

HUNSDON PARISH COUNCIL

Mr R Egan
Herts County Council
County Hall
Pegs Lane,
Hertford
SG13 8DQ

Dear Mr Egan

Re Planning Application PL/0716/15 - Proposed Building with Perimeter Screening and Car Park at Hunsdon Skip Yard.

Hunsdon Parish Council held a public meeting on 16th September, to allow villagers to express their views on the above application. The meeting was well attended and there was an overwhelming response to oppose this application. There were 2 main areas of concern expressed by the villagers

- a. The vast expansion of the original site.
- b. The increasing numbers of HGV lorries on the country lanes surrounding the village.

Hunsdon Parish Council unanimously objects to this application on the following grounds:

The Application

At the outset from the introduction of their Planning Statement the applicants assume that the existing operations are lawful (1.1). The application seeks to enclose the current operations within a building and regularise the earth bunds and car parking currently beyond the waste transfer boundaries.

The operations have expanded over the whole site including the area designated as a wood yard and other areas not defined in the Certificate of Lawfulness for waste transfer. The proposed building will enclose these areas. Through the submission of evidence to support their application the applicants have admitted that the throughput and vehicle movements currently far exceed those stipulated in the Certificate and Environment Agency Permit.

They also claim that the site of the current operations is 'safeguarded' (1.2). According to the County Council's Monitoring Report for 2014 only the waste transfer site is safeguarded (smaller than area A on your plan). There is no planning application currently that threatens the use of this site, therefore to cite Policy 5 in the Waste Core Strategy and Development Policies is irrelevant.

The Parish Council maintains that the application is seriously flawed in that it omits to seek planning permission to carry out waste management operations on land hitherto not

designated for such. The expansion of operations into these areas is unlawful. Moreover, the intensification of operations beyond the limits specified represents a material change and this requires planning approval. The Parish Council has instructed **Hewitsons** solicitors to investigate this point specifically and they will be writing to HCC in due course.

Fillets Farm (called the Wood Yard in the Application) is not a suitable for the development of waste management facilities. It is adjacent to dwellings which suffer noise and unpleasant odours from the operations and noise disturbance from vehicles using the site. Access is off a weight restricted B road and the bulk of vehicles use unclassified country lanes of poor width and alignment. These routes are hazardous and their use by HGV's presents a tangible road safety issue. The supporting Transport Statement merely refers to vehicles over 7.5tonnes accessing the site from the A414 via Church Lane and Hunsdonbury. There is no analysis of this route or appreciation of the potential danger caused by HGV's using these unsuitable lanes.

The application is in effect a new waste facility and we urge you to examine it on this basis so that it can be judged on compliance with Core Strategy Policies, Waste Site Allocations Development Plan and other County Council Transport Policies as set out below: -

The proposals are in conflict with the following:

Waste Core Strategy Policies: -

- Policy 9 - the facility is not well served by the local road network. Refer to Transport Issues and also photos appended.
- Policy 11 - i) Refer to the Objection from East Herts DC
- Policy 11 - ii) It is difficult to mitigate the impact of such a large building 10m high. It cannot be screened totally. This structure would be the equivalent height of the second storey of Whitehall Cottages and even though the building is set in a hollow, it would be visible from the village outskirts, Tanners Way and Acorn Street.
- Policy 11 - iii). The proposals adversely affect the locality as described above.
- Policy 12 - the application argues that increasing quantity and types of waste for processing is sustainable on economic terms **but** completely ignores the negative environmental impacts of doing so. **If throughput is to increase and vehicle movements are limited then it implies that loads will be greater and the number of large 12 wheeler lorries in the operators fleet will be increased.**
- Policy 13 - the impact on the local highway network in terms of safety and effective operation are severe.
- Policy 15 - the Right of Way adjoining the site is endangered by the movements of HGV's

Waste Site Allocations Development Plan -

Proximity to road/rail infrastructure critical. Preference should be given to co-location with other waste facilities to minimise net transport distances. Sites closer than 250m from residential, commercial or recreational areas should be avoided. Transfer routes away from residential areas are also preferable (page 9)

The Parish Council understands that a precedent might be argued to reduce the proximity from 250m to 100m but Whitehall Cottages are within this distance in any event.

LTP3 Development Control 3.8

The proposals directly conflict with Policy 3.8 G (iii): The County Council will resist development where the proposals would generate a significant change in the amount or type of traffic using local roads or rights of way.

A significant impact on the network is defined as: -

- There is an increased risk of accidents, especially to pedestrians, cyclists and other road users such as horse riders.
- The road is poor in terms of width, alignment or structural condition.
- Increased traffic would have an adverse effect on the rural character of the road or the residential properties along it.
- Development generates particular types of heavy traffic, including distribution centres and waste and minerals operations. These will be located such as to discourage that traffic from using roads other than the primary network wherever possible.

