of the site, to remain unseeded and be allowed to seed naturally for the duration of the development. The unseeded area shall be disturbed by either light discing or harrowing to avoid grassland becoming established.
- 22) New hedgerows shall be planted along the boundary of the site with the A412; along the footpath to the south of the site and along that part of

Tilehouse Lane shown in Figure 7 of the LVIA and plan 1022/1d dated 260614.

- 23) New woodland shall be planted near the access to the site from the access constructed for Denham Park Farm as shown in Figure 7 of the LVIA.
- 24) Any trees lost during the course of the development shall be replaced with semi-mature specimens, following completion of the development.

Birdstrike

- 25) Prior to commencement of the development details of measures to discourage the attraction of birds to the site shall be submitted to, and approved in writing by the Mineral Planning Authority. The development shall be carried out in accordance with the approved details.

Air Quality

- 26) No part of the development shall be commenced until a scheme for the monitoring and mitigation of dust has been submitted to, and approved by the Mineral Planning Authority. The development shall be carried out in accordance with the approved details.

Archaeology

- 27) No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Mineral Planning Authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, the programme and methodology of site investigation and recording, the nomination of a competent person or organisation to undertake the agreed work and the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Ecology

- 28) Prior to the commencement of the development, a detailed ecological mitigation and management plan shall be submitted to, and approved in writing by the Mineral Planning Authority. The plan shall include an ecological enhancement strategy and method statement including details of buffer strips, their extent and management. The development shall be carried out in accordance with the approved details.

Flood Risk

- 29) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Mineral Planning Authority. The drainage scheme shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include infiltration tests conducted to BRE Digest 365 Standards. The scheme shall cover the works and the restored site. The base of all constructed soakaways (such as infiltration trenches and ponds) shall be above the water-table.

Ground Water and Filling Material

- 30) Prior to the development approved by this planning permission (or at such other time as may be agreed in writing with the Mineral Planning Authority), a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Mineral Planning Authority:
- 1) An options appraisal and remediation strategy (based on the results of the submitted site investigation and detailed risk assessment), giving full details of the remediation measures required and how they are to be undertaken.
 - 2) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (above) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the Mineral Planning Authority. The scheme shall be implemented as approved.
- 31) No mineral shall be won until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Mineral Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 32) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Mineral Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval. The remediation strategy shall be implemented as approved.
- 33) The development hereby permitted shall not be commenced until a methodology for retaining 1 metre of in-situ mineral or equivalent protection overlying the chalk surface has been submitted to, and approved in writing by the Mineral Planning Authority.
- 34) The development hereby permitted shall not be commenced until a groundwater monitoring plan to monitor all activities on site has been submitted to, and approved in writing by the Mineral Planning Authority. This shall require the groundwater monitoring boreholes associated with the historic landfill to be in place and monitored prior to the start of excavation.
- 35) No groundwater shall be drawn down from the site. Should any extraction of groundwater be sought, a review of the effect of this extraction on the trees, hedgerows and woodland on the boundaries of the site shall be submitted to the County Planning Authority.

- 36) No material, other than fully inert, naturally occurring, specifically excavated materials, approved and originating from the Denham Park Farm site, will be deposited as fill on the Pynesfield site.

Access and Vehicles

- 37) There shall be no more than 152 HGV movements (gross vehicle weight of 7.5 tonnes or more) (76 in, 76 out) at the site on any one working day during Monday to Friday and no more than 40 HGV movements (gross vehicle weight of 7.5 tonnes or more) (20 in, 20 out) on Saturdays. There shall be no vehicle movements on Sunday, Bank or Public Holidays.
- 38) All vehicles leaving the site shall be in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means of washing vehicles shall be installed prior to commencement of the development and thereafter maintained and employed at all times during the life of the site.
- 39) Sole access to the site shall be via the access from the A412 as shown on drawing 1022/O/2 dated 02-11-2015.
- 40) No loaded lorry shall exit the site without being securely sheeted or otherwise covered.
- 41) Prior to the commencement of the development, details of an automatic traffic count systems, to be installed on the site access road, shall be submitted to, and approved by the Mineral Planning Authority. The recorded daily vehicle movement figures shall be available to the Mineral Planning Authority at any time on request.

Restoration

- 42) Within six months of the commencement of the development, a scheme of restoration including specification for backfilling and materials to be used, proposed site levels, earthworks/ground stability, flood levels, landscaping and programme or works and maintenance shall be submitted to and approved in writing by the Mineral Planning Authority.
- 43) The land shall be restored in accordance with the approved scheme of restoration.

Aftercare

- 44) A scheme of agricultural aftercare shall be submitted for the written approval of the Mineral Planning Authority prior to the commencement of any agreed restoration operations. The scheme shall specify such measures as may be required to achieve and maintain the required agricultural standard and shall include the following matters:
- (i) cropping pattern
 - (ii) cultivation practices
 - (iii) remedial treatments
 - (iv) field drainage system
 - (v) weed control
 - (vi) ecological improvements
 - (vii) provision for site meetings on at least an annual basis with officers of the Mineral Planning Authority and any relevant consultee in order to assess the progress to date, any remedial action required, and the management of the site for the following year.

Site restoration shall not commence until the submitted aftercare scheme or any variation thereto has been approved. The measures referred to above shall be carried out during the period of 5 years following the first cultivation of each phase of the restoration.

Soil Handling

- 45) Prior to the commencement of the development a scheme of soil handling, including surveying and marking, stripping, moving, storage and replacement shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the use of 360 degree excavators and dump trucks in accordance with the methods described in the DEFRA "Good Practice Guide for Handling Spoils". The development shall be carried out in accordance with the approved scheme. Five working days notice shall be given of any operation associated with the stripping, regrading or spreading of topsoil or subsoil. Such operations shall not be carried out if the Mineral Planning Authority notifies the operator that soil conditions are unsuitable, based on a field assessment of soil moisture conditions.
- 46) All stored topsoil, subsoil, over or under burden (soil substitute material) mounds shall be constructed with the minimum of compaction necessary to ensure stability. The storage mounds shall be shaped to avoid the collection of water in surface undulations.
- 47) Stockpiles of topsoil shall not exceed three metres in height above adjacent ground. Subsoil stockpiles shall not exceed five metres in height above adjacent ground.
- 48) No topsoil or subsoil is to be exported from the site.

Monitoring

- 49) Between the 1st and the 31st of January in each calendar year during the period of operations hereby permitted, a plan of not less than 1:2500 scale shall be submitted to the Mineral Planning Authority showing:
 - the progress of soil stripping and soil storage
 - extent and depth of excavation
 - extent and levels of infill
 - progress with soil replacement and areas that have been restored at a date within 14 days prior to the submission of the plan.
- 50) Prior to the commencement of the development hereby permitted the method by which the operator will keep a record of the tonnage of mineral being exported and imported shall be submitted to and approved in writing by the Mineral Planning Authority. The records shall be made available to the Mineral Planning Authority no later than one week after a request has been made for them.