

# East Herts District Plan 2011 - 2033

## Part 2 Examination Hearing

### Chapter 7 - Policy HERT 4: Land to the North of Hertford

#### Representor - Nigel Braggins on behalf of Braggins family, friends and neighbours

##### Introduction

1. These submissions are supplementary to the Pre-Submission representations made 14/12/17. This additional information raises further questions relating to soundness and compliance of site selection for policy HERT 4, with particular reference to the Inspector's Matters and Issues Part 2, Chapter 7, Issues 3, 4 and 8.
2. It is submitted that HERT 4 policy fails the soundness test when measured against criteria (a), (b), (c) and (d).
3. A request has been made to attend the relevant Hearings in order to be able to contribute to the discussion.
4. **Is the Plan sound in its choice of sites to be removed from the Green Belt?**  
This is the Green Belt "Land to the North of Hertford" that is referred to in the District Plan (6.99) as the southern part of "Parcel 35". It is also the proposed site for a gravel pit 6.103. The quarry applicant and site promoter refers to it as "Land at Ware Park". It is known affectionately by locals as Bengoe hills field.



Picture of the sunset taken from "the lone oak", next to the public footpath (Restricted Byway Hart 1) that bisects Bengoe hills field North/South. **This footpath is the only safe, pedestrian access** linking Hertford to the village of Chapmore End and surrounding rural communities north of Hertford via a well used network of footpaths and bridleways. It is a cherished amenity, widely used by the community on a daily basis and provides significant health benefits. HERT 4 is reliant on this becoming a gravel pit for at least 8 years.

5. **Is the site selection methodology robust and transparent?**

Page 2 of the original **Statement of Common Ground**, issued 24th March 2017 stated:

*“The mineral is a viable deposit and it is currently anticipated that the land immediately to the north of the Pre-Submission HERT 4 site will have been dug and restored by 2020 when residential development can take place on the Trust’s land”.*

- (a) On the 12th May I asked the Planning Policy Manager how this statement could be justified in light of the fact that at the time the statement was issued, it directly contradicted the unequivocal decision that had been made by the Mineral Planning Authority to **refuse the planning application for a quarry in this location**. My concerns were supported by Councillor Andrew Stevenson and Mark Prisk MP and East Herts District Council were obliged to issue a Briefing Note to clarify their position.

Consequently, a revised Statement of Common Ground was issued 2nd June 2017 adding the significant phrase “subject to the grant of planning permission” and altering the anticipated completion date to 2020/21. Nonetheless, the revised SoCG still contains significant anomalies, eg:

What evidence is there for point 6.6 of the revised SoCG which states “HCC **supported** an early Minerals Application...”? In fact, it is well documented that the Development Control Committee of HCC unanimously refused this application (PL/0776/16) at a public meeting in County Hall 22nd March 2017. This meeting was so well attended by members of the public opposing the quarry that they could not all be accommodated in the Council Chamber.

- (b) The Decision Notice issued on 24th March 2017 (Appendix 1) allowed the applicant 6 months in which to appeal. They failed to meet this 6 month deadline. The Notification of Planning Appeal shows the Appeal Start Date is 26th September 2017. What special circumstances excused the delay and on what basis did the Secretary of State grant a longer period?
- (c) HCC not only refused the application for the quarry, the Development Control Committee were so concerned by what they learned during the process that they declared their firm intention to recommend removal of this entire area from the Minerals Plan as a “preferred area for minerals working”. The Environment, Planning and Transport Cabinet Panel’s independent consultants have since undertaken a thorough, in-depth and entirely objective assessment which concurs with the recommendation.
- (d) In September 2017 they recommended Option 4 for the Mineral Plan (Appendix 2), which precludes mineral working in the entire area relating to HERT 4 until 2031 at the earliest. This would make it impossible to deliver HERT 4 policy as currently proposed over its period.
- (e) It should be noted that the site selection methodology and subsequent sites identified as being most suitable for Preferred Minerals working have been subject to Sustainability Appraisal, including Strategic Environmental Assessment (Appendix 2, Minerals Local Plan Paper SITES). Land at Ware Park (003) scored badly against the 22 criteria within the site selection methodology, in particular relating to the fact that it is a highly sensitive groundwater area within a Source Protection Zone 1. It also scored badly in the site selection study criterion for sustainable transport and pollution to the environment (dust, air, water).

5. **Is the site selection methodology robust and transparent?** (continued)

- (f) The original quarry application in March 2016 was for 2.6 million tonnes. The applicant revised this figure down to 1.75 million tonnes in February 2017 (due to errors in the submitted information). The updated information comprised 300 pages of new material. Despite the refusal of their first and updated application, the applicant has recently submitted a new/revised and further reduced application for 1.25 million tonnes.

The opposition to this revised application is stronger than ever. As stated in the Minerals Local Plan 8.3 "The Draft Minerals Local Plan is to be a 15 year plan period running from 2016 - 2031" and is likely to be adopted in 2018. This makes the intention of the Mineral Planning Authority very clear. The applicant has failed to address the reasons for their application being rejected in their latest application, which will be vigorously opposed by the community and their elected representatives.

- (g) In their recent submission to the Inspector (Matter 2, Question 13), Gowling WLG Trust Corporation Ltd (2.10), which is both the site promoter for HERT 4 and the joint applicant for minerals extraction, state that **the main reason** for refusing planning for their gravel pit, related to the fact that their application included an area outside the Preferred Area. Aside from raising obvious questions about their disregard for the Minerals Local Plan by including this area in their application in the first place, the Decision Notice (Appendix 1) shows this to be untrue. There are six reasons that summarise the basis for refusal and the Preferred Area is number five on the list.

- (h) The applicant maintains in their submission to the Inspector that none of the reasons for refusal questioned the "principle" of minerals extraction in this area. The Decision Notice makes it abundantly clear that there are strong grounds for objection in principle as well as practice.

Had the applicant attended the public meeting in County Hall 22nd March, they would have been left in no doubt that the Development Control Committee questioned the principle of extracting gravel from Bengoe hills field. In fact their conclusions were totally damning of the application, in close proximity to Bengoe Primary School and the way in which it had been conducted. Indeed, the clearest indication of their objection to the "principle" was the recommendation to remove the whole area from the Minerals Local Plan as a Preferred Area for minerals working.

- (i) Mark Prisk MP made his views on the matter clear, when he described it as the most controversial application he had encountered in his career as an MP, in his letter of objection (Appendix 3). Mr Prisk has unequivocally declared his intention to oppose this new application and the appeal.
- (j) In response to a request under the Environmental Information Regulations 2004 and Freedom of Information Act 2000, HCC Information Governance confirmed on 12th January 2017 that the Council does not know the source of the corporate vehicle's assets or identity of the legal and ultimate beneficial owner(s). This raises further questions regarding transparency and accountability.

6. **Conclusion**

The selection methodology is not robust or transparent. It is not sound in its choice of HERT 4 as being suitable for removal from the Green Belt and it fails to take into account the environmental constraints. It lacks objectivity by failing to recognise the independent expertise and selection criteria in the Minerals Local Plan. Policy HERT4 is not sustainable, or deliverable over its period.

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### **Appendices**

#### **Appendix 1:**

**24-3-17 Decision Notice - Land at Ware Park**

#### **Appendix 2:**

**7-9-17 Minerals Local Plan Paper SITES**

#### **Appendix 3:**

**20-2-17 Mark Prisk's objection**