We maintain that these movements are a material change from that currently permitted in the Certificate of Lawfulness. HGV movements generated by the waste site and their use of Church Lane and Hunsdonbury Lane meet **all four** criteria for judging their impact and consequently justify our contention that the site is unsuitable for waste management operations.

Without prejudice to the above we acknowledge that, if the County Council is minded to accept the applicants' assertion that the current operations do not need planning consent and are thus acceptable on environmental and public safety grounds, enclosure within a building could have advantages in terms of controlling noise and other emissions. There remains however the impact of such a large building on the local amenity and all the issues of road safety, damage to highways, verges and trees, litter and debris and traffic noise at the site and along the access routes at inconvenient hours. Moreover the Parish Council feels that if the County Council accepts the applicants' arguments on the lawfulness of the current operations, then this position will tend to skew the approach to the question of the building, car parking and earth bunds. In this regard we again direct you to the response from East Herts DC who clearly see the proposed development as out of keeping with the nature of the locality.

Should it be considered to pass this application then we duly request that binding conditions and restraints are made to include the following:

- nature of waste to be handled and processed
- monthly total tonnage limit on imported waste
- types and volumes of vehicles movements
- routes to site and control of parking within the village
- hours of working
- agreement of a comprehensive site management plan - including competency of management and workforce (drivers) and control of all emissions
- control of light pollution
- attenuation of noise with limits set for boundaries of nearby properties

The Parish Council has concerns regarding the adequacy of the Noise Impact Report. In particular we notice that the survey was very limited in duration and the stated distances to dwellings seem erroneous. The predicted noise level calculations also assume internal cladding to the waste building to attenuate noise whereas the Planning Statement includes no such proposal. It is felt that acceptable noise levels should be defined at property boundaries in accordance with standard practice as set out in BS4142.

Evidence to suggest the site is trading unlawfully

The current operations in terms of scale and location are unlawful in that they are in breach of the C of L's and EA permit.

- Vehicle movements are far in excess of stipulated limits and consequently causing danger and damage to local unclassified lanes
- No effective site management plan monitoring noise and other emissions - noise nuisance is severe at Whitehall Cottages
- Car parking on public right of way beyond boundaries of defined site
- New farm track constructed without planning permission
- Earth bunds constructed without planning permission
- Throughput (35000 tonnes per annum) is far in excess of stipulated limits (Cof L 40t/day by 3 lorries - EA Permit 50t/day)

On 21 November 1996 a Certificate of Lawful Use of Development was approved for land at Fillets Farm. Application No 3/0339-96(576) which states 'First Schedule - The use is for the deposit and transfer of builders' waste at the site. Waste is brought to the site in skips tipped onto the concrete area and then loaded onto lorries and taken away. The waste transferred is builders' waste only. The waste is brought to the site in vehicles owned by the operator in connection with his skip hire and site clearance works (please note in document 'Waste Rejection Procedure' within the site Management Plan states' If the

delivery driver is not employed by HSL then the written description shall be changed by the driver to reflect the true description'. The amount of waste that is deposited is limited to 40 tonnes in weight and that which can be removed by 3 lorries in any one day. The area that waste is deposited in is shown edged green on Drawing 10-96'

On 23 September 2010 an Environmental Permit for company ID no. 06589166 - with Introductory Note (EPR/D3291EL) was issued for registered company 'Hunsdon Skips Limited' to 'The main feature of this permit is as follows: - Material reclamation - the facility will receive, store and process dry inert and non-hazardous wastes. - The status log of the permit sets out the permitting history, including any changes to the permit reference number. This permit is for the use of Hunsdon Skips Limited only. Whereas at this site the following companies have this address as their registered address:

Company No 1: Hunsdon Skips (Company number 06589166)

Company age 7 years

For collection and treatment of waste

Current Directors:- Stephen Gyoury (Director ID 915929645) from 19/02/2014 to date

Previous Directors:- Tyrone Wall from 09/08/2008 to 01/07/2015

Ownership - 100% Stephen Gyoury

Company No 2 - NOT COVERED BY THE PERMIT:

Hunsdon Skips (Company number 07842460)

For collection and treatment of waste

Current Directors:- Stephen Gyoury (Director ID 918537758) from 19/02/2014 to date

Previous Directors:- Tyrone Wall from 10/11/2011 to 01/07/2013

Ownership - 100% Tyrone Wall

Company No 3 - NOT COVERED BY THE PERMIT

HsH Environmental Ltd (Company number 09331444)

Company age less than one year

Current Directors:- Stephen Gyoury (Director ID 918537758) from 27/11/2014 to date

Previous Directors: - N/A

The permit's limits of activities are: Treatment consisting only of manual sorting, separation, screening, bailing, shredding, crushing or compaction of waste into different components for disposal (no more than 50 tonnes per day) or recovery. The current application from P & D Findlay Limited states they currently average 104 HGV movements per day at the site and that it can reach 150 movements per day.

Transport

The **HCC Road Hierarchy and Network development strategy**, which states, “The County Council will maintain and develop a road hierarchy so that traffic is concentrated on to roads appropriate to its journey purpose”. This includes: -

- Encouraging HGVs to use primary routes
- Discourage through traffic from using rural distributor roads;
- Not allow new access except where special circumstances can be demonstrated;
- Resist developments, which would generate an unacceptable change in the amount and type of traffic.

Strategy Objective SO2 of the Hertfordshire Waste Development Framework - Waste Site Allocations 2011-2026 states, “consideration be given to the movement of waste when allocating sites and that account should be taken of the proximity of the waste arising to reduce journeys”. As noted above it is our understanding that a large proportion of the waste being brought to this site is primarily originating from Skip Hire businesses based outside of the County. In addition, once sorted and shredded the waste has to be moved on to the next stage, which is clearly not local to the site involving further HGV movements and the only lawful access to the site is wholly inappropriate for the level of vehicle movements and the size of the HGV’s being used by the Operator many of which are not licenced to the Operator for use at the site.

A further point of note is that Hunsdon Skip Yard (ref1083861/ENV) applied for an increase in lorries in April, advertised by OTC. This application is still pending.

Local Traffic Issues

The vehicles serving the site are not just the licenced skip lorries. There is no control over the number of large container vehicles delivering and removing waste. These vehicles travel to and from the A414. They use Church Lane and Hunsdonbury Lane, both unclassified rural access roads within the County Road Hierarchy. To be safe they need a carriageway of 7.3m with suitable forward visibility. Church Lane is less than this and moreover has right angle sharp bends with very restricted visibility. There is only a footway on one side of Church Lane extending approx. 150m from Hunsdonbury Lane to The Laundry House. The damage to the verges can be seen where vehicles have passed. Hunsdonbury Lane is simply that - a country lane only wide enough for one car in places. The length is approximately 350 metres and in places it is less than 4 metres wide. There are blind spots on this lane and it has a 60mph speed limit. There are no footpaths so the residents who live in Hunsdonbury walk on the road. There is no lighting, drainage is poor so there is frequent ponding of surface water and it is not gritted in the winter months. Collisions with Waste operators’ vehicles are frequent - mainly minor damage such as loss of car door mirrors.

Most villagers have been impacted by the lorries coming up from the A414 with a couple of near misses on the bends near the church and Farm cottages where the skip lorry has either been over the centre line of the road or right on the crown. The bus service, which uses this route to Harlow, has also met lorries travelling to and from the A414 and one or

other has had to reverse or go up onto the embankment or pathway. This is more particularly noticeable with the recent large high sided articulated waste lorries, and the roll on roll off skip lorries which presumably take away sorted waste to landfill. These lorries are much longer than the normal yards skip lorries and when negotiating bends are right across the crown of the road and into the opposite carriageway. It is also noticeable that when turning right across the A414 carriage way to enter or exit Church Lane the rear of the lorry **often protrudes into the overtaking lane**, causing a danger to traffic on the dual carriageway. This route currently being used for these lorries is totally unsuitable for their size and weight.

In addition it has been noticed that the road surface is already showing signs of the extra weight loads and verges and footpaths are being damaged where they take avoiding action.

Finally there is also an increase in litter deposited by the side of the road leading up from the A414, on Hunsdonbury Lane and B180. Although, some of this comes from other vehicles and irresponsible drivers it is believed that a good deal of it originates from the skip lorries. Pieces of polystyrene and large sheet of polythene have been seen blowing off the backs of the skip lorries, as well as gravel, dust and other debris. These drivers are supposed to secure their loads and to use nets but often the contents of the skips escapes from them. Some don't even secure their loads.

Conclusion

This planning application is totally unacceptable for the community and will have an adverse impact on the safety and wellbeing of the residents and other local road users. It is the Hunsdon Parish Council's belief that this application should be refused in its entirety and enforcement action taken on all aspects within the current licence and that any future breaches of the licences will be dealt with by enforcement action from the local authorities. The current situation is totally improper and a real threat to the safety and loss of amenity to local residents. The County Council should not lose sight of their overriding responsibility and one of its principle objectives, stated as part of its own mission statement:

Be healthy and safe “We want Hertfordshire residents to have the opportunity to live as healthy as lives as possible and to live safely in their communities.”

The Way Forward

It is clear to the residents of Hunsdon that this application will not solve the problems caused by the waste operations at Fillets Farm whichever way it is determined. The Parish Council therefore urges the Spatial Planning team to call all interested parties together and explore the relocation of the business to an appropriate location and alternative uses for the site. We see relocation as the only way the issues can be resolved. We would be happy to participate in such discussions.

J Robinette (Parish Clerk)